

Subject Access Request (SAR) Procedure

Sancreed Parish Council

Background

This procedure is to be followed when an individual contacts the Parish Council to request access to their personal information held by the Council. Personal data is data which relates to a living individual who can be identified from the data (e.g. name, address, email address, database information) and can include expressions of opinion about the individual.

Requests should be actioned as soon as possible after receipt and be completed within one month.

SARs should be provided free of charge. However, a 'reasonable fee' can be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive.

Procedure

1. Make sure that the SAR is valid.

The request must be in writing (letter or email) and relate to the parish council.

2. Make sure there is sufficient information in the SAR to carry out a search.

More information may be requested from the person.

3. Log the SAR.

Include the date of receipt, identity of the data subject, summary of the request, indication of if the Council can comply.

4. Verify the identity of the requestor.

The person should meet the Clerk or authorised councillor with their passport/photo driving licence and confirmation of their address (utility bill/bank statement).

5. Determine where the personal information will be found.

Consider the type of information requested and use the data processing map to determine where the records are stored.

If the council does not hold any personal data, inform the data subject, record this on the log and close the SAR. If the council does hold personal data, continue to 6.

6. Screen the information.

Some of the personal data may not be disclosable due to exemptions, including:

- references you have given*
- publicly available information*
- crime and taxation*
- management information (restructuring/redundancies)*
- negotiations with the requestor*
- regulatory activities (planning enforcement, noise nuisance)*
- legal advice and proceedings*
- personal data of third parties*

Consider taking legal advice before applying exemptions

7. Are you able to disclose all the information?

Emails and documents may contain the personal information of other individuals who have not given their consent to share their personal information. If so, the other individual's personal data must be redacted before the SAR response is sent out.

8. Prepare the SAR response

Include as a minimum the following:

*a copy of the personal data being processed.
the purposes of the processing
the categories of personal data concerned
the recipients or categories of recipients to whom the personal data has been or will be disclosed, including any appropriate safeguards for transfer of data
if known, the envisaged period for which personal data will be stored or the criteria used to determine that period
the source of the data
the right to
 request rectification or erasure of personal data or
 restriction of processing of personal data concerning the data subject or
 to object to such processing
 to lodge a complaint with the Information Commissioners Office
the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.*

9. Complete the log.

Record the date the information is sent to the data subject and close the SAR.

Sample Letter: Providing The Requested Personal Data

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection Subject Access Request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the personal data you requested.

[Include

the purposes of the processing

the categories of personal data concerned

the recipients or categories of recipients to whom the personal data has been or will be disclosed, including any appropriate safeguards for transfer of data

if known, the envisaged period for which personal data will be stored or the criteria used to determine that period

the source of the data

the right to

request rectification or erasure of personal data or

restriction of processing of personal data concerning the data subject or

to object to such processing

to lodge a complaint with the Information Commissioners Office

the existence of any automated decision-making, including profiling and any

meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.]

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely

Sample Letter: Providing Some Of The Personal Data

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection Subject Access Request

Thank you for your letter of [date] in which you made a data subject access request for [subject]. To answer your request, we asked the following people to search their records for personal data relating to you:

[List the areas]

I am able to enclose [some/most] of the personal data you requested. Obvious duplicate personal data has been removed, as well as any personal data that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been blacked out. [OR if some documents have been excluded] I have not enclosed all of the personal data you requested. This is because [explain why it is exempt].

[Include

the purposes of the processing

the categories of personal data concerned

the recipients or categories of recipients to whom the personal data has been or will be disclosed, including any appropriate safeguards for transfer of data

if known, the envisaged period for which personal data will be stored or the criteria used to determine that period

the source of the data

the right to

request rectification or erasure of personal data or

restriction of processing of personal data concerning the data subject or to object to such processing

to lodge a complaint with the Information Commissioners Office

the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.]

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Yours sincerely

Sample Letter: None Of The Information Can Be Provided

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection Subject Access Request

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the personal data you requested. This is because [explain the council's decision].

[Examples include where one of the exemptions under the data protection legislation applies e.g. the personal data is 'legally privileged' because it is contained in legal advice provided to the council or relevant to on-going or preparation for litigation.

Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject.

If the council believes that an exemption to withhold or redact the data applies, this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely