



NEWHAVEN TOWN COUNCIL

Subject Access Requests Policy

1. **Introduction**

1.1 Employees, councillors, residents, customers and other data subjects have the right to access personal data held about them by the town council

1.2 This policy sets out how Newhaven Town Council will respond to requests from data subjects to access personal data and clarifies the Town Council's legal obligations under Data Protection legislation.

2. **How must a data subject make an access request?**

2.1 The request must be made in writing to the town council. It must define what personal data is required. If it does not, the town council may ask for clarification. The person making the request must supply their address and valid evidence to prove their identity.

2.2 The town council accepts the following forms of identification (* these documents must be dated in the past 12 months; + these documents must be dated in the past 3 months):

- Current UK/EEA Passport
- UK Photocard Driving Licence (Full or Provisional)
- Firearms Licence / Shotgun Certificate
- EEA National Identity Card
- Full UK Paper Driving Licence
- State Benefits Entitlement Document*
- State Pension Entitlement Document*
- HMRC Tax Credit Document*
- Local Authority Benefit Document*
- State/Local Authority Educational Grant Document*
- HMRC Tax Notification Document
- Disabled Driver's Pass
- Financial Statement issued by bank, building society or credit card company+
- Judiciary Document such as a Notice of Hearing, Summons or Court Order

- Utility bill for supply of gas, electric, water or telephone landline+
- Most recent Mortgage Statement
- Most recent council Tax Bill/Demand or Statement
- Tenancy Agreement
- Building Society Passbook which shows a transaction in the last 3 months and your address

3. How must the town council respond?

3.1 The member of staff or councillor receiving the request must forward it immediately to the Clerk. In the absence of the Clerk the request must be forwarded to the RFO, who deputises for the Clerk.

3.2 The Clerk will identify whether the request has been made under the Data Protection legislation.

3.3 The Clerk will ask relevant members of staff and/or councillors to locate and supply personal data relating to the Subject Access Request. All members of staff and councillors receiving such a request from the Clerk must make a full exhaustive search of the records to which they have access. As appropriate, this search will include emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, removable media (for example memory sticks, CDs), tape recordings, paper records in relevant filing systems etc.

3.4 The town council must provide all the personal data that has been requested unless an exemption can be applied.

3.5 The town council must respond to the person making the Subject Access Request within one calendar month of having accepted the request as valid.

3.6 The data must be provided to the requestor free of charge.

3.7 Personal data must not be withheld because the town council believes it will be misunderstood; instead the town council should provide an explanation with the personal data.

3.8 The town council must provide the personal data in an intelligible form, which includes giving an explanation of any codes, acronyms and complex items.

3.9 The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. The town council may agree with the requester that they will view the personal data on screen or inspect files on the town council's premises.

3.10 The town council will redact any exempt personal data from the released documents and explain why that personal data is being withheld.

4. Other matters relating to Subject Access Requests

4.1 Where the requestor is not satisfied with a response to a Subject Access Request, the town council will manage this as a complaint under its Complaints Procedure.

4.2 The town council will ensure that all councillors and staff are aware of this guidance and follow it through the use of induction, training and establishing and maintaining appropriate day to day working practices.

4.3 The town council will maintain a database allowing it to identify the volume of requests and compliance against the statutory timescale.

4.4 When responding to a complaint, the town council will advise the requestor that they may complain to the Information Commissioners Office (ICO) if they remain unhappy with the outcome.

SAMPLE LETTERS RESPONDING TO SUBJECT ACCESS REQUESTS

1. All letters must include the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules¹ or EU model clauses²;
- (d) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) the existence of 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;
- (f) the right to lodge a complaint with the Information Commissioners Office ("ICO");
- (g) if the data has not been collected from the data subject: the source of such data;
- (h) 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.

2. Replying to a subject access request 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 1 (a) to (h) above.

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"

3. Release of part of the personal data, when the remainder is covered by an exemption

"[Name] [Address]

[Date]

Dear [Name of data subject]

¹ "Binding Corporate Rules" is a global data protection policy covering the international transfer of personal data out of the European Union. It requires approval of a data protection regulator in the European Union. In most cases this will be the relevant regulator where an organisations head quarters is located. In the UK, the relevant regulator is the Information Commissioner's Office.

² "EU model clauses" are clauses approved by the European Union which govern the international transfer of personal data. The clauses can be between two data controllers or a data controller and a data processor.

Data Protection subject access request

Thank you for your letter of *[date]* making a data subject access request for *[subject]*. To answer your request we asked the following areas to search their records for personal data relating to you:

- *[List the areas]*

I am pleased to enclose *[some/most]* of the personal data you requested. *[If any personal data has been removed]* We have removed any obvious duplicate personal data that we noticed as we processed your request, 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 there are fewer documents enclose]* I have not enclosed all of the personal data you requested. This is because *[explain why it is exempt]*.

Include 1 (a) to (h) above.

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"

4. Replying to a subject access request explaining why you cannot provide any of 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]*.

I regret that we cannot provide the personal data you requested. This is because *[explanation where appropriate]*.

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data is 'legally privileged' because it is contained within 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. Your data protection officer will be able to advise if a relevant exemption applies and if the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely"