

# **Tintwistle Parish Council**

## **Subject Access Request Policy**



Adopted February 2025	Reviewed: May 2025	Next review due May 2026
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### **1. Introduction and Background**

- 1.1. In the UK, data protection is governed by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.
- 1.2 This document sets out the parish council's policy for responding to subject access requests under the General Data Protection Regulations (GDPR). It explains the rights of the data subject in relation to a data subject access request and the council's responsibilities when dealing with that request.
- 1.3 Everyone responsible for using personal data has to follow strict rules called 'data protection principles' unless an exemption applies. Anyone responsible for using personal data must make sure the information is:
  - used fairly, lawfully and transparently
  - used for specified, explicit purposes
  - used in a way that is adequate, relevant and limited to only what is necessary
  - accurate and, where necessary, kept up to date
  - kept for no longer than is necessary
  - handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

### **2. Individual Rights**

Under the legislation, you have rights in relation to your personal data, with some exceptions. These include the right to:

- be informed about how your data is being used
- access personal data
- have incorrect data updated
- have data erased
- stop or restrict the processing of your data
- data portability (allowing you to get and reuse your data for different services)
- object to how your data is processed in certain circumstances

You also have rights when an organisation is using your personal data for:

- automated decision-making processes (without human involvement)
- profiling, for example to predict your behaviour or interests

### **3. How do you make a Subject Access Request?**

3.1. A subject access request is a written request for personal information held about you by the parish council. You have the right to see what personal information we hold about you. You are entitled to be given confirmation as to whether we hold your personal information, and if so, you are entitled to access all your personal information as well as details of:

- The purposes for which we process your personal data;
- The categories of your personal data we process;
- The recipients, or categories of recipient to whom personal data has been or will be disclosed;
- How long we expect to store your data;
- Where you did not give us the personal data, the source from which we collected the personal data; and
- Whether we use any automated decision making in relation to the processing of your personal data.

3.2. You are entitled to have any mistakes in your personal data rectified, and to have the data deleted if you would no longer like us to store or process your personal data, or to request restriction of our processing of your personal data.

3.3. Subject access requests should be made in writing by contacting the Parish Clerk by email: [tpcounciloffices@aol.com](mailto:tpcounciloffices@aol.com) or by post to the parish office.

3.4. If you are not satisfied with how we have stored or processed your personal data, you have a right to lodge a complaint. Any complaints should be lodged with the Parish Clerk and/or the Information Commissioner's Office (ICO).

### **4. What is Personal Information?**

4.1. Personal data is information which relates to an individual or refers to the individual. Data refers to an individual if that individual can be identified as such by using their name, location or factors that are specific to the individual by which they could be identified.

### **5. What does Tintwistle Parish Council do when receiving a subject access request?**

The following describes Tintwistle Parish Council's internal procedures when receiving subject access requests, to comply with GDPR.

#### **5.1 What MUST I do?**

- On receipt of a subject access request, you must **forward** it immediately to the Clerk to the Council

- The Clerk must correctly **identify** whether a request has been made under the Data Protection legislation
- The Clerk who receives a request to locate and supply personal data relating to a Subject Access Request (SAR) must make a full exhaustive **search** of the records to which they and councillors have access.
- All the personal data that has been requested must be **provided** unless an exemption can be applied.
- We must **respond** within one calendar month after accepting the request as valid.
- Subject Access Requests must be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
- Councillors must ensure that the staff they manage are **aware** of and follow this guidance.
- Where a requestor is not satisfied with a response to a SAR, the council must manage this as a **complaint**.

## 5.2 How MUST I do it?

- We must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. You should clarify with the requestor what personal data they need.
- They must supply their address and valid evidence to prove their identity. The 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
- Depending on the degree to which personal data is organised and structured, you will need to search 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, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. which your area is responsible for or owns.
- You must not withhold personal data because you believe it will be misunderstood; instead, you should provide an explanation with the personal data.
- You must provide the personal data in an “intelligible form”, which includes giving an explanation of any codes, acronyms and complex terms.
- 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. You may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. You must redact any exempt personal data from the released documents and explain why that personal data is being withheld.
- You should ensure all councillors and the Clerk are aware of their duties under GDPR using induction and training, as well as through establishing and maintaining appropriate day to day working practices.
- A database is maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.
- When responding to a complaint, we must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.

### 5.3 Sample Letters

All letters must include the following information:

- the purposes of the processing;
- the categories of personal data concerned;
- 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 Rules or EU model clauses;
- where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;

- 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;
- the right to lodge a complaint with the Information Commissioners Office (“ICO”);
- if the data has not been collected from the data subject: the source of such data;
- 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.

**Template 1. 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”

**Template 2. Release of part of the personal data, when the remainder is covered by an exemption**

[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]*. 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

**Template 3. 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

This policy was adopted at the Parish Council meeting on 26/2/2025