

Westbourne Parish Council
Subject Access Requests Policy



Westbourne
Parish Council

What must I do?

1. **MUST:** On receipt of a subject access request, you must forward it immediately to the Clerk.
2. **MUST:** We must correctly identify whether a request has been made under the Data Protection legislation.
3. **MUST:** A member of staff, and as appropriate, councillor, who receives a request to location and supply personal data relating to a subject access request must make a full exhaustive **search** of the records to which they have access.
4. **MUST:** All the personal data that has been requested must be provided unless an exemption can be applied.
5. **MUST:** We must respond within one calendar month after accepting the request as valid.
6. **MUST:** Subject access requests must be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
7. **MUST:** Councillors and managers must ensure that the staff they manage are **aware** of and follow this guidance.
8. **MUST:** Where a requestor is not satisfied with a response to a subject access request, the council must manage this as a complaint.

How must I do it?

1. Notify the Clerk upon the receipt of a request.
2. The Council 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 three months).
 - Current UK/EEA passport
 - UK Photocard Driving Licence (full or provisional)
 - Firearms Certificate / 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. 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. Appendix 7 – Subject access policy and template response letters
4. 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 the Council’s premises. You must redact any exempt personal data from the released documents and explain why that personal data is being withheld.
5. Make this clear on forms and on the council website
6. You should do this through the use of induction, my performance and training, as well as through establishing and maintaining appropriate day to day working practices.
7. A database is maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.
8. When responding to a complaint, the Council must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome