

# Wickford Town Council

## **Data Subject Access Policy**

### **Subject Access Requests (SAR) Checklist**

- A. Inform data subjects of their rights to access data and provide an easily accessible mechanism through which such a request can be submitted (e.g. the Town Clerk's email address).
- B. Make sure a SAR policy is in place within the Town Council and that internal procedures on handling of SARs are accurate and complied with. Include, among other elements, provisions on:
  - i. Responsibilities (who, what)
  - ii. Timing
  - iii. Changes to data
  - iv. Handling requests for rectification, erasure or restriction or processing
- C. Ensure personal data is easily accessible at all times in order to ensure a timely response to SARs and that personal data on specific data subjects can be easily filtered.
- D. Where possible, implement standards to respond to SARs, including a standard response.

#### **1. Upon receipt of a SAR**

- a) Verify whether you are controller of the data subjects' personal data. If you are not a controller, but merely a processor, inform the data subject and refer them to the actual controller.
- b) Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
- c) Verify the access request; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not, request additional information.
- d) Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, you may refuse to act on the request or charge a reasonable fee.
- e) Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
- f) Verify whether you process the data requested. If you do not process any data, inform the data subject accordingly. At all times make sure the internal SAR policy is followed and progress can be monitored.
- g) Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
- h) Verify whether the data requested also involves data on other data subjects and make sure this data is filtered before the requested data is supplied to the data subject; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

#### **2. Responding to a SAR**

- a) Respond to a SAR within one month after receipt of the request:
  - i) If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month;

# Wickford Town Council

- ii) If the Town Council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- b) If a SAR is submitted in electronic form, any personal data should be preferably provided by electronic means as well.
- c) If data on the data subject is processed, make sure to include as a minimum the following information in the SAR response:
  - i) The purpose of the processing;
  - ii) The categories of personal data concerned;
  - iii) 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
  - iv) Where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
  - v) The existence of the right to request rectification or erasure of personal data or restriction or processing of personal data concerning the data subject or to object to such processing;
  - vi) The right to lodge a complaint with the Information Commissioners Office (ICO).
  - vii) If the data has not been collected from the data subject; the source of such data;
  - viii) 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.
- d) Provide a copy of the personal data undergoing processing.

## **What must I do?**

1. **MUST:** on receipt of a subject access request be forwarded to the Town Clerk.
2. **MUST:** correctly **identify** whether a request has been made under the Data Protection legislation.
3. **MUST:** a member of staff who receives a request to locate and supply personal data relating to a SAR must make a full exhaustive search of the records to which they 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 is 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 SAR, the Town Council must manage this as a **complaint**.

## **How must I do it?**

1. Notify the Town Clerk upon receipt of a request.
2. 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 Town Council relating to the data subject. Clarification should be sought from the requestor what personal data they need. They must supply their address and valid evidence to prove their identity.

# Wickford Town Council

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. Depending on the degree to which personal data is organised and structured, emails will need to be searched (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.
  4. Personal data will not be withheld because we believe it will be misunderstood, instead an explanation will be provided with the personal data. It will be provided 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 personal agrees or where it is impossible or would involve undue effort. You may be able to agree with the requestor that they will view the personal data on screen or inspect files on our premises. Any exempt personal data will be redacted from the released documents and an explanation of why this personal data is being withheld will be provided.
  5. This will be made clear on forms and on the Town Council website.
  6. This will be carried out through induction and training, as well as through establishing and maintaining day to day working practices.
  7. A database is maintained allowing the Town Council to report on the volume of requests and compliance against the statutory timescale.
  8. When responding to a complaint, the Town Clerk will advise the requestor that they may complain to the Information Commissioner's Office (ICO) if they remain unhappy with the outcome.

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