

Adopted at Full Council 11 March 2019 Min Ref 2019 053
Confirmed at Full Council 14 October 2019 Min Ref 2019 / 210
Approved Full Council 12 October 2020 Minute Ref 2020 184



Marks Tey Parish Council

Parish Hall, Old London Road, Marks Tey, Colchester Essex CO6 1EJ
Email: parish.clerk@marksteyparish.org.uk bookings@marksteyparish.co.uk

Telephone 01206 213250

Subject Access Request (SAR) Policy

All Individuals who are the subject of personal data held by Marks Tey Parish Council are entitled to:

- Ask what information the organisation holds about them and why.
- Ask how to gain access to it
- Be informed how to keep it up to date.
- Be informed how the organisation is meeting the data protection obligations

If an individual contacts Marks Tey Parish Council requesting information, this is called Subject Access Request (SAR)

Subject Access Requests from individuals should be made by email, addresses to the data controller at assistant.clerk@marksteyparish.org.uk

Upon receipt of a SAR you must:

- Verify whether you are controller of the data subject's personal data. If you are not a controller, but merely a processor, inform the data subject and refer them to the actual controller.
- Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
- 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.
- 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.
- Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
- 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.
- Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.

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- 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.

Responding to a SAR you must:

- Make sure you respond to a SAR within one month after receipt of the request:
- 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;
- If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.

If data on the data subject is processed, make sure to include as a minimum the following information in the SAR response:

- 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 Rules or EU model clauses.
- 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.
- 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.

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"

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"

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

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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”

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