

Lower Hardres & Nackington Parish Council
GDPR Implementation & Compliance
Subjects Access Request (SAR) Policy Document
Compiled – Mike Taylor – August 2018

Background and Key Considerations

- If a Subject Access Request (SAR) is received by anyone other than the Chairman or the Clerk, the SAR shall be immediately forwarded to both the Chairman and the Clerk.
- Checks shall be made to correctly identify whether the request has been made under the Data Protection legislation.
- The member of staff, and as appropriate, councillor, who receives the request relating to a SAR shall make a full exhaustive search of the records to which they have access.
- All the personal data that has been requested shall be provided unless an exemption applies.
- A response shall be made within one calendar month after accepting the request as valid.
- Subject Access Requests shall be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
- Councillors and managers shall 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 shall manage this as a complaint.

Methodology

1. Notify the Parish Council Chairman and Parish Clerk upon receipt of a request.
2. Perform the following validation of the request as received. Ensure:-
 - a. The request has been received in writing
 - b. The data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. – If necessary, clarify with the requestor what personal data they need.
 - c. They have supplied their address
 - d. They have provided valid evidence of their identity. In this respect, the following are acceptable methods. Note that documents must be dated in the past 12 months except where indicated thus “+”. 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

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3. Depending on the degree to which personal data is organised and structured, a search shall be made of 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.
4. Data shall NOT be withheld for reasons that it is thought it may be misunderstood. Instead, an explanation shall be provided with the personal data. Data shall be provided in an “intelligible form”, which includes explanation of any codes, acronyms and complex terms. The personal data shall be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. Where applicable and in agreement with the requestor, data may be viewed on screen or files inspected. Exempt personal data shall be redacted from any released documents and an explanation why this has happened.
5. When responding to a complaint, the requestor shall be advised that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.
6. The Parish Councils Website coverage of GDPR shall include Subject Access Request (SAR)
7. All Parish Council members shall be familiar with the concept and process of SAR.
8. The Clerk shall establish and maintain a record of SAR's allowing the council to report on the volume of requests and compliance against the statutory timescale.