



Subject Access Request Procedure

Adopted on: 17th April 2019

1. Introduction

Under data protection laws people whose personal data we hold are entitled to ask us to tell them what data we hold about them, to correct errors in it and to delete it in certain circumstances. These are termed “subject access requests”. This document sets out how the Council will meet its legal obligations when such requests are made.

2. What is a Subject Access Request?

If any person (meaning here a natural person and not any other form of entity with legal identity such as a limited company) asks us:

- To tell them what personal data we hold for that person; and/or
- To alter personal data we hold for that person in order to correct an error in it; and/or
- To delete personal data we hold for that person

that request will be treated as a Subject Access Request.

The form of the request is irrelevant. There is to be no requirement that persons complete a particular form, or apply in writing, or follow any other process.

3. What happens when we receive a Subject Access Request?

The request is to be passed to the Town Clerk (or if he or she is unavailable, the Deputy Town Clerk) who will then invoke and follow the Subject Access Request Checklist & Record set out below.

4. Will a fee be charged?

In some circumstances the law allows us to charge a reasonable fee for dealing with a Subject Access Request. In those cases, the Town Clerk will determine the amount of the fee (which shall not exceed the cost of meeting the request and what is reasonable having regard to all other relevant circumstances). However, in most cases no fee will be payable.

5. Will the request always be granted?

We will always comply with a request that, by law we are required to comply with. Where evidence of identity of the applicant or other information is reasonably needed before the request can be considered and acted upon, however, we will apply to the applicant for this as soon as practicable after receipt of the request and will comply with the request only once this has been received.

We may seek reasonable evidence before correcting an alleged error.

If a data subject asks us to delete certain data we hold about them we will automatically treat that request as the withdrawal of any consent previously given by the subject to us to hold that data. However, where we have a lawful basis other than consent for holding the data and reasonably judge that we need to retain it then we will decline to delete that data.

If we decline to alter or delete data that we hold we will always explain our reasons.

6. How does this affect people connected with the Council?

Anyone who works for the us (whether as an employee, a worker, a volunteer or a free-lancer or contractor) and any councillor (past or present, who holds any personal data relevant to a Subject Access Request) is required to give all assistance reasonably required to enable the Council to meet its legal obligations. Failure to do so without a lawful excuse may result in disciplinary or enforcement action being taken or amount to a breach of the Code of Conduct (as the case may be). In a sufficiently serious case this could result in dismissal without notice or immediate termination of a contract for services.

Ringwood Town Council – Subject Access Request Checklist & Record

| Process to Action | | |
|---|-----|----|
| Name of requester (Method of communication) Email Address Phone number Postal Address | | |
| Date Subject Access Request made | | |
| Is the request made under the Data Protection Legislation? | Yes | No |
| Date Subject Access Request action to be completed by (One month after receipt time limit) | | |
| Extension to the date of reply requested (An extension of another two months is permissible provided it is communicated to the subject within the one month period) | Yes | No |
| Extension date advised to the Subject Requester and method of contact | | |
| Identification must be proven from the below list: Current UK/EEA Passport UK Photo card Driving Licence (Full or Provisional) 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 Utility bill for supply of gas, electric, water or telephone landline A recent Mortgage Statement A recent council Tax Bill/Demand or Statement Tenancy Agreement Building Society Passbook which shows a transaction in the last 3 months and their address | | |
| Verification sought that the Subject Access request is substantiated | Yes | No |
| Verification received | Yes | No |
| Verification if the Council cannot provide the information requested | Yes | No |
| Is the request excessive or unfounded? | Yes | No |
| Request to be actioned | Yes | No |
| Fee to be charged (Subject Access requests must be undertaken free of charge to a requester unless the legislation permits a reasonable charge) | Yes | No |

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| If the request is to be refused, action to be taken and by whom. | |
| Changes requested to data/ or removal | |
| Action taken in response to request (with date) | |
| Action taken notified to Subject Requester (with method of contact and date) | |
| Complaint Process (Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint) | |
| Date complaint received | |
| Date complaint must be dealt with by | |
| Nature/Details of complaint | |
| Date complaint completed and outcome | |

Categories of Data to Check

| Data | Paper records | Digital data | Checked | Corrected/Deleted | Actioned by |
|---------------------------------------|---------------|--------------|---------|-------------------|-------------|
| HR | | | | | |
| Democracy | | | | | |
| Statutory Function | | | | | |
| legal | | | | | |
| Business (inc. Allotments & Cemetery) | | | | | |
| Legal requirement | | | | | |
| General Data | | | | | |
| Consultation Data | | | | | |
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