

Lyneham and Bradenstoke Parish Council

Data Subject Access Request Policy

Adopted on the

xxxxxxx

To be reviewed every 2 years

or on

Change of Legislation

Scope, Purpose and Users

This procedure sets out the key features regarding handling or responding to requests for access to personal data made by data subjects, their representatives or other interested parties. This procedure will enable Lyneham and Bradenstoke Parish Council to comply with legal obligations, improve transparency, enable individuals to verify that information held about them is accurate, and increase the level of trust by being open with individuals about the information that is held about them.

This procedure applies broadly across all the Parish Council, its committees, its working groups and any entity that the Parish Council is responsible for.

This procedure applies to councillors and employees that handle data subject access requests, such as the Data Controller.

Reference Documents

- EU GDPR 2016/679 (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC).
- The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019
- UK GDPR 2020
- Data Protection Act 2018 (as amended 2020)

Data Subject Access Request (“DSAR”)

A Data Subject Access Request (DSAR) is any request made by an individual or an individual’s legal representative for information held by the Company about that individual. The Data Subject Access Request

provides the right for data subjects to see or view their own personal data as well as to request copies of the data.

A Data Subject Access Request must be made in writing. In general, verbal requests for information held about an individual are not valid DSARs. In the event a formal Data Subject Access Request is made verbally to a staff member of the Parish Council, further guidance should be sought from Data Controller, who will consider and approve all Data Subject Access Request applications.

A Data Subject Access Request can be made via any of the following methods: letter, email, fax, post, Parish Council website, social media or any other method. DSARs made online must be treated like any other Data Subject Access Requests when they are received, though the Parish Council will not provide personal information via social media channels.

The Rights of a Data Subject

The rights to data subject access include the following:

- Know whether a data controller holds any personal data about them.
- Receive a description of the data held about them and, if permissible and practical, a copy of the data.
- Be informed of the purpose(s) for which that data is being processed, and from where it was received.
- Be informed whether the information is being disclosed to anyone apart from the original recipient of the data; and if so, the identity of those recipients.
- The right of data portability. Data subjects can ask that their personal data be transferred to them or a third party in machine readable format (Word, PDF, etc.). However, such requests can only be fulfilled if the data in question is:
 - provided by the data subject to the Parish Council
 - is processed automatically
 - is processed based on consent or fulfilment of a contract.

- If the data is being used to make automated decisions about the data subject, to be told what logic the system uses to make those decisions and to be able to request human intervention.

The Parish Council must provide a response to data subjects requesting access to their data within 30 calendar days of receiving the Data Subject Access Request.

Requirements for a valid DSAR

In order to be able to respond to the Data Subject Access Requests in a timely manner, the data subject should:

- Submit his/her request using a Data Subject Access Request Form.
- Provide the Parish Council with sufficient information to validate his/her identity (to ensure that the person requesting the information is the data subject or his/her authorized person).

Subject to the exemptions referred to in this document, the Parish Council will provide information to data subjects whose requests are in writing and are received from an individual whose identity can be validated by the Parish Council.

However, the Parish Council will not provide data where the resources required to identify and retrieve it would be excessively difficult or time-consuming. Requests are more likely to be successful where they are specific and targeted at particular information.

Factors that can assist in narrowing the scope of a search include identifying the likely holder of the information (e.g. by making reference to a specific function), the time period in which the information was generated or processed (the narrower the time frame, the more likely a request is to succeed) and being specific about the nature of the data sought (e.g. a copy of a particular form or email records from within a particular department).

DSAR Process

Request

Upon receipt of a DSAR, the Data Controller will acknowledge the request. The requestor may be asked to complete a Data Subject Access Request Form to better enable the Parish Council to locate the relevant information.

Identity verification

The Data Controller for Lyneham and Bradenstoke Parish Council needs to check the identity of anyone making a DSAR to ensure information is only given to the person who is entitled to it. If the identity of a DSAR requestor has not already been provided, the person receiving the request will ask the requestor to provide two forms of identification, one of which must be a photo identity and the other confirmation of address.

If the requestor is not the data subject, written confirmation that the requestor is authorised to act on behalf of the data subject is required.

Information for Data Subject Access Request

Upon receipt of the required documents, the person receiving the request will provide the Data Controller with all relevant information in support of the DSAR. Where the Data Controller is reasonably satisfied with the information presented by the person who received the request, the Data Controller will notify the requestor that their DSAR will be responded to within 30 calendar days.

The 30 day period begins from the date that the required documents are received. The requestor will be informed by the Data Controller in writing if there will be any deviation from the 30 day timeframe due to other intervening events.

Review of Information

The Data Controller will contact and ask the relevant part of the Parish Council for the required information as requested in the DSAR.

This may also involve an initial meeting to go through the request, if required. The relevant part of the Parish Council which holds the

information must return the required information by the deadline imposed by the Data Controller and/or a further meeting is arranged with the department to review the information. The Data Controller will determine whether there is any information which may be subject to an exemption and/or if consent is required to be provided from a third party.

The Data Controller must ensure that the information is reviewed and dispatched to the requestor by the imposed deadline to ensure the 30-calendar day timeframe is not breached.

Response to Access Requests

The Data Controller will provide the finalised response together with the information retrieved from the Parish Council and/or a statement that the Parish Council does not hold the information requested, or that an exemption applies. The Data Controller will ensure that a written response will be sent back to the requestor.

This will be via post, unless the requestor has specified another method by which they wish to receive the response (e.g. email). The Parish Council will only provide information via channels that are secure.

When hard copies of information are posted, they will be sealed securely and sent by recorded delivery.

Archiving

After the response has been sent to the requestor, the DSAR will be considered closed and archived by the Data Protection Officer.

The procedure is presented as a flow chart in the Annex of this document.

Exemptions

An individual does not have the right to access information recorded about someone else, unless they are an authorised representative, or have parental responsibility.

The Parish Council is not required to respond to requests for information unless it is provided with enough details to enable the location of the

information to be identified, and to satisfy itself as to the identity of the data subject making the request.

In principle, the Parish Council will not normally disclose the following types of information in response to a Data Subject Access Request:

- *Information about other people* – A Data Subject Access Request may cover information which relates to an individual or individuals other than the data subject. Access to such data will not be granted, unless the individuals involved consent to the disclosure of their data.
- *Repeat requests* – Where a similar or identical request in relation to the same data subject has previously been complied with within a reasonable time period, and where there is no significant change in personal data held in relation to that data subject, any further request made within a six month period of the original request will be considered a repeat request, and the Parish Council will not normally provide a further copy of the same data
- *Publicly available information* – The Parish Council is not required to provide copies of documents which are already in the public domain.
- *Opinions given in confidence or protected by copyright law* – The Parish Council does not have to disclose personal data held in relation to a data subject that is in the form of an opinion given in confidence or protected by copyright law.
- *Privileged documents* – Any privileged information held by the Parish Council need not be disclosed in response to a DSAR. In general, privileged information includes any document which is confidential (e.g. a direct communication between the Parish Council and solicitors) and is created for the purpose of obtaining or giving legal advice.

Data Subject Access Request Refusals

There are situations where individuals do not have a right to see information relating to them. For instance:

- If the information is kept only for the purpose of statistics or research, and where the results of the statistical work or research are not made available in a form that identifies any of the individuals involved.
- Requests made for other, non-data protection purposes can be rejected.

If the Data Controller refuses a Data Subject Access Request on behalf of the Parish Council, the reasons for the rejection must be clearly set out in writing. Any individual dissatisfied with the outcome of their Data Subject Access Request is entitled to make a request to the Data Protection Officer to review the outcome.

Responsibilities

The overall responsibility for ensuring compliance with a DSAR rests with the Data Controller.

If the Parish Council acts as a Data Controller towards the data subject making the request, then the DSAR will be addressed based on the provisions of this procedure.



Annex: Data Subject Access Request Flowchart

