

Subject Access Request Policy and Procedure

1. Introduction

As a Data Controller, Bishop Auckland Town Council processes personal data about residents, service users, staff and/or their families in records of a number of services. Such persons for the purpose of the General Data Protection Regulation (GDPR) 2018 are Data Subjects and entitled to certain rights.

The GDPR provides Data Subjects the right, subject to certain exceptions, to view and or obtain a copy of all personal data that a Data Controller holds about them.

These requests are known as Subject Access Requests (SARs) and apply to personal information relating to living individuals held in computerised or manual formats irrespective of when they were created.

Bishop Auckland Town Council has a statutory duty to comply with the GDPR to enable individuals to find out and see what personal data is held about them, why it is being held and who it is shared with.

2. Definitions of the GDPR rights for individuals

1. The right to be informed

Individuals continue to have a right to be given "fair processing information", usually through a privacy notice.

For example, the council's lawful basis for the processing of their data; data retention periods and that individuals have a right to complain to the ICO if they think that there is a problem in the way that their personal data is dealt with.

2. The right to access (includes subject access requests)

Under the GDPR the right of data subjects to request information about the personal data processed by the council remains largely the same. The council must respond without undue delay and in any case within one calendar month of receipt of the request.

The council is able to refuse or charge a "reasonable fee" for requests that are manifestly unfounded, excessive or repetitive. If the council refuses a request we must tell the individual why and that he/she has the right to complain to the ICO or go to court.

3. The right to rectification (correction)

Individuals have the right to have their personal data corrected (rectified) if it is inaccurate or incomplete. Where the data has already been given to third parties, the council must tell those third parties of the correction. The council must also tell the individuals about the third parties to whom the data has been given.

4. The right to erasure (also known as the right to be forgotten)

Data subjects have the right to request the removal or erasure of their personal data, for example if it is no longer necessary to process their data, the individual objects to such processing and/or the individual withdraws consent. The council will comply with such requests and will ensure that any third party with whom the data was shared also deletes such data.

This does not mean that a person can immediately request that his/her personal data is deleted. If the purposes for which the data was collected still exist, then a person will not be able to request the deletion of that data, unless it was given by consent and they are withdrawing their consent.

5. The right to restrict processing

Individuals have the right to restrict processing of their personal data in certain circumstances (for instance if a person believes his/her personal data is inaccurate or he/she objects to the processing). If processing is restricted, the council can still store the data but cannot otherwise use the data.

6. The right to data portability

Data subjects have the right to request that their personal data be provided to them (or a third party) in a machine readable portable format free of charge. The council will ensure that personal data is held securely and that such data can be easily transferred in a safe, secure manner without impacting the usability of such data by the data subject. The council will comply with such requests without undue delay, and in any event within one month.

7. The right to object

Individuals have the right to object to processing in certain circumstances e.g. if the council has relied on one lawful ground to process data without consent and an individual is not happy with this they have the right to object to the council processing their data.

8. The right not to be subject to automated decision-making including profiling

The GDPR provides protection against the risk that a potentially damaging decision is taken without human intervention. The council does not use automated decision making technology or profiling.

3. Aims

The aim of this policy is to ensure that Bishop Auckland Town Council provides subject access in accordance with the law and good practice.

This policy sets out how Bishop Auckland Town Council will support the exercise of the right of access and ensures that staff are aware of their responsibilities in recognising, handling and processing SARs.

4. Responsibilities

- On receipt of a subject access request it must be **forwarded** immediately to the Town Clerk
- The Town Clerk must correctly **identify** whether a request has been made under the Data Protection legislation
- When the council receives a request to locate and supply personal data relating to a SAR, it will make a full exhaustive **search** of the records held.
- All the personal data that has been requested will be **provided** unless an exemption can be applied.
- Bishop Auckland Town Council will **respond** within one calendar month after accepting the request as valid.
- Subject Access Requests will be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
- The council will ensure that staff are **aware** of and follow this guidance.
- Where a requestor is not satisfied with a response to a SAR, the council will manage this as a **complaint**.

5. Procedure

- Notify the Town Clerk upon receipt of a request.
- Bishop Auckland Town Council will ensure the request has been received in writing and that it is for sufficiently well-defined personal data held by the council relating to the data subject. The council will clarify with the requestor what personal data they need. They must supply their address and valid evidence to prove their identity. The 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
- Depending on the degree to which personal data is organised and structured, the council will search 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.
- Bishop Auckland Town Council will not withhold personal data because it believes it will be misunderstood; instead, the council will provide an explanation with the personal data. The council will provide the personal data 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 person agrees or where it is impossible or would involve undue effort. The council may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. The council will redact any exempt personal data from the released documents and explain why that personal data is being withheld.
- Bishop Auckland Town Council will inform staff of all of the procedures through the use of induction, performance and training, as well as through establishing and maintaining appropriate day to day working practices.
- A database will be maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.
- When responding to a complaint, the council will advise the requestor that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.

6. How can I make a SAR?

You can make a request in writing and must provide a valid identification document as listed in the above procedure.

If you would like to talk to someone or send a written request by post and are unsure who to contact please telephone the Council Offices on 01338 207110 where someone will be able to assist you.