

Fernwood Parish Council

Subject Access Policy

Adopted July 16th 2018

Introduction

The General Data Protection Regulation gives every living person (or their authorised representative) the right to request and be provided with, free of charge, the personal information which an organisation holds about them on irrespective of when it was compiled.

Information can be computerised (electronic) and / or manual form (paper files). It may include such documentation as hand written notes, letters to and from other professionals, reports, imaging records, printouts, photographs, DVD and sound recordings.

This procedure is designed to reflect best practice in handling requests for information about an individual. Full implementation of this policy will enable the organisation to:

- Comply with legal obligations with respect to the General Data Protection Regulation
- Increase levels of trust and confidence by being open with individuals about the information that is held about them
- Improve transparency of organisational activities
- Enable individuals to verify that information held about them is accurate

Responsible Officer

Responsibility for management of subject access requests lies with the Parish Clerk.

Recognising a Subject Access Request (SAR)

A Subject Access Request (SAR) is any request made by an individual or an individual's representative (see Rights of Access section) for information held by the Parish Council about that individual.

A SAR must be made in writing, however, the requestor does not need to mention legislation or state that they are making a SAR for their request to be valid; their request should still be treated according to this policy.

There is a "Request for Access to personal information form" which can be provided to a requestor to submit a subject access request however the request can be made by other methods such as email, post, social media (the form is not compulsory)

Parish Council is not required to respond to requests for information unless it is provided with sufficient information to satisfy itself as to the identity of the individual making the request. The request must also be written. Verbal requests for information held about an individual are not valid subject access requests, however,

if an informal request is made verbally to a member of staff it is reasonable that the requestor be provided with the information they require.

Requests for access by other organisations

If external organisations request information held about an individual, in almost all cases, the Parish Council must not share any information unless they have consent from the individual.

Subject Access Request Process

1. Receipt of request – Requests for information held about an individual must be directed to the Parish Clerk via email (clerk@fernwood-pc.co.uk) or by post to the Parish Clerk, Fernwood Parish Council, Fernwood Village Hall, Rubys Avenue, Fernwood NG24 3RS.
2. Acknowledgement - The Parish Clerk will acknowledge the request and log it on the Subject Access Request log. They will also notify the requestor of the next steps.
3. Confirmation of identity / further clarification – If ID and clarification of a subject access request has not already been provided, the Parish Clerk will ask the requestor to provide 2 forms of ID, one of which must be a photo ID and the other confirmation of address. If the requestor is not the subject, written confirmation that the requestor is authorised to act on behalf of the subject is required.
4. Confirmation – Once the written request has been received the Parish Clerk will confirm this to the requestor and notify them that their request will be responded to within 30 calendar days.
5. Collating – The Parish Clerk will collate information as requested in the Subject Access Request. Checks will be made to see if there is any information which may be subject to an exemption and / or if consent is required to be collated from a third party. The information must be reviewed / received by the given deadline to ensure the 30 calendar day timeframe is not breached.
6. Response – A written response will be sent back to the requestor. This can be via email or post.
7. Logging – After the response has been sent to the requestor the SAR will be considered closed and the log will be updated accordingly by the Parish Clerk.

Monitoring and Reporting - The Parish Clerk will routinely monitor the requests and Parish Council will receive regular reports regarding the number of requests received and any issues relating to them, such as difficulty obtaining information, internal reviews and complaints.

Timescales

The Parish Clerk will respond to requests for access to information held about an individual within 30 calendar days. The 30 day period begins on receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of requests. The requestor will be informed of any such extension within 30 days of receipt of the request, together with the reasons for the delay. If the application does not include sufficient information to identify the person making the request or to locate the information that information should be sought promptly

Complaints

If an individual or their representative is not satisfied with the outcome of their request, for example, if they feel information has been withheld or recorded incorrectly, they should be informed of the options available to them to take further action. In the first instance, the individual should be encouraged to attend an informal meeting with a view to addressing and resolving the issues locally with the Parish Clerk.

An individual can escalate the matter to the ICO using the following contact details: The Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 01625 545 745 E-mail: mail@ico.gsi.gov.uk

An individual may wish to seek legal independent advice to progress resolution of their concerns. In all cases, wherever possible, local resolution should be sought. However, the individual has the right to pursue any of these channels at any time and may wish to pursue several actions simultaneously.

Training and Awareness

All staff and councillors will be notified of the Council's duty to comply with subject access requests and the statutory timeframe for responses.