

Baginton Parish Council

Subject Access Request Policy

Under the General Data Protection Regulation (GDPR), individuals have the right to request any personal data the Council holds on them as a primary data holder (data controller).

Requests should be made directly to the Parish Clerk, who will record receipt of the request and pass it to the appropriate Officer or Councillor. However, the Clerk will remain the responsible point of contact should you wish to communicate further.

Requests can include, but are not limited to the following.

- You can ask what personal data the Council holds about you.
- You can ask who the personal data has been shared with.
- You can ask how your personal data has been used.
- You can ask the Council to justify the use of your data.
- You can ask how your data is stored.
- You can ask who has access to your data.
- You can have the data corrected if it is wrong.
- You can insist that data is removed from automated lists.
- You can have the data deleted from all Council records (see erasure policy)
- You can ask for your data to be transferred to a 3rd party (see portability policy)

Upon receipt the Parish Council will undertake the following:

- Establish if the Council is the primary holder (controller) of the data or just a secondary user.
- If the Council are simply a secondary user (processor), they will direct you to the primary holder of the data and close out the request.
- Establish if the data requested is used for processing purposes.
- If the data is not used for processing, you will be informed accordingly and the Council will close out the request.
- Establish if this is a repeat request with no additional material change.
- If it is a repeat request, you will be referred to the original response and then the Council will close out the repeated enquiry.
- Establish if the request is unfounded, excessive or not relevant to GDPR.
- If the request is unfounded, excessive, or not relevant to GDPR, the Council will inform you and either close-out the request or ask for a fee before processing your request (see the Council's Publication Scheme Policy for requests not covered by GDPR).
- The Council will check that you have a legal right to the data and may ask for further proof of identity before they proceed. See Appendix I for acceptable forms of ID.
- Check if your request is clear and may ask you for further information for clarity.
- Make sure the data requested does not contain another individual's data. If it does, the Council will either filter out that information or seek consent from the other individual(s).
- If the other individual(s) data cannot be filtered and they do not give consent, your request will be refused and closed out on the Council's records (see privacy policy).

If all checks are satisfactory, the Parish Council will:

- Action your request within 1 month of confirming the request is valid.
- Respond in the same manner as the request was received e.g. post, e-mail.
- We will search emails, Word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc.
- The Council will organise any qualifying data into a suitable format and send it to you.

The Council's response will typically contain the following: -

- The purposes of the processing;
- The categories of personal data concerned;
- The recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules¹ or EU model clauses²;
- Where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- The right to lodge a complaint with the Information Commissioner's Office (ICO);
- If the data has not been collected from the data subject: the source of such data;
- The existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

If you are not happy with the service you receive from Baginton Parish Council, or you feel that Baginton Parish Council has broken GDPR rules in relation to your information, you can complain to the Information Commissioner's Office at the address below.

<https://ico.org.uk/>

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

¹ "Binding Corporate Rules" is a global data protection policy covering the international transfer of personal data out of the European Union. It requires approval of a data protection regulator in the European Union. In most cases this will be the relevant regulator where an organisation's headquarters is located. In the UK, the relevant regulator is the Information Commissioner's Office.

² "EU model clauses" are clauses approved by the European Union which govern the international transfer of personal data. The clauses can be between two data controllers or a data controller and a data processor.

Appendix I – Acceptable Forms of ID Needed for SAR Request

2 forms of ID are required from the following list. Copies of the ID will be taken, processed and held on record to demonstrate the Council complies with GDPR.

- 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

* These documents must be dated in the past 12 months.

+These documents must be dated in the past 3 months