Hadleigh Town Council

The Guildhall,
Market Place,
Hadleigh,
IP7 5DT

Tel: 01473 823884

SUBJECT ACCESS REQUEST POLICY

1. Upon receipt of a Subject Access Request, we will:
   a) Verify whether Hadleigh Town Council are the controller of the data subject's personal data. If it is not a controller, but merely a processor, Hadleigh Town Council will inform the data subject and refer them to the actual controller.
   b) Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
   c) Verity the access request; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not: request additional information.
   d) Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, Hadleigh Town Council may refuse to act on the request or charge a reasonable fee.
   e) Promptly acknowledge receipt of the Subject Access Request and inform the data subject of any costs involved in the processing of the Subject Access Request.
   f) Verify whether Hadleigh Town Council processes the data requested. If it does not process any data, inform the data subject accordingly. At all times make sure the internal Subject Access Request procedure is followed and progress can be monitored.
   g) Ensure data will not be changed as a result of the Subject Access Request. Routine changes as part of the processing activities concerned are permitted.
   h) Verify whether the data requested also involves data on other data subjects and make sure this data is filtered before the requested data is supplied to the data subject; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the Subject Access Request.

2. Responding to a Subject Access Request
   a) Hadleigh Town Council will respond to a Subject Access Request within one month after receipt of the request:
      (i) If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month;
      (ii) if the council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
   b) If a Subject Access Request is submitted in electronic form, any personal data should preferably be provided by electronic means as well.
   c) If data on the data subject is processed, make sure to include as a minimum the following information in the Subject Access Request response:
      (i) the purposes of the processing;
      (ii) the categories of personal data concerned;
      (iii) 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 Rules or model clauses under the UK GDPR;
      (iv) where possible, the envisaged period for which personal data will be stored or, if not possible, the criteria used to determine that period;

The Guildhall,
Market Place,
Hadleigh,
IP7 5DT

Tel: 01473 823884

(v) 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;
(vi) the right to lodge a complaint with the Information Commissioners Office ("ICO");
(vii) if the data has not been collected from the data subject: the source of such data;
(viii) 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.

SUBJECT ACCESS REQUEST PROCEDURE

Basic Requirements

a) Inform data subjects of their right to access data and provide an easily accessible mechanism through which such a request can be submitted.
b) Make sure a Subject Access Request policy is in place within the council and that internal procedures on handling of Subject Access Requests are accurate and complied with. Include, among other elements, provisions on:
    i. Responsibilities (who, what)
    ii. Timing
    iii. Changes to data
    iv. Handling requests for rectification, erasure or restriction of processing.
c) Ensure personal data is easily accessible at all times in order to ensure a timely response to Subject Access Requests and that personal data on specific data subjects can be easily filtered.
d) Where possible, implement standards to respond to Subject Access Requests, including a standard response.

2. Subject Access Requests Procedure

Hadleigh Town Council must:

a) On receipt of a subject access request, the Clerk will record this on the Subject Access Request log;
b) The Clerk must correctly identify whether a request has been made under the Data Protection legislation
c) The Clerk, and as appropriate, anyone other Councillor or staff member who receives a request to locate and supply personal data relating to a Subject Access Request must make a full exhaustive search of the records to which they have access.
d) All the personal data that has been requested must be provided unless an exemption can be applied.
e) Respond within one calendar month after accepting the request as valid.
f) Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
g) Councillors and managers must ensure that the staff they manage are aware of and follow this guidance.
h) Where a requestor is not satisfied with a response to a Subject Access Request, the council must manage this as a complaint.

3. How Must This Be Undertaken?

a) Input details of the request on the Subject Access Request log.

The Guildhall,
Market Place,
Hadleigh,
IP7 5DT

Tel: 01473 823884

b) Hadleigh Town Council must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. Hadleigh Town Council should 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 the requester's address

c) Depending on the degree to which personal data is organised and structured, you will need to 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. which your area is responsible for or owns.

d) Hadleigh Town Council must not withhold personal data because it believes it will be misunderstood; instead, Hadleigh Town Council should provide an explanation with the personal data. Hadleigh Town Council must 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. Hadleigh Town Council may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. Hadleigh Town Council must redact any exempt personal data from the released documents and explain why that personal data is being withheld.

e) Make this clear on forms and on the council website

f) Hadleigh Town Council will maintain a database allowing the council to report on the volume of requests and compliance against the statutory timescale.

g) When responding to a complaint, Hadleigh Town Council must advise the requestor that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.

4. Response To Subject Access Request – Sample Letters

a) All letters must include the following information:

The Guildhall,
Market Place,
Hadleigh,
IP7 5DT

Tel: 01473 823884

i. the purposes of the processing;
ii. the categories of personal data concerned;
iii. 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 Rules or EU model clauses ;
iv. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
v. 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;
vi. the right to lodge a complaint with the Information Commissioners Office ("ICO");
vii. if the data has not been collected from the data subject: the source of such data;
viii. 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.

Approved by Full Council 21st March 2024
Review on 19th March 2026
Next Review March 2028