Sible Hedingham Parish Council Subject Access Request Policy

Introduction

This policy explains how the parish council handles requests from individuals who wish to exercise their legal rights. People have the right to obtain:

- Confirmation of the processing of their personal information
- A copy of their personal information
- Other supplementary information

1. Identification

A subject access request can be made to any Councillor or member of staff and does not have to be directed to a specific person or contact point. The phrases “subject access request,” right of access” or “article 15 of the UK GDPR” does not have to be included in their request; however it has to be clear they are asking for their personal information. The requester should use their real name, include an address for correspondence and describe the information requested. A request can be a valid SAR even if it refers to other legislation, such as the Freedom of Information Act 2000 or the Freedom of Information (Scotland) Act 2002.

2. Rights

2.1 The right to be informed

Where personal data is collected, the data subject must be provided with details of the controller, the purposes for which the data is used, the legal basis for processing and the length of time their personal information will be stored- or where this is not possible, the criteria for deciding how long it will be stored for.

2.2 The right to give written notice

A data subject has the right to give written notice to a data controller requiring the controller to provide a description of the data, the purposes for which it is being processed and the recipients or classes of the recipients to whom the data may be disclosed.

2.3 The right to rectification

Where information is inaccurate or incomplete a data subject is entitled to require the information to be altered and updated.

2.4 The right of erasure

A data subject may require the controller to erase personal data in circumstances specified in GDPR article 17. The right is restricted on various grounds, including freedom of expression and information in compliance with a legal obligation, and in court proceedings.

2.5 The right to restrict processing

A data subject has the right to restrict the processing of data on various grounds set out in GDPR article 18. They include: inaccuracy of data, unlawful processing or the controller no longer needs the data.

2.6 The right to data portability

A data subject can require a controller to provide him or her (and third parties) with their personal data in a machine-readable portable format.

2.7 The right to object

A data subject has the right to object to processing in breach of GDPR article 6 (1) (e) and (f) broadly on the grounds that the processing was not necessary in the public interest or in carrying

out official duties. People also have the right to make a complaint to the data controller and/or to the ICO.

People also have the right not to be subject to automatic decision-making including profiling – GDPR article 22

3. Responsibility

The Clerk of the parish council has the responsibility for processing a subject access request (SAR.) Requests should be passed directly to the Clerk either verbally or in writing, however if the request is passed via a third party (e.g. via a Councillor), it is essential the Clerk is satisfied the third party making the request is entitled to act on the person's behalf. The third party is responsible for providing evidence of this by providing a written authority, signed by the person the information is about, stating they give their permission to the third party to make an SAR on their behalf.

4. Information that should be provided in a Subject Access Request

- The title should clearly state the Subject Access Request
- Information to verify the requester's identity
- A clear description of the information requested, such as specific emails, file types or timeframes to help with the location of the information
- The information requested MUST only be about the requester and NOT general information

5. Reporting

The Clerk will keep a record of actions taken in response to any SAR; this record may be reported to the parish council in order to determine any training or improvements needed.

6. Processing a Subject Access Request

The parish council must comply with a SAR without undue delay and at the latest, within one month of receipt of the request or;

- Any information needed to confirm the identity of the third person the information is about or;
- Any information needed to confirm that the third party is authorised to act on behalf of the person or;
- A fee (a 'reasonable fee' can sometimes be charged in certain circumstances e.g. large quantities of data or printing/administration costs.)

7. Erasure

Deletion requests may be refused and the Clerk will inform the individual if an exemption applies to the erasure of data, for example where the law requires permanent records to be kept, the information is contained in a confidential reference or the information is likely to prejudice the parish council's purpose. In line with the accountability principle, the Clerk will document any reasons for relying on an exemption and be able to justify it. Documents where an exemption may apply are:

- Parish council minutes
- Parish council accounts
- Payroll and Pensions

- Insurance policies
- Investments
- Administration to a Charitable Trust
- Garden of Remembrance records

8. Escalation

If there are any complaints concerning the handling of the request, the Clerk should be contacted in the first instance via the complaints policy procedure

- If there is no response over one month since the request was submitted, a follow up letter or email should be sent
- If the requester is unhappy with the response, any complaint should be directed to the Clerk
- If any personal information is missing from the response, the additional information should be clearly listed
- Retention of letters or emails about the complaint , or written records concerning any calls or meetings is important for evidence
- If there is still no satisfaction a complaint should be registered with the Information Commissioner's Office. The ICO can be contacted at ico.org.uk or by calling the ICO helpline on 0303 123 1113.

Version 1

Adopted: 1 June 2026

Review: June 2027

Signed by the Chairman: …….....

Date: ……..