

Radcliffe on Trent Parish Council

Subject Access Request (SAR) Policy

Introduction

Radcliffe on Trent Parish Council (the "Council") is committed to ensuring transparency and the lawful processing of personal data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Under the UK GDPR, individuals have the right to access their personal data held by the Council, known as a Subject Access Request (SAR).

This policy outlines the procedure for processing SARs to ensure the Council complies with its legal obligations and protects the rights of individuals.

Legislation

The key legislation underpinning this policy includes:

- UK General Data Protection Regulation (UK GDPR): Governs the processing of personal data.
 - Data Protection Act 2018: Provides the framework for data protection law in the UK and supplements the UK GDPR.
 - Freedom of Information Act 2000 (FOIA): Relevant where a request involves public information, distinct from SARs.
 - Local Government Act 1972: Governs the accessibility of public records and information held by the Council.
-

Definition of a Subject Access Request (SAR)

A Subject Access Request (SAR) is a request made by an individual to obtain a copy of their personal data that the Council holds. Under the UK GDPR, individuals have the right to:

- Be informed about the collection and use of their personal data.
- Access their personal data and receive supplementary information about its processing.

- Rectify inaccurate or incomplete personal data.
- Erase personal data under certain conditions.
- Restrict or object to the processing of their personal data in certain circumstances.

This policy focuses on the individual's right to access their personal data through a SAR.

Submitting a SAR

Any individual has the right to request access to their personal data held by the Council. Requests must:

- Be made in writing (including emails).
- Include enough information to verify the requester's identity.
- Provide sufficient detail to enable the Council to locate the personal data being requested.

Requests should be sent to:

Proper Officer to the Council
Radcliffe on Trent Parish Council
Grange Hall, Vicarage Lane,
Radcliffe-on-Trent, Nottinghamshire,
NG12 2FB

Email: Please see the website for up-to-date, relevant email addresses

The Council may ask the requester to clarify their request if it is too broad, or to provide proof of identity if necessary.

Timeframe for Response

Upon receiving a valid SAR, the Council will:

1. Acknowledge the Request: The Council will acknowledge receipt of the request in writing within 5 working days.
 2. Processing the Request: The Council will provide the requested information within one calendar month from the date of receipt of the request. If the request is complex or numerous, the Council may extend this period by a further two months. The individual will be informed of this extension and provided with reasons for the delay within the initial one-month timeframe.
-

Verification of Identity

Before processing a SAR, the Council must be satisfied as to the identity of the individual making the request. Proof of identity may be requested, such as:

- Passport, driver's licence, or other valid identification documents.
- Proof of address, such as a recent utility bill.

Where there are doubts about the identity of the requester, the Council will not release any information until suitable verification has been provided.

Scope of a SAR

A SAR allows individuals to access:

- Personal data that the Council holds about them.
- Information about how their data is being processed, including:
 - The purposes of the processing.
 - Categories of personal data.
 - Recipients to whom the personal data has been disclosed.
 - Retention periods.
 - The source of the data, where not collected from the individual directly.
 - Information about any automated decision-making or profiling (if applicable).

Exclusions:

A SAR does not entitle an individual to access:

- Information that is not their personal data.
 - Information related to other individuals (third-party data), unless consent is obtained from the third party, or the disclosure is otherwise permissible under the law.
 - Information held in personal accounts or devices outside of the Council's jurisdiction, such as councillors' personal email accounts or devices, unless it is official Council correspondence or records.
 - Information between the Council and any legal advisors.
-

Fees

The Council will process SARs free of charge. However, under certain conditions, the Council may charge a reasonable fee for:

- Manifestly unfounded or excessive requests, particularly where they are repetitive.
- Additional copies of the same information previously provided.

Any fees will be based on the administrative costs of fulfilling the request. The requester will be informed of any applicable fees before the request is processed.

Exemptions

Under certain circumstances, the Council may refuse to comply with a SAR. Exemptions may apply under the UK GDPR and the Data Protection Act 2018, including but not limited to:

- Prevention or detection of crime: If disclosing the data would interfere with the detection, investigation, or prosecution of criminal activities.
- Confidentiality: Information subject to legal professional privilege or other confidentiality obligations.
- Public interest: Where disclosing the data could be detrimental to public interest or national security.
- Personal data of others: The Council may withhold information that would disclose personal data about a third party unless that third party consents or there is a legal basis for disclosure.

If the Council applies an exemption, the individual will be informed and given a reason for the refusal within the statutory timeframe.

Vexatious or Repeated Requests

The Council reserves the right to refuse to comply with requests that are deemed vexatious, repetitive, or unfounded. Under UK GDPR legislation, a request may be considered vexatious or excessive if it:

- Is intended to cause disruption or annoyance.
- Places a disproportionate burden on the Council's resources.
- Lacks a legitimate purpose or is made in bad faith.

In such cases, the Council will issue a written refusal notice, citing the relevant grounds under UK GDPR legislation and Data Protection Act 2018.

Third-Party Requests

Requests made on behalf of another person (for example, by a solicitor or family member) must be accompanied by proof of the third party's authority to act on behalf of the individual, such as a signed consent form or power of attorney.

Complaints and Internal Review

If an individual is dissatisfied with the handling of their SAR, they may request an internal review by the Council. Complaints should be directed to the Clerk to the Council. The internal review will be completed within 20 working days of the request.

If the individual remains dissatisfied after the internal review, they may lodge a complaint with the Information Commissioner's Office (ICO) at:

Information Commissioner's Office

Wycliffe House,

Water Lane, Wilmslow,

Cheshire, SK9 5AF

Tel: 0303 123 1113

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

Retention of Data

The Council will retain personal data in line with its Data Retention Policy. Personal data will only be retained for as long as necessary to fulfil the purposes for which it was collected or as required by law.

Review of Policy

This policy will be reviewed regularly, or if there are significant changes in legislation or guidance from the ICO.

Date	Item	Next Review
07.10.2024	Document created	05.11.2024

19.11.2024	Full Council consideration and adoption	2027
------------	---	------