

## LITTLETON & HARESTOCK PARISH COUNCIL (LHPC)

### Subject Access Request (SAR) Policy

**Author:** LHPC Clerk  
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#### Introduction

Members of the public have the right to ask if the Parish Council is using or storing their personal information. This is known as making a Subject Access Request or SAR.

This document describes how Littleton and Harestock Parish Council (LHPC) will respond to Subject Access Requests.

#### Subject Access Request (SAR) Policy

1. Upon receipt of a Subject Access Request (SAR) the Parish Council will:
  - 1.1. Verify whether the Parish Council is the controller of the data subject's personal data. If it is not a controller, but merely a processor, the Parish Clerk will inform the data subject and refer them to the actual controller.
  - 1.2. Verify the identity of the data subject; requesting any further evidence on the identity of the data subject, if required.
  - 1.3. Verify the access request; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not: request additional information.
  - 1.4. Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, the Parish Council may refuse to act on the request or charge a reasonable fee.
  - 1.5. Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
  - 1.6. Verify whether the Parish Council processes the data requested. If it does not process any data, inform the data subject accordingly. At all times make sure the SAR policy is followed and progress can be monitored.
  - 1.7. Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
  - 1.8. 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 SAR.
2. Responding to a Subject Access Request
  - 2.1. The Parish Council will respond to a SAR within one month after receipt of the request. 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.
  - 2.2. If the Parish Council cannot provide the information requested, it should inform the data subject of this decision without delay and at the latest within one month of receipt of the request.
  - 2.3. If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.
  - 2.4. If data on the data subject is processed, the Parish Council will make sure to include as a minimum the following information in the SAR response:
    - the purposes of the processing and 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 the transfer of data, such as Binding Corporate Rules or EU model clauses.
- 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 Commissioners 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.

2.5. The Parish Council will provide a copy of the personal data undergoing processing.

### **Subject Access Request (SAR) Procedure**

3. Any SAR received by Councillors must be forwarded to the Parish Clerk immediately.
4. The Parish Clerk will ensure that the request from the data subject is sufficiently well-defined and restricted to personal data held by LHPC related to the data subject. Address and valid evidence to prove the data subject’s identity will be required which can include:-
  - 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 a bank, building society or credit card company+
  - Judiciary Documents 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 together with an address

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

*+ These documents must be dated in the past 3 months*

5. The Parish Clerk, Employees and Councillors, as appropriate, must make a full and exhaustive search of the records to which they have access. This includes searching 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, and paper records in relevant filing systems.
6. Personal data must not be withheld if it is thought that it will be misunderstood; instead, an explanation should be provided with the personal data. Therefore, personal data must be provided in an “intelligible form”, which includes explanations of any codes, acronyms, and complex terms.

7. The personal data must be supplied in a permanent form except where the data subject agrees or where it is impossible or would involve undue effort. It might be possible to agree with the requester that they will view the personal data on screen or inspect files at LHPC premises. Any exempt personal data must be redacted from the released documents and an explanation must be provided to explain why that personal data has been withheld.
8. Where a requestor is not satisfied with a response to a SAR, LHPC will manage this as a **complaint**. When responding to a complaint, LHPC must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.
9. The response to the data subject must include the following information:
  - 9.1. the purposes of the processing.
  - 9.2. the categories of personal data concerned.
  - 9.3. 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 the transfer of data, such as Binding Corporate Rules<sup>1</sup> or EU model clauses<sup>2</sup>;
  - 9.4. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period.
  - 9.5. 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.
  - 9.6. the right to lodge a complaint with the Information Commissioners Office (“ICO”).
  - 9.7. if the data has not been collected from the data subject: the source of such data.
  - 9.8. 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.

## Correspondence

10. All correspondence in relation to subject access requests should be addressed to the Parish Clerk.

**Address:** Littleton & Harestock Parish Council,  
Littleton & Harestock Parish Office,  
The Hall Way,  
Littleton, SO22 6QL.

**Telephone number:** 01962 886507

**Email:** [clerk@lhpc.org.uk](mailto:clerk@lhpc.org.uk)

Office hours are Monday to Friday 09:00-12:30 hrs.

Outside of office hours please use the answerphone.

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<sup>1</sup> “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 organisations head quarters is located. In the UK, the relevant regulator is the Information Commissioner’s Office.

<sup>2</sup> “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 A: Sample Letter - Replying to a SAR providing the requested personal data**

“[Name] [Address]

[Date]

Dear [Name of data subject]

**Re: Data Protection subject access request**

Thank you for your letter of *[date]* making a data subject access request for *[subject]*. We are pleased to enclose the personal data you requested.

*Include 9.1 to 9.8 above.*

Copyright in the personal data you have been given belongs to the council or another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

**APPENDIX B: Sample Letter -Release of part of the personal data, when the remainder is covered by an exemption**

“[Name] [Address]

[Date]

Dear [Name of data subject]

**Re: Data Protection subject access request**

Thank you for your letter of *[date]* making a data subject access request for *[subject]*. To answer your request, we asked the following areas to search their records for personal data relating to you:

- [List the areas]

I am pleased to enclose *[some/most]* of the personal data you requested. *[If any personal data has been removed]* We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that *[if there are gaps in the document]* parts of the document(s) have been blacked out. *[OR if there are fewer documents enclosed]* I have not enclosed all of the personal data you requested. This is because *[explain why it is exempt]*.

*Include 9.1 to 9.8 above.*

Copyright in the personal data you have been given belongs to the council or another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

**APPENDIX C: Sample Letter -Replying to a SAR explaining why you cannot provide any of the requested personal data**

“[Name] [Address]

[Date]

Dear [Name of data subject]

**Re: Data Protection subject access request**

Thank you for your letter of *[date]* making a data subject access request for *[subject]*.

I regret that we cannot provide the personal data you requested. This is because *[explanation where appropriate]*.

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data that is 'legally privileged' because it is contained within legal advice provided to the council or relevant to ongoing or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. The Parish Clerk should be able to advise if a relevant exemption applies and if the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely"