

Baldons Parish Council

Subject Access Request (SAR) Policy

1. Introduction

Any individual whose personal data is processed by Baldons Parish Council has the right, under the UK General Data Protection Regulation (UK GDPR), to request access to that data. This is known as a Subject Access Request (SAR).

This procedure sets out how the council will handle SARs in a consistent, lawful, and timely manner. All councillors and the Clerk should be familiar with this procedure so that requests are recognised and handled correctly.

2. What Is a Subject Access Request

A SAR is a written request from an individual (the data subject) asking for a copy of the personal data the council holds about them. The request does not need to use the phrase 'Subject Access Request' or cite any specific legislation. Any clear request from an individual asking for their personal data should be treated as a SAR.

A SAR is a right that belongs to the individual whose data is being requested. Third parties may not request another person's data under a SAR, except in specific circumstances (such as a parent requesting data held about a child, or a solicitor acting with written authority from the data subject).

3. Submitting a Request

Requests may be submitted in any form - in writing, by email, or verbally. However, it is good practice to ask for requests to be confirmed in writing so that the scope is clear. Requests should be directed to the Clerk, who is responsible for coordinating the council's response. The Clerk's contact details are published on the council's website.

The council does not charge a fee for handling SARs. A fee may be charged where a request is manifestly unfounded or excessive, or where additional copies are requested, but this would be unusual.

4. Verifying Identity

Before responding to a SAR, the council must be satisfied that the person making the request is who they say they are. If there is any doubt about the requester's identity, the Clerk may ask for reasonable evidence of identity (such as a copy of a utility bill or similar document). The council must not request more information than is reasonably necessary for the purpose of verifying identity. Additional evidence should only be sought where there is a genuine concern.

5. Time Limits

The council must respond to a SAR without undue delay, and in any event within one month of receiving the request. The one-month period runs from the date the request is received, or from the date identity is confirmed if verification was required.

Where a request is complex or the council has received a large number of requests at the same time, the response period may be extended by a further two months. If an extension is

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needed, the requester must be informed within the first month, explaining the reason for the delay.

6. What to Provide

In response to a SAR, the council must provide:

- confirmation of whether or not it holds personal data about the individual;
- a copy of the personal data itself;
- information about the purposes for which the data is being processed;
- information about the categories of data held;
- details of any third parties to whom the data has been or will be disclosed;
- the intended retention period for the data;
- information about the individual's rights, including the right to request rectification, erasure, or restriction.

Responses should normally be provided in a commonly used electronic format, unless the requester asks otherwise.

7. Exemptions

Not all personal data held by the council must be disclosed in response to a SAR. Some exemptions may apply under the Data Protection Act 2018 and UK GDPR. Common exemptions that may be relevant to a parish council include:

- Data that identifies third parties who have not consented to disclosure, and where it is not reasonable to disclose without that consent. In such cases, the council may redact the third party's information.
- Information that is legally privileged.
- Data processed for the purposes of crime prevention or detection.

If the council relies on an exemption to withhold information, it must tell the requester that it is doing so and, where possible, explain why.

8. Manifestly Unfounded or Excessive Requests

The council may refuse a SAR, or charge a reasonable fee, where the request is manifestly unfounded or excessive - for example, where it is repetitive or clearly intended to cause disruption rather than to exercise a genuine right.

The council must be able to demonstrate why it considers a request to meet this threshold. If refusing, the Clerk should note the reasons in writing and inform the requester of their right to complain to the ICO.

9. Responding to the Request

The Clerk is responsible for coordinating the council's response to a SAR. The process is as follows:

- Acknowledge receipt of the request promptly, even if further information or identity verification is needed.
- Identify all personal data held by the council relating to the requester across all relevant files and records.
- Consider whether any exemptions apply and note the reasons.
- Prepare the response, redacting third-party data or exempt information as appropriate.

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- Send the response within the required time limit, including the information required under section 6 above.

The Clerk should keep a brief internal record of each SAR received, including the date received, the date of the response, and a summary of what was provided.

10. Complaints and the ICO

If an individual is dissatisfied with the council's response to a SAR - for example, if they believe information has been wrongly withheld - they should raise the matter with the Clerk in the first instance.

If the matter is not resolved, the individual may complain to the Information Commissioner's Office (ICO):

- Website: www.ico.org.uk
- Telephone: 0303 123 1113

11. Responsibilities

The Clerk is the council's primary contact for SARs and is responsible for coordinating responses in accordance with this procedure.

Where a SAR raises difficult questions about what information should be disclosed, the Clerk should seek advice from OALC or the ICO helpline before responding.

All councillors should inform the Clerk promptly if they receive a SAR directly, rather than attempting to respond themselves.

12. Review

This procedure will be reviewed annually and updated as necessary to reflect changes in legislation or ICO guidance.

13. Legal and Regulatory Framework

This procedure has regard to the following:

- UK General Data Protection Regulation (UK GDPR), Articles 15, 11, 12
- Data Protection Act 2018
- Freedom of Information Act 2000
- ICO guidance: Right of Access
- ICO guidance for local authorities on data subject rights