



# Subject Access Request Policy

Policy and Finance Committee Approved: July 2023  
Due for next Review: July 2026

## Internal and External Subject Access Requests

### 1. Introduction

1.1 All living individuals (“data subjects”) have the right under the Data Protection Act 2018 to request a copy of the personal information that is held about them.

### 2. Purpose

2.1 This Policy outlines the procedures the Council will take when a data subject requests a copy of their personal data, commonly referred to as a “Subject Access Request” (SAR).

2.2 The Act entitles individuals to receive:

- a description of personal data.
- an explanation of why the data is being held.
- an explanation of who the data has been or may be given to.
- a copy of the data with technical terms explained.
- where available, given details of the source of the data.
- how long their data will be kept.

### 3. Scope

3.1 The Policy applies to all data subjects such as residents, service users and employees who request access to personal information that is held by the Council. It includes all personal data the Council collects and uses whether it is held in electronic or paper format and includes recordings, imaging records, photographs, and CCTV.

### 4. What is a Valid Request?

4.1 A SAR request is valid provided there is a sufficient description of the information required. You can make a subject access request (SAR) on someone else's behalf only if:

- You have their written permission to do so, or

- They are your child and are too young to make the request themselves. (Defined in accordance with the UN Convention on the Rights of the Child as anyone under 18, unless “under the law applicable to the child, majority is attained earlier”) or they may authorise someone to act on their behalf. As assessment of the child’s competency and the nature of the data requested will be assessed by the relevant Council Officers who will collect and collate the requested data.
- You have a power of attorney for the person concerned, or
- You have a court order authorising you to make the request.

## 5. Making a Request

5.1 Requests can be made by email, letter or by telephone. The data subject must provide identification to evidence that they are the requestor or that they are a third party who has the right to make the request on behalf of another.

5.2 The following form is to be used to obtain details of verification.

## 6. Identification

6.1 Before the Council are able release any of your data, we must be sure of your identity. You must send a minimum of two original pieces of official identity documentation with your application which between them provides enough information to prove your name, date of birth, current address and signature.

Examples of this are:

### Document 1

- current, valid photo-card driving licence
- birth/adoption certificate
- passport

**Please note:** we are unable to accept paper counterpart driving licences issued after 1998 in line with changes introduced by the DVLA from 8 June 2015 as they no longer have any legal status. We are also unable to accept expired photo-card driving licences.

### Document 2

- utility bill (for example: a gas, electricity, or telephone bill)
- official document (for example: correspondence from bank or building society)

**The above documents should be no more than 3 months old, and must be the original, as we do not accept photocopies.**

## 7. Council Process for SARS

- The Council will promptly acknowledge receipt of the SAR.
- The Council will comply at the latest within one month of receipt of the request. As a result, the date for the response will vary, depending on the month in which the

request was made. The time limit commences on the day the request is received and the ID has been validated.

- The data subject will be advised with an explanation of if an extension is necessary.
- The Council will first verify who is the controller of the data subject's personal data. If the Council is not a controller, but merely a processor, the Council will inform the data subject and refer them to the actual controller.
- The Council will verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject as detailed.
- The Council will verify whether to process the data requested. If the Council do not process any data, the Council will inform the data subject accordingly.
- At all times the Council will make sure the internal SAR policy is followed and progress can be monitored.
- The Council will ensure data will not be changed because of the SAR. Routine changes as part of the processing activities concerned are permitted.
- The Council will 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, the Council will ensure that other data subjects have consented to the supply of their data as part of the SAR.
- Once verification of the requester and data is confirmed the Council will send the information in the format indicated on the form. You may be able to arrange to come to the Council offices to collect the information.
- A database will be maintained to allow the Council to report on the volume of requests and compliance against the statutory timescale.

You can read more about your right of access by visiting: <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

## 8. Exemptions

8.1 The Council will send you information within the scope of your request. However, the Council is allowed under the Data Protection Act 2018 to withhold (redact) certain information in some circumstances. The Council will only do this where an exemption applies – common examples that may apply are detailed below:

Exemption	Brief outline
Documents containing information about another person (third party)	<p>Where information relates to another individual (a third party) as well as the person making the request, the information about the person requesting will not be released if doing so will mean that information relating to the third party would be disclosed. The exceptions to this are where:</p> <ul style="list-style-type: none"> <li>• the third party has consented to the disclosure, or</li> <li>• it is reasonable in all the circumstances to disclose the information without that individual's consent.</li> </ul> <p>In deciding whether it may be reasonable to disclose the following will be considered:</p> <ol style="list-style-type: none"> <li>a) any duty of confidentiality owed to the third party</li> <li>b) whether the Council feels it is necessary to seek consent of the third party</li> </ol>

	<p>c) whether the third party is capable of giving consent d) any express refusal of consent by the third party.</p> <p>The Council will also consider whether the information in question is already known to the individual, or whether it is possible to undertake a partial redaction allowing us to disclose the information without identifying the third party.</p>
Documents written by another person (third party)	<p>Where a document is written by another person or organisation these are not automatically exempt.</p> <p>Whilst the Council is allowed to seek a view from the author of the document, it is the Council's decision whether to disclose or not. Before applying this exemption, the Council will take the following into account:</p> <ul style="list-style-type: none"> <li>• Does the document contain information already known to the requester?</li> <li>• Is it likely the requester would have already received a copy?</li> <li>• Is there anything contentious in the document that is likely to cause concern if disclosed?</li> <li>• Has that document been marked in any way to indicate that disclosure is not allowed?</li> </ul>
Legally privileged information	<p>Personal data is exempt if it consists of information for which legal professional privilege (LPP) could be maintained in legal proceedings. The LPP exemption is fairly narrow and cannot be applied to all legal documentation.</p> <p>The actual content of the information is important when considering whether LPP applies as just the mere fact that it is a communication with a lawyer / solicitor does not make the document legally privileged.</p> <p>LPP can be applied to documents created on instructing a lawyer or as a result of advice being given for the use in a legal case or in anticipation of a legal case.</p>
Serious harm to physical or mental health or condition	<p>Health data is exempt where granting a subject access request would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person. This exemption only applies in the most serious cases and can only be used in consultation with an appropriate medical professional.</p>
Management information	<p>Personal data processed for the purposes of management forecasting or planning is exempt where disclosure would be likely to prejudice the conduct of that business or other activity of the Council.</p>

## 9. Complaints

- 9.1 If Data subjects are concerned about the response to their SAR, they have the right to ask for a Review if they are dissatisfied with the response.
- 9.2 If they are still not satisfied, the data subject has the right to request that the Information Commissioner make a further assessment of compliance:  
<https://ico.org.uk>

## Ask for copies of your data.

You have the right to ask for copies of your personal data stored and used. This is your right of access, also known as making a subject access request or SAR. The Council will normally respond at the latest within one calendar month of receiving your request. There may be times where the Council will need longer as outlined in the policy and you will be informed if this is the case.

You don't have to use this form to ask for copies of your data, but it's helpful for the Council to know what you're looking for so your request can be responded to fully and promptly.

Please send your completed form to the Council using the contact details at the bottom of the page.

You can read more about your right of access by visiting: <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

### 1. Who's making this request?

The Council is asking for your contact details to send your response and discuss your request with you (if needed). You only need to give relevant details. For example, you only need to give your postal address if you'd like the Council to respond by post or if you think it would help the Council to identify you. The Council may ask you for proof of ID if reasonable and proportionate. The timescale for responding to your request will start when the Council receive this form.

<b>Name</b>	
<b>Contact number</b>	
<b>Email Address</b>	
<b>Postal Address</b>	

Are you making this request on behalf of someone else?

- Yes**
- No (Please move to section three)**

## 2. Please provide contact details of the person you are making the request for.

If you're making the request on behalf of someone else, the Council may need to get into contact with them so their contact details will be required.

<b>Name</b>	
<b>Contact number</b>	
<b>Email Address</b>	
<b>Postal Address</b>	

### Other contact information for the person you are making the request for

You also need to give us the Council proof of your authority to act on their behalf. For example, this could be written authorisation from them or a relevant power of attorney.

Please send proof of authority together with this form when you make your request.

Yes, I've got proof of my authority to act on someone else's behalf and I'll include it with my form. (Please move to section four.)

No, I haven't got any proof of authority yet, but will send it at a later date. I understand you can't action my request until you receive this information.

## 3. How would you like us to respond to you?

The Council will try and respond to you in the way that suits you. Please let the Council know if you need any adjustments e.g. large font.

**Email**       **Post**       **Other (please specify)**

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#### 4. What personal data are you requesting?

If you know exactly what personal data you're looking for, it's helpful if you let the Council know. For example, if you need a specific email, this could be searched by this using a particular word or phrase.

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**Briefly describe your request**

#### 5. Is there a date range of the personal data you're asking for?

It's helpful if you're as specific as possible about your request. For example, if you've been a customer for several years, but you only need data about your recent purchase history, you could ask for data about things you've bought only in the last few months.

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**Date from**

**Date to**

#### 6. Can you tell the Council anything else to help with the search?

If there's anything else of relevance you can tell the Council to help identify you or the data you're requesting, please include this here. For example, any aliases, date of birth, order number or a customer reference number.

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**Further information to help us the Council find the data you need**

**Thank you. We will acknowledge receipt of this request within 3 days after receipt by the Council.**