



GDPR

Subject Access

Request Procedure

To Be Adopted by Marden Parish Council on: 12th June 2018

Reviewed date: June 2019 / May 2021 / 8th March 2022 / 14th March 2023 / 12th March 2024

Review on: March 2025

Office Opening Times:

Mondays, Tuesdays & Fridays 10am - 12 noon

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Parish Council GDPR – Subject Access Request Procedures

GENERAL DATA PROTECTION REGULATIONS

SUBJECT ACCESS REQUESTS PROCEDURE

Marden Parish Council, as Data Controller, **MUST**:

- (a) Inform data subjects of their right to access data and provide an easily accessible mechanism through which such a request can be submitted (e.g. a dedicated email address).
- (b) Make sure a Subject Access Request (SAR) policy is in place within the Council and that internal procedures on handling of SARs are accurate and complied with. Include, among other elements, provisions on:
 - (i) Responsibilities (who, what)
 - (ii) Timing
 - (iii) Changes to data
 - (iv) Handling requests for rectification, erasure or restriction of processing
- (c) Ensure personal data is easily accessible at all times in order to ensure a timely response to SARs and that personal data on specific data subjects can be easily filtered.
- (d) Where possible, implement standards to respond to SARs, including a standard response (see (D) Sample Letters)

Upon receipt of a SAR

Marden Parish Council **MUST**:

- (a) Verify whether it is the controller of the data subject's personal data. If Marden Parish Council is not the controller, but merely a processor, MPC to inform the data subject and refer them to the actual controller.
- (b) Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
- (c) 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.
- (d) Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, you may refuse to act on the request or charge a reasonable fee.
- (e) Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
- (f) Verify whether you process the data requested. If you do not process any data, inform the data subject accordingly. At all times make sure the internal SAR policy is followed and progress can be monitored.
- (g) Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
- (h) 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.

Responding to a SAR

Marden Parish Council **MUST**:

- (a) Respond to a SAR within one month after receipt of the request.
 - (i) 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;
 - (ii) if the council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.

- (b) If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.

- (c) If data on the data subject is processed, make sure to include as a minimum the following information in the SAR response:
 - 1) the purposes of the processing;
 - 2) the categories of personal data concerned;
 - 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 transfer of data, such as Binding Corporate Rules¹ or EU model clauses²;
 - 4) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
 - 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;
 - 6) the right to lodge a complaint with the Information Commissioners Office (“ICO”);
 - 7) if the data has not been collected from the data subject: the source of such data;
 - 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.

- (d) Provide a copy of the personal data undergoing processing.

Sample Letters

Marden Parish Council **MUST** include the following information in all the letters:

- (a) The purpose of the processing;

- (b) The categories of personal data concerned;

- (c) 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 transfer of data, such as Binding Corporate Rules¹ or EU model clauses²;

¹ “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.

² “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.

- (d) Where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) 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;
- (f) The right to lodge a complaint with the Information Commissioners Office (“ICO”);
- (g) If the data has not been collected from the data subject: the source of such data;
- (h) 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.

Template Letters:

Appendix 1

Replying to a SAR providing the requested personal data

Appendix 2

Replying with the release of part of the personal data, when the remainder is covered by an exemption

Appendix 3

Replying to a SAR explaining why you cannot provide any of the requested personal data

APPENDIX A**Replying to a subject access request providing the requested personal data**

Typed on Parish Council Letterhead

Dear [Name of Data Subject]

Re: Data Protection Subject Access Request

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

[Include AI(a) to AI(h) of the Policy]

Copyright in the personal data you have been given belongs to Marden Parish Council, or to 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.

Kind regards

Yours sincerely

Alison Hooker
Clerk to Marden Parish Council

APPENDIX B**Release of part of the personal data, when the remainder is covered by an exemption.**

Typed on Parish Council letterhead

Dear [Name of Data Subject]

Re: Data Protection Subject Access Request

Thank you for your letter of *[date]* making a data subject 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 AI(a) to AI(h) of the Policy]

Copyright in the personal data you have been given belongs to Marden Parish Council, or to 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.

Kind regards

Yours sincerely

Alison Hooker

Clerk to Marden Parish Council

APPENDIX C**Replying to a subject access request explaining why you cannot provide any of the requested personal data**

Typed on Parish Council Letterhead

Dear [Name of Data Subject]

Re: Data Protection Subject Access Request

Thank you for your letter of [date] making a data subject 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 is “legally privileged” because it is contained within legal advice provided to the council or relevant to on-going or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. Your Data Protection Officer will 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.]

Kind regards

Yours sincerely

Alison Hooker
Clerk to Marden Parish Council

ⁱ “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 organisation's head quarters is located. In the UK, the relevant regulator is the Information Commissioner's Office.

ⁱⁱ “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.