



UPPINGHAM TOWN COUNCIL

Address:	Town Hall, High Street East, Uppingham, Rutland LE15 9PY
Policy:	Subject Access Request Policy
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SUBJECT ACCESS REQUEST POLICY

INTRODUCTION

This document sets out Uppingham Town Council’s policy for responding to “Subject Access Requests” under the General Data Protection Regulation (GDPR).

The GDPR took effect in the UK from 25 May 2018. It replaced the previous law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection regarding how their personal data is used by councils.

YOUR RIGHTS AND YOUR PERSONAL DATA

You have the following rights with respect to your personal data:

1. The right to access the personal data we hold on you
2. The right to correct and update the personal data we hold on you
3. The right to have your personal data erased
4. The right to object to processing of your personal data or to restrict it to certain purposes only
5. The right to data portability
6. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained
7. The right to lodge a complaint with the Information Commissioner’s Office

HOW DO YOU MAKE A SUBJECT ACCESS REQUEST?

A subject access request is a written request for personal information (known as personal data) held about you by Uppingham Town Council. Generally, you have the right to see what personal information we hold about you and allow you the rights listed above. However, this right is subject to certain exemptions that are set out in the GDPR.

WHAT DO WE DO WHEN WE RECEIVE A SUBJECT ACCESS REQUEST?

Checking of identity

We must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. You should clarify with the requestor what personal data you need. They must supply their

address and valid evidence to prove their identity. The council accepts the following forms of identification (*These documents must be dated in the past 12 months, + These documents must be dated in the past 3 months):

- 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 bank, building society or credit card company⁺
- Judiciary Document 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 and your address

If the person requesting the information is a relative/representative of the individual concerned, then the relative/representative is entitled to personal data about themselves but must supply the individual's consent for the release of their personal data. If you have been appointed to act for someone under the Mental Capacity Act 2005, you must confirm your capacity to act on their behalf and explain how you are entitled to access their information. If you are the parent/guardian of a child under 16, we will need to consider whether the child can provide their consent to you acting on their behalf.

Collation of information

We will check that we have enough information to find the records you requested. If we feel we need more information, then we will promptly ask you for this. We will gather any manual or electronically held information, such as 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, paper records in relevant filing systems etc. and identify any information provided by a third party or which identifies a third party.

If we have identified information that relates to third parties, we will write to them asking whether there is any reason why this information should not be disclosed. We do not have to supply the information to you unless the other party has provided their consent or it is reasonable to do so without their consent. Before sharing any information that relates to

third parties, we will where possible anonymise information that identifies third parties not already known to the individual, and edit information that might affect another party's privacy.

Issuing our response

We will not withhold personal data because we believe it will be misunderstood; instead, we will provide an explanation with the personal data. We will provide the personal data in an "intelligible form", which includes giving an explanation of any codes, acronyms and complex terms. The personal data will be supplied in a permanent form except where you agree, where it is impossible, or where it would involve undue effort. We will be able to have an agreement with the requester that they will view the personal data on screen or inspect files on our premises. We will redact any exempt personal data from the released documents and explain why that personal data is being withheld.

WILL WE CHARGE A FEE?

Under the GDPR requesting a copy of your data will not require a fee. This is a change from the Data Protection Act where we were able to charge a maximum of £10. However we will be able to refuse or charge a "reasonable fee" for requests that are manifestly unfounded, excessive or repetitive.

WHAT IS THE TIMEFRAME FOR RESPONDING TO SUBJECT ACCESS REQUESTS?

We have one month upon receiving a subject access request to respond with the requested data. This is another change from the Data Protection Act in which we had 40 calendar days to respond.

If more time is needed to respond to complex requests, an extension of another two months is possible, provided this is communicated in a timely manner within the first month. If the council cannot provide the information requested, We will inform you on this decision without delay and at the latest within one month of receipt of the request.

ARE THERE ANY GROUNDS WE CAN RELY ON FOR NOT COMPLYING WITH A SUBJECT ACCESS REQUEST?

Previous request

If you have made a previous subject access request we must respond if a reasonable interval has elapsed since the previous request. A reasonable interval will be determined upon the nature of the information, the time that has elapsed, and the number of changes that have occurred to the information since the last request.

Exemptions

The Act contains a number of exemptions to our duty to disclose personal data and we may seek legal advice if we consider that they might apply. Possible exemptions would be: information covered by legal professional privilege, information used for research,

historical and statistical purposes, and confidential references given or received by Uppingham Town Council.

OUR COMPLAINTS PROCEDURE

If you are not satisfied by our actions, you can seek recourse through our internal complaints procedure, the Information Commissioner or the courts.

We will deal with any written complaint about the way a request has been handled and about what information has been disclosed, you can contact us at:

Town Hall
49 High Street East
Uppingham
LE15 9PY
Tel: 01572 822681
Email: townclerk@uppinghamtowncouncil.co.uk

If you remain dissatisfied, you have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113
Email: <https://ico.org.uk/global/contact-us/email/>

APPENDIX

Personal data is information that relates to a living individual who can be identified from the information and which affects the privacy of that individual, either in a personal or professional capacity. Any expression of opinion about the individual or any indication of the intentions of any person in respect of the individual will be personal data.

Provided the information in question can be linked to an identifiable individual, the following are likely to be examples of personal data:

- An individual's salary or other financial information
- Information about an individual's family life or personal circumstances, employment, or any opinion about an individual's state of mind
- Sensitive personal information – an individual's racial or ethnic origin, political opinions, religious beliefs, physical or mental health, sexual orientation, criminal record and membership of a trade union.

The following are examples of information, which will not normally be personal data:

- Mere references to a person's name, where the name is not associated with any other personal information
- Incidental reference in the minutes of a council meeting of an individual's attendance at that meeting in an official capacity
- Where an individual's name appears on a document or email indicating only that it has been sent or copied to that particular individual
- The content of that document or email does not amount to personal data about the individual unless there is other information about the individual in it.