

## Birchanger Parish Council

### Personal Subject Access Request Policy

Adopted	6 <sup>th</sup> November 2018
Reviewed	8 <sup>th</sup> August 2022
Date of next review	Summer 2025

Document history	
November 2018	Version 1.0 policy adopted
August 2022	Text reviewed, content updated

#### Introduction

This policy describes the process for Birchanger Parish Council when a subject access request (SAR), as defined by the General Data Protection Regulations<sup>1</sup> (GDPR) is received.

#### What is a subject access request?

A subject access request is a written request by an individual that Birchanger Parish Council send them a copy of any personal information that is held about them. This is a legal right everyone in the UK. Personal data is defined as data, in whatever form (computer or other 'filing system') that belongs to an identifiable living person. Examples include names, contact details and financial information.

#### Compliance

Upon receiving a SAR, the clerk must first take any necessary steps to ensure that the person making the request really is the subject, and not an imposter. Once satisfied, the clerk will conduct a search for the information requested. The extent of the search will depend on the request; if only data relating to a certain topic, event or time period is requested then the search will be limited. If all data about the person is requested then all sources of data will need to be searched. This includes

- Electoral roll
- BPC website
- Emails to/from or mentioning the person held by clerk and council. This includes personal email accounts if the emails in question were conducting council business.

The clerk may need to request the help of councillors in compiling the data.

Once the search is complete, the clerk will send the requested data to the requestor.

The reply will conclude with the statement that Birchanger Parish Council believes that they have complied with the request but that there is the option to take the matter further and complain to the Information Commissioner's Office. [Data protection complaints | ICO](#)

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<sup>1</sup> See Appendix A: GDPR regulations

### **Timescales**

The clerk should meet the request as soon as possible and always within 30 days. If the response looks as if it will take some time (i.e. over 14 days) then the clerk will contact the requestor and inform them that that is the case.

### **Fees**

No fees may be charged, unless the person concerned is making repeated or otherwise vexatious requests. In this case then the clerk will confer with Birchanger Parish Council to determine:

1. Whether the request is appropriate
2. What would be an suitable fee, which may only take into account actual time and costs incurred

### **Records**

The clerk will keep a record of all SARs received and responses made.

## **Appendix A**

### **GDPR regulations**

[Guide to the UK General Data Protection Regulation \(UK GDPR\) | ICO](#)

In summary:

The UK GDPR introduces a duty on all organisations to report certain personal data breaches to the relevant supervisory authority. You must do this within 72 hours of becoming aware of the breach, where feasible.

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, you must also inform those individuals without undue delay.

You should ensure you have robust breach detection, investigation and internal reporting procedures in place. This will facilitate decision-making about whether or not you need to notify the relevant supervisory authority or the affected individuals, or both.

You must also keep a record of any personal data breaches, regardless of whether you are required to notify.

[Personal data breaches | ICO](#)