

Schedule E: Procedure Table for dealing with Subject Access Requests

Subject Access Requests for the disclosure of personal data are likely to be extremely rare, as very little such information is retained in Egmonton Village records. The following procedure is to be followed when an individual has contacted the elected officers of Egmonton Village to request access to any personal data held. Requests must be answered within one month, and so should be actioned as soon after receipt as is practicable. SARs should be provided free of charge, although a 'reasonable fee' can be charged when a request is manifestly unfounded or excessive (particularly if it is repetitive).

The steps below should be followed to action the request:

1	Register the receipt of each request for disclosure
	Include the date of receipt, identity of the data subject, summary of the request, the result and details of what was sent to the subject, and when.
2	check that it is a valid request
	(a) the request must be in writing (letter, email, social media or fax) (b) has the person requesting the data, provided sufficient information to allow a search for data to be made? A request for more information can be made if the request is too broad.
3	check that the requester is entitled to the data
	The person requesting the data must be the person the data relates to. If necessary the requester should be asked to provide evidence, such as a passport, photo driving licence, utility bill and/or bank statement.
5	identify where the information is held
	Personal data is data which relates to a living individual who can be identified by name, address, email address, and can include expressions of opinion about the individual. It will be important to check both hard copy and IT records held by the Clerk and other elected officers.
6	ensure that the information is disclosable
	Some of the data identified may not be disclosable due to exemptions. It is important to obtain legal advice if this is suspected. Examples of exemptions are: <ul style="list-style-type: none"> • references that have been give • publicly available information • crime and taxation issues • management information • negotiations with the requestor • regulatory activities • legal advice and proceedings • personal data of third parties
7	check that it is possible to disclose <i>all</i> the data
	In some cases, emails and documents may contain the personal information of other individuals who have not given their consent to share their personal information with others. If this is the case the other individual's data must be redacted before the SAR is sent out.

8	prepare the SAR response (sample letters attached)
	<p>Include the following information with the data supplied:</p> <ul style="list-style-type: none"> • the purpose and basis for holding the data, including the significance and envisaged consequences of any processing of the data • the format the data is held in • the source of the data held • the expected time period for holding the data • the existence of the right to request rectification or erasure of personal data, or to object to the use of the data for the anticipated purpose • the right to lodge a complaint to the Information Commissioner (ICO), in the event of dissatisfaction

Sample letter 1: for reply to a subject access request where the personal data is supplied

Dear *(name)*

Data Protection subject access request

Thank you for your letter of *(date)* making a data subject access request for *(subject)*. We are please to enclose the personal data requested.

Include-

the purpose and basis for holding the data, including the significance and envisaged consequences of any processing of the data

the format the data is held in

the source of the data held

the expected time period for holding the data

the existence of the right to request rectification or erasure of personal data, or to object to the use of the data for the anticipated purpose

the right to lodge a complaint to the Information Commissioner (ICO), in the event of dissatisfaction

Copyright, in the personal data you have been given, belongs to Egmonton Village or 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.

Yours sincerely

Sample letter 2: for reply when part of the data is released but the remainder is covered by an exemption

Dear *(name)*

Data Protection subject access request

Thank you for your letter of *(date)* making a data subject access request for *(subject)*

I am pleased to enclose *(some/most)* of the personal data 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 to enclose)* I have not enclosed all of the personal data requested. This is because *(explain why it is exempt)*

Include

the purpose and basis for holding the data, including the significance and envisaged consequences of any processing of the data

the format the data is held in

the source of the data held

the expected time period for holding the data

the existence of the right to request rectification or erasure of personal data, or to object to the use of the data for the anticipated purpose

the right to lodge a complaint to the Information Commissioner (ICO), in the event of dissatisfaction

Yours sincerely

Sample letter 3: for reply when none of the requested personal data can be provided

Dear *(name)*

Data Protection subject access request

Thank you for your letter of *(date)* making a data subject access request for *(subject)*

I regret that we cannot provide the personal data that 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 that is 'legally privileged' because it is contained within legal advice provided to the Village or relevant to ongoing (or preparation for) litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject.

Advice is available, in these cases, from Data Protection officers.

Yours sincerely