

BILBROOK PARISH COUNCIL
GDPR – Subject Data Requests

1. About these procedures

- 1.1 Individuals have certain rights in respect of *their* personal data. These procedures provide a framework for responding to requests from individuals to exercise those rights.
- 1.2 For these procedures, "personal data" means any information relating to an identified or identifiable individual. An identifiable individual is one who can be identified, directly or indirectly, by reference to an 'identifier', such as their name, identification number or an online identifier. "Processing" means any operation or set of operations that are performed on personal data, such as collection, use, storage, dissemination and destruction.

2. Responding to requests to access personal data

- 2.1 Individuals have the right to request access to their personal data processed by us. Such requests are called **subject access requests (SARs)** When an Individual makes a SAR, we shall take the following steps:
- (a) log the date on which the request was received (to ensure that the relevant timeframe of **one month** for responding to the request is met);
 - (b) confirm (by taking reasonable measures to verify) the identity of the individual who is the subject of the personal data;
 - (c) search databases, systems, applications and other places where the personal data which are the subject of the request may be held; and
 - (d) confirm to the Individual **whether** their personal data is being processed.

If personal data of the Individual is being processed [this includes simple storage], we shall provide them with the following information in a **concise, transparent, intelligible and easily accessible** form, using **clear and plain language**, in writing or by other (including electronic) means:

- (e) the purposes [why] of the processing;
 - (f) the categories of personal data concerned;
 - (g) the recipients or categories of recipient to whom the personal data has been or will be disclosed;
 - (h) where possible, the envisaged period for which their personal data will be stored, or, if not possible, the criteria used to determine that period;
 - (i) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data or to object to such processing;
 - (j) the right to complain with the Information Commissioner's Office (ICO);
 - (k) where the personal data was not collected from the individual, any available information as to their source;
 - (l) (where applicable) the existence of any automated decision-making and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for them; and
 - (m) where personal data are transferred outside the EU, details of the appropriate safeguards to protect the personal data.
- 2.2 We shall also, unless there is an exemption (see paragraph 7 below), provide the Individual with a copy of the personal data processed by us in a **commonly used electronic form** (unless they either did not make the request by electronic means or they have specifically requested not to be provided with the copy in electronic form) within **one month** of receipt of the request. If the request is complex, or there are several requests, we may extend the period for responding by a further two months. If we extend the period for responding, we

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shall inform the Individual within one month of receipt of the request and explain the reason(s) for the delay.

2.3 Before providing the personal data to the Individual making the SAR, we shall review the personal data requested to see if they contain the personal data of other individuals. If they do, we may redact the personal data of those other Individuals before providing the Individual with their personal data, unless those other Individuals have consented to the disclosure of their personal data. **In these situations, we should consult the ICO website – www.ico.gov.uk or take legal advice.**

2.4 If the SAR is manifestly unfounded or excessive, for example, because of its repetitive character, we may charge a reasonable fee, considering the administrative costs of providing the personal data or refuse to act on the request.

2.5 If we are not going to respond to the SAR, we shall inform the Individual of the reason(s) and the possibility of lodging a complaint with the ICO.

3. Responding to requests to rectify personal data

3.1 Individuals [this may arise after they have been provided with a copy of their information] have the right to have any inaccurate personal data rectified. Rectification can include having incomplete personal data completed, for example, by the Individual providing a supplementary statement regarding the data. Where such a request is made, we shall, unless there is an exemption (see paragraph 7 below), rectify the personal data without undue delay.

3.2 **We shall also communicate the rectification of the personal data to each recipient** to whom the personal data have been disclosed (for example, any third-party service providers such as Wilkes Tranter who process the data on our behalf) unless this is impossible or involves disproportionate effort. We shall also inform the individual about those recipients if the individual requests it.

4. Responding to requests for the erasure of personal data

4.1 Individuals have the right, in certain circumstances, to request that we erase their personal data. Where such a request is made, we shall, unless there is an exemption (see paragraph 7 below), erase the personal data without undue delay if:

- (a) the personal data is **no longer needed** [by us] for the purposes for which they were collected or otherwise processed;
- (b) the Individual withdraws their consent to the processing of their personal data and consent was the basis on which the personal data was processed and there is no other legal basis for the processing;
- (c) the Individual objects to the processing of their personal data based on our legitimate interests unless **we** can show either compelling legitimate grounds for the processing which override their interests, rights and freedoms, or we are processing the data for the establishment, exercise or defence of legal claims;
- (d) the Individual objects to the processing of their personal data for direct marketing purposes;
- (e) the personal data have been unlawfully processed, or;
- (f) the personal data must be erased for compliance with a legal obligation to which we are subject.

4.2 When an individual makes a request for erasure in the circumstances set out above, we shall, unless there is an exemption (see paragraph 4.5 and paragraph 7 below), take the following steps:

- (a) log the date on which the request was received (to ensure that the relevant timeframe of **one month** for responding to the request is met);

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- (b) confirm the identity of the individual who is the subject of the personal data. We may request additional information from the Individual to do this;
 - (c) search databases, systems, applications and other places where the personal data which are the subject of the request may be held and erase such data within one month of receipt of the request. If the request is complex, or there are several requests, we may extend the period for responding by a further two months. If we extend the period for responding, we shall inform the Individual within one month of receipt of the request and explain the reason(s) for the delay;
 - (d) where we have made the personal data public, **we must, taking reasonable steps, including technical measures, inform those who are processing** the personal data that the Individual has requested the erasure by them of any links to, or copies or replications of, those personal data; and
 - (e) communicate the erasure of the personal data to each recipient to whom the personal data has been disclosed unless this is impossible or involves disproportionate effort. We shall also inform the individual about those recipients if the individual requests it.
- 4.3 If the request is manifestly unfounded or excessive, for example, because of its repetitive character, we may charge a reasonable fee, considering the administrative costs of erasure, or refuse to act on the request.
- 4.4 If we are not going to respond to the request, we shall inform the Individual of the reasons and the possibility of lodging a complaint with the ICO.
- 4.5 In addition to the exemptions in paragraph 7 below, we can also refuse to erase the personal data to the extent processing is necessary:
- (a) for exercising the right of freedom of expression and information;
 - (b) for compliance with a legal obligation which requires processing by law and to which we are subject; or
 - (c) for the establishment, exercise or defence of legal claims.
- 5. Responding to requests to restrict the processing of personal data**
- 5.1 Individuals have the right, unless there is an exemption (see paragraph 7 below), to restrict the processing of their personal data if:
- (a) the individual contests the accuracy of the personal data, -for a period to allow us to verify the accuracy of the personal data;
 - (b) the processing is unlawful, and the individual opposes the erasure of the personal data and requests the restriction of their use instead;
 - (c) we no longer **need** the personal data for the purposes we collected them, but they are required by the Individual for the establishment, exercise or defence of legal claims; and
 - (d) the individual has objected to the processing, pending verification of whether we have legitimate grounds to override their objection.
- 5.2 Where processing has been restricted, we shall only process the personal data (excluding storing them):
- (a) with the individual's consent;
 - (b) for the establishment, exercise or defence of legal claims;
 - (c) for the protection of the rights of another person.
- 5.3 Before lifting the restriction, we shall inform the Individual of the lifting of the restriction.

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5.4 We shall communicate the restriction of processing of the personal data to each recipient to whom the personal data have been disclosed unless this is impossible or involves disproportionate effort. We shall also inform the individual about those recipients if the individual requests it.

6. Responding to objections to the processing of personal data

6.1 Individuals have the right to object to the processing of their personal data where such processing is based on our legitimate interests unless we either:

- (a) can show compelling legitimate grounds for the processing which override their interests, rights and freedoms; or
- (b) are processing the personal data for the establishment, exercise or defence of legal claims.

6.2 Individuals also have the right to object to the processing of their personal data for scientific or historical research purposes, or statistical purposes.

6.3 Where such an objection is made, we shall, unless there is an exemption (see paragraph 7 below), no longer process the client's personal data.

6.4 Where personal data are processed for direct marketing purposes, Individuals have the right to object at any time to the processing of their personal data for such marketing. If an individual makes such a request, we shall stop processing the personal data for such purposes.

7. Exemptions

7.1 Before responding to any request, we shall check whether any exemptions apply to the personal data that are the subject of the request. Exemptions may apply where it is necessary and proportionate not to comply with the requests described above to safeguard:

- (a) national security;
- (b) defence;
- (c) public security;
- (d) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
- (e) other important objectives of general national public interest, an important national economic or financial interest, including monetary, budgetary and taxation matters, public health and social security;
- (f) the protection of judicial independence and judicial proceedings;
- (g) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
- (h) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in paragraph 7.1(a) and paragraph 7.1(g) above;
- (i) the protection of the Individual or the rights and freedoms of others; or
- (j) the enforcement of civil law claims.