



Subject Access Requests

This policy was adopted by Folkestone Town Council at its meeting held on: 12th May 2020 – Minute 1692.

Policy

1. On receipt of a Subject Access Request (SAR), **forward** it immediately to the Town Clerk, so she can correctly **identify** whether a request has been made under the Data Protection legislation.
2. When the Town Clerk receives a request to locate and supply personal data relating to a SAR, she will make a full exhaustive **search** of the records to which the Council has access. All the personal data that has been requested must be **provided** unless an exemption can be applied.
3. Council must **respond** within one calendar month of accepting the request as valid. Subject Access Requests must be undertaken **free of charge** to the requestor unless the legislation permits reasonable fees to be charged.
4. Council must ensure that all staff are **aware** of and follow this guidance.
5. Where a requestor is not satisfied with a response to a SAR, the Council must manage this as a **complaint**.



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Procedure

1. Staff 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. Staff should clarify with the requestor what personal data they need. The requestor must supply their address and valid evidence to prove their identity. The council accepts the following forms of identification:

- 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 +
- 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



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- Building Society Passbook which shows a transaction in the last 3 months and your address

** These documents must be dated in the past 12 months*

+ These documents must be dated in the past 3 months

2. Depending on the degree to which personal data is organised and structured, the Town Clerk will need to search 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, CDs, CCTV recordings), paper records in relevant filing systems etc. which your area is responsible for or owns.
3. Staff must not withhold personal data because they believe it will be misunderstood; instead, they should provide an explanation with the personal data. Personal data must be provided in an “intelligible form”, which includes explaining any codes, acronyms and complex terms. The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. The Town Clerk may be able to agree with the requester that they will view the personal data on screen or inspect files on Council premises. The Town Clerk must redact any exempt personal data from the released documents and explain why that personal data is being withheld.
4. Make this clear on forms and on the council website.
5. The Town Clerk shall inform staff through the use of induction, performance management and training, as well as through establishing and maintaining appropriate day to day working practices.
6. A database will be maintained allowing the Town Clerk to report on the volume of requests and compliance against the statutory timescale.



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7. When responding to a complaint, Council must advise the requestor that they may complain to the Information Commissioners Office ("ICO") if they remain unhappy with the outcome.