

# Elsham Parish Council

## HOW TO ACCESS YOUR RECORDS

### SUBJECT ACCESS REQUEST GUIDANCE NOTES

You have a right under the Data Protection Act to ask for confirmation that an organisation is processing your data and to see information held on you by that organisation.

#### **You also have the right to be told:**

- the purposes of and legal basis for the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom the personal data has been disclosed;
- the period for which the personal data is to be held;
- that you have rights to rectification and erasure of personal data where, for example, factual information has been recorded incorrectly;
- that you have the right to lodge a complaint with the Information Commissioner's Office and the contact details of the Commissioner;
- any information about the origin of the personal data concerned.

This guide is designed to help you to access the information held on you by Elsham Parish Council.

#### **How do I get to see my records?**

You can make requests for records under the Data Protection Act. The Act requires you to put your request in writing and show proof of identity. We cannot ask you why you want the information, however it is helpful to include in your request what you are looking for so that we can process your request more quickly.

To help you to formulate your request, you can use our form on this web site.

Proof of identity is an official document with a photograph, such as a driving licence or a passport.

You can then post/email/deliver your letter or the form requesting your information and the proof of identity to: [theparishcouncil@outlook.com](mailto:theparishcouncil@outlook.com)

You will receive an acknowledgement within 10 working days.

#### **Is there a fee?**

The information is provided free of charge; however, the parish council may charge a fee for further copies of the same information provided based on a standard charge per page. If you need extra copies please let us know and we will calculate the cost.

#### **Can my request be refused?**

The parish council's criteria for refusing a request include:

- the personal data might include personal data that is 'legally privileged' because it is contained within legal advice provided to the council or relevant to on-going or preparation for litigation.
- where the personal data identifies another living individual or relates to negotiations with the data subject.

The parish council will send a letter explaining the reason that some of the data has been excluded or the reason that the request has been refused.

#### **How long does it take for me to receive a copy of my records?**

Under the Data Protection Act your request must be completed within 30 days of the written request and proof of identity being received by the council.

#### **How is the information provided?**

Wherever possible, we will provide the information in electronic format. If you wish to have a paper copy instead, please let us know when you make your request.

### **Will I see everything in my records?**

Usually, you will see all of the information about yourself contained in your file. There are exemptions in the Data Protection Act and other legislation that mean that some things have to be redacted (blacked out) or withheld. These things can include:

- Information given in confidence
- Legal advice
- Information about other people ("third party data")

### **Can I change anything in my records?**

If there are inaccuracies in your records, you can raise them and depending on what the information is, it will be changed or a note will be kept with the record to show your disagreement with what has been recorded.

### **Can I request information on behalf of other people?**

If you are making the request on behalf of another individual to access their information, we will need written consent from the individual to whom the data relates as well as their proof of identity. If you have legal authorisation to act on behalf of an individual, such as if you act with power of attorney or as a litigation friend, you will need to provide a copy of that authorisation to evidence it.

### **Further information**

For further information you can speak to the Parish Council's Data Protection Officer (**TO BE APPOINTED IF REQUIRED**), who can be contacted via the Parish Clerk, Elsham Parish Council, [theparishcouncil@outlook.com](mailto:theparishcouncil@outlook.com)

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.