



**SUBJECT ACCESS REQUESTS:
HOW TO SUBMIT A REQUEST
AND
WHAT TO EXPECT FROM THE
COUNCIL**

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1. Subject Access Information Pack

The General Data Protection Regulation (GDPR) gives you, the individual, the right to see what information an organisation holds about you. This guide will explain your general rights in respect of access to your data and how to exercise your right to see what information Reading Borough Council holds about you.

2. What is a Subject Access Request?

A Subject Access Request is simply a written request made by or on behalf of you for the information you are entitled to ask for under the GDPR. You are entitled to be told by a data controller (in this case Reading Borough Council) if:

- any personal data is held about you;
- access to your data;
- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations

You are also entitled:

- To be given a copy of the information with any unintelligible terms explained;
- To be given any information available to the controller about the sources of the data.

The Council has produced a standard form which you can use to submit your request. This can be found at the end of the guide. You don't have to use the form but it may assist the Council to identify the information you are seeking.

3. What Information am I entitled to see?

- a. You are entitled to see information of which you are the Data Subject and which comprises your personal data. This covers all types of record held by the Council; education files, housing files, social services files, council tax etc. This will include copies of any letters, memos, telephone transcripts and emails of which you are the focus.
- b. For information to be your personal data you have to be identifiable from the data and you should be the focus of it.
- c. You are not entitled to see information about third parties. In some circumstances third party details may be removed from your personal data. Where we have a duty of confidentiality to those third parties we may contact them to obtain their consent for us to provide their information to you. In addition, you are not entitled to see information held about you which would prejudice the prevention or detection of crime.

For further details on information which does not have to be disclosed please visit the Information Commissioner website at www.ico.org.uk

4. What other information does the Council need to process my request and what is the cost?

- a. The Council needs to be sure that the person requesting the data is not impersonating somebody else. We ask for a **photocopy** of a passport or driving licence in addition to a copy of one of the following:
 - a recent utility bill (no more than 3 months old)
 - most recent council tax bill
 - other official document with your name and address on.

Please send your form of identity to us with the request form.

- b. If we have reason to believe you are submitting a subject access request under duress we may contact you to discuss our concerns. If we still consider that you have submitted a request as a result of pressure from a third party then we will consider refusal of your request.
- c. You may submit a request via a third party, such as a solicitor. For us to process such a request we will require satisfactory evidence that the third party has the authority to make a request on your behalf. It is the responsibility of the third party to demonstrate to us that they have your written authority to act on your behalf. This authority should be sent with the request form.
- d. The Council will usually provide a copy of your information free of charge. However, if a request is manifestly unfounded or excessive it can charge a reasonable fee and this will be based on the administrative cost of providing the information. A fee will also be charged for further copies of the same information. Alternatively the Council may refuse to respond to the request. You will be informed of the Council's decision with an explanation of its refusal.
- e. If the Council holds a large amount of information about you, you will be asked to specify the information you are seeking. If you choose not to do this the request may be considered manifestly unfounded or excessive.

5. How long does a subject access request take?

- a. The GDPR requires the Council to comply with subject access requests within one month of receipt of the Council receiving the necessary information to confirm your identity and to locate the data.
- b. If your request is unclear or very broad, the Council will contact you to seek clarification. The clock will start again when we hear back from you.
- c. The period of one month may be extended by a further two months where requests are complex or numerous. You will be informed if this is the case.
- d. We will contact you when the information is ready for collection from the Council Offices. Alternatively you may prefer to have it posted to you. If this is the case the information will be sent via Royal Mail guaranteed delivery. However, due to the increased cost you will be required to pay

for this method of delivery. In some cases it may be possible to email the documents to you.

6. I want to find out about the information you hold on my children, how do I do this?

Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong to anyone else, such as a parent or guardian. So it is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them. From the age of 12, a child is generally considered to have the mental capacity to make their own decisions regarding their information and therefore has the right to make a request to access their own records. The Council will consider each request submitted by a parent for information about their child on a case by case basis.

7. What about if my request is for my social services/care home information?

Sometimes, the information we have can be sensitive or cause upset because it relates to matters which you were never aware of, ie because of your age at the time or due to family circumstances. If you would prefer to sit with a social worker and look at your information together we will try and accommodate your request where possible.

8. How do I make a request to Reading Borough Council?

If you are making a request to Reading Borough Council you may use the Subject Access Request form attached.

You should send your completed form and **photocopies** of your ID to:
The Data Protection Officer
Legal Services
Reading Borough Council
Civic Office
Bridge Street
Reading
RG1 2LU

Alternatively, you can email the documents to : sarrequests@reading.gov.uk

9. What do I do if I am not happy with the Council's response?

If you are not satisfied with the response to your subject access request then you can make a complaint under the first stage of the Council's complaints procedure via the following link:
www.reading.gov.uk/complaintorcomment
and thereafter you would have a right to a request for a formal assessment by the Information Commissioner.

APPENDIX 1- SUBJECT ACCESS REQUEST FORM

READING BOROUGH COUNCIL

SUBJECT ACCESS REQUEST FORM

General Data Protection Regulation - SUBJECT ACCESS REQUEST

Please provide the following details about yourself:

Full name

Address

Tel No Tel No

E-mail:

Previous addresses in Reading (where appropriate)

.....

.....

.....

1. Are you requesting information about yourself?

If so, you are the applicant and documentary evidence of your identity is required, i.e. driving licence, birth certificate (photocopy) and a copy of a recent utility bill. Please complete sections 2, 3 and 6 below.

If not, you will need to supply the written consent of the applicant on whose behalf you are acting and complete sections 3, 4, 5 and 6 below.

2. Please describe the information you seek together with any other relevant information to help us identify the information you require.

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3. To help us locate any personal information which we hold, please tick the relevant subject box below

Education (e.g. Student Support and Admissions, Education Welfare, Education Psychology, Special Education, Children & Families Services, Governor Services, School Transport)

Leisure Services (e.g. Arts, Countryside & Heritage, Sports & Recreation, Libraries)

Planning & Transportation (e.g. Planning Applications & Development Control Parking)

Public & Environmental Services (e.g. Public Health, Refuse Collection, Waste Disposal, Trading Standards)

Community Care & Housing (e.g. Housing, Housing Benefits, Housing Repairs, Social Services, Youth Offending)

Corporate Services (e.g. Council Tax, Land Charges, Registration of Births, Deaths and Marriages, Elections and Electoral Registration, Personnel)

4. If you are you authorised to act on behalf of the applicant, please complete the following

Details of applicant on whose behalf you are acting

Full name

Address

.....

Tel No

E-mail:

Relationship to the applicant
(eg parent, guardian, social worker, solicitor etc)

Please briefly explain why you are requesting this information rather than the applicant.

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.....
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5. The applicant on whose behalf you are acting must complete the following authorisation

I..... (Name of person on whose behalf application is made) authorise (Name of person making the application) to seek access to personal information held by Reading Borough Council. I declare that this authorisation was freely given.

Signed..... Date

6 ALL APPLICANTS MUST COMPLETE THIS SECTION [Please note that any attempt to mislead may result in prosecution].

I..... confirm that the information given on this application form to Reading Borough Council is true, and I understand that you may need more information to confirm my identity/that of the data subject and to locate the information that I am requesting.

Signature:

Date:

Please return the completed form to the Data Protection Officer, Legal Services, Reading Borough Council, Civic Office, Bridge Street, Reading, RG1 2LU, along with **photocopies** of your evidence of your identity or by email to sarrequests@reading.gov.uk.