St Michael Penkivel Parish Council

Data Subject Access Requests

You are entitled to know what personal information St Michael Penkivel Parish Council holds about you and how that information is processed. St Michael Penkivel Parish Council is the Data Controller for all data covered by this policy.

How to make a Data Subject Access Request

In order for us to properly understand your request you need to make it in writing, either by email or in the form of a letter. Emails should be sent to clerk@stmichaelpenkivelpc.org.uk. Letters should be sent to: Mrs Amanda Kendall, Parish Clerk, Foxleigh, Treviglas Lane, Probus, Truro, TR2 4LH.

What we do when we receive a request

It is important that we only disclose personal data to the correct person. When you submit a request we will first check that we have enough information to be sure of your identity. Often we will have no reason be uncertain, for example, if we have regularly corresponded with you. However, if we have good cause to be uncertain of your identity we can ask you to provide any evidence we reasonably need to confirm your identity. For example, we may ask you for a piece of information held in your records that we would expect you to know, a witnessed copy of your signature or proof of your address.
If the person requesting the information is a relative/representative of the individual concerned, then the relative/representative is entitled to personal data about themselves but must supply the individual's consent for the release of their personal data. If you have been appointed to act for someone under the Mental Capacity Act 2005, you must confirm your capacity to act their behalf and explain how you are entitled to access their information.
If you are the parent/guardian of a child under 13, we will need to consider whether the child can provide their consent to you acting on their behalf.
Should you make a data subject access request but you are not the data subject, you must stipulate the basis under the Data Protection Act that you consider makes you entitled to the information.
Where the records containing your personal information also contain personal information about a third party, this will be removed from any information provided unless that person has agreed to it being included.

Fees

Information you have requested will be provided free of charge unless the request is considered to be "manifestly unfounded or excessive" (see further information below), in which case a reasonable fee may be charged.

A reasonable fee may be charged for supplying further copies of the same information that you have previously been supplied with. Any fee charged will be based on the actual administrative cost of providing the information.

When can you expect a response?

We will aim to provide you with the information you have requested as soon as possible and at the latest within one month of the receipt of the request. This timescale can be extended by up to three

months if the information requested is complex or numerous, and in this case you will be told within one month how much extra time is required and why.

How will I receive the response?

If you have submitted your request electronically, we will respond electronically wherever possible, unless you advise us that you wish to receive the response by another means. If you have submitted your response as a printed letter, we will respond in writing to the address provided.

Your rights in relation to your data

You are entitled to ask for your personal data to be corrected where you believe it is inaccurate. You are entitled to withdraw your consent to the processing of your personal data by the council. You are entitled to ask for your personal data to be deleted. However, if the processing is necessary to provide you with the service (or information) you have requested then withdrawal may mean you will not receive that service or information. We may also have a lawful reason why we need to continue processing your data. We will make it clear if this is the case and discuss your concerns directly with you before we stop processing your data.

Subject access requests which are "manifestly unfounded or excessive"

If we consider your request to be "manifestly unfounded or excessive", we can charge a reasonable fee or refuse to provide the information requested. We will only apply this provision in exceptional circumstances and if we think it is applicable we will inform you within one month of the date of the request why we believe your request to be unfounded or excessive. You will have the right to complain to the Information Commissioner's Office and/or to apply to the courts to force disclosure and for compensation.

Complaints

Complaints about the way your request has been handled should be addressed to: Mrs Amanda Kendall, Parish Clerk, Foxleigh, Treviglas Lane, Probus, Truro, TR2 4LH, Email – clerk@stmichaelpenkivelpc.org.uk Telephone – 01726 883614. If you are dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner. There is no charge for making an appeal. The contact details are: The Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF Email – casework@ico.gov.uk Telephone – 01625 545745 or 0303 123 1113 (local rate)