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East Dunbartonshire Council

www.eastdunbarton.gov.uk

Subject Access Request Guide for Applicants

Introduction

You are receiving this document because you have made a request to obtain the personal information held about you by East Dunbartonshire Council.

What is personal data?

The UK General Data Protection Legislation (UK GDPR) describes personal data as “data which relate to a living individual who can be identified –

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.”

Your personal data is the information which allows you to be identified, either on its own or along with other information that may be found. It is information about you, who you are and your actions.

What is a Subject Access Request

UK GDPR gives you the right to request access to the information held about them by an organisation. This can be a request for a copy of your personal data, also known as a Subject Access Request (SAR). The right is wider though, giving you the ability to request additional information about the way your information is held.

What is a Subject Access Request Form

Under the legislation the Council must take steps to confirm the identity of the individual making the request. This is to ensure that we are sending the correct information to the correct person.

For this reason the Council has produced a Subject Access Request form which asks for all the information we need in order to provide you with your information. In addition to the completed form the Council must also see a proof of identity and a proof of address as evidence.

What am I entitled to?

You are entitled to be told if any personal data are held about you and, if so:

- Confirmation that your personal information is held by the Council
- The categories of the personal data
- A copy of that personal data
- Details on why it is being used
- Who it has been/ will be shared with
- How long it will be held for
- The source of the information
- Details of your rights to rectification, erasure and objection (explained in this Guide)
- If the Council uses computer systems to make judgements or take decisions about you
- An electronic copy of the information

- Your right to complain to the Information Commissioner's Office

The Council is obliged to provide this information to you within a month of receiving your request. The Council can extend the timescale to respond to your request to three months if your request is unusually large and/ or complicated or if you have submitted repeated requests.

If a request is clearly unreasonable, by being vast in scope or is a repeatedly made request, then the Council can charge you a reasonable fee for providing the response. The Council may also refuse your request on these grounds. Again, the reason for this would be explained to you clearly.

Is there any information to which I am not entitled?

You have a right to access the information held about you by East Dunbartonshire Council. However, you do not have a right to obtain the personal information of another person. This would include the information of other family members. If information within your personal data would identify another individual then it may not be disclosed to you unless we have managed to gain consent from that person or it is reasonable in all the circumstances to disclose that information. Where possible we seek to redact information relating to other individuals while retaining as much relevant to you as we can.

Other information may also be exempt from disclosure under the Act, for example information that:

- Information that harms the prevention and detection of crime or apprehension or prosecution of offenders
- personal information already available for example through public registers
- confidential references given by the Council
- personal information that would prejudice negotiations
- examination scripts
- personal information that is subject to legal professional privilege
- Personal Information which Social Work or Education professions consider would be significantly harmful to release

Requests by Individuals who were in Local Authority Care

East Dunbartonshire Council is determined to ensure that any of its former residents who seek access to their records are provided with appropriate support to do so. We are committed to engaging openly and providing appropriate support to those seeking information about their childhood care experiences.

Should you require information from your time in care the Council will ensure that we provide all the support you require to assist you with your request. You may choose to have the support of;

- Your own Social Worker
- A nominated Social Worker
- Additional direct support from the child care and placement team
- Support from an independent agency

What if I'm not happy with the response?

If the Council has failed to respond to your satisfaction, information is missing or is incomplete, write to the Freedom of Information/Data Protection Officer explaining your concerns at:

Freedom of Information/Data Protection Officer
East Dunbartonshire Council,
Legal & Democratic Services
12 Strathkelvin Place
Kirkintilloch
G66 1TJ
Tel: 0300 1234510

dpo@eastdunbarton.gov.uk

If you are still unhappy you can contact the UK Information Commissioner as ask him to assess the Council. He can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
www.ico.org.uk

You may also take your complaint to the Sheriff Court who can order the Council to comply with the Act.