

DATA PROTECTION ACT 1998 – SUBJECT ACCESS: INFORMATION TO DATA SUBJECTS

The Data Protection Act 1998 gives Data Subjects the right of access, subject to certain exemptions; to manually held and computer held records. Data Subjects may request access to their records for a variety of reasons. In addition should a Data Subject feel that the record is incomplete or incorrect then the Council has a responsibility to ensure that the record is corrected.

APPLICATION FOR ACCESS

An application for access to a record may be made to the Council by any of the following:

- a) The Data Subject.
- b) A person authorised in writing to make the application on the Data Subject's behalf.
- c) Where Data Subject is a child and incapable of making a request on his or her own behalf, a person having parental responsibility for the Data Subject.
- d) Where the Data Subject is incapable of managing his / her own affairs any person appointed by a court to manage those affairs.

REQUEST FOR ACCESS

Should you wish to make a formal application for access to any part of your record then please complete the attached form and return it to:

David Akehurst – Information Officer
Corporate Development,
Reigate & Banstead Borough Council,
Town Hall,
Castlefield Road,
Reigate
RH2 0SH

TIMESCALES

Access must be given **within forty days** of a valid request for subject access being received. A request is deemed to be a valid request when the Council has received:

- a) Sufficient information for us to satisfy ourselves of the identity and authority of the requestor and to enable us to locate the information you seek.
- b) The required fee.

CHARGES

An application fee of **£10** will be charged.
(cheques should be made payable to 'Borough of Reigate & Banstead')

SAFEGUARDS AND EXEMPTIONS

The Act recognises that there will be circumstances where information can and should be withheld. Access shall not be given to any part of a record where:-

- a) in the case of medical data, it is the opinion of a medical professional that the information is likely to cause serious harm to the physical or mental health of the Data Subject or of any other individual.
or
- b) information relates to or was provided by an individual other than the Data Subject, who could be identified from the information, unless the individual concerned has consented to the application.
or
- c) data is held for the purpose of prevention or detection of crime, or the apprehension or prosecution of offenders **and to disclose the data would be likely to prejudice one or both of these purposes.**
or
- d) personal data is exempt from the subject access information provisions if the data consists of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

These are the main exemptions but others that are present in the Act may apply.

Where an application is made by an individual who is not the Data Subject, then access shall not be given to any part of the record which, in the opinion of the holder, would disclose:

- e) Information provided by the Data Subject in the expectation that it would not be disclosed to the applicant.
or
- f) Information obtained as a result of any investigation to which the Data Subject consented in the expectation that the information would not be disclosed.

DATA PROTECTION ACT 1998 – SUBJECT ACCESS REQUEST

(Please complete in block capitals)

NAME OF SUBJECT

Surname

First Name(s)

ADDRESS OF DATA SUBJECT

Current

.....

Previous (if less than 2 years at current address)

.....

Telephone Number

The Council uses personal data for the purposes shown below. Please tick the relevant box for the personal data that you wish to access.

Environmental Health and Consumer Protection.....

Council Tax Collection.....

Housing Benefits.....

Planning.....

Car Parking Services administration.....

Other (please specify).....

The Data Subject's identity must be confirmed by sending **one** of the documents listed below. These must be original as photocopies cannot be accepted.

- Full valid driving licence
- Birth certificate or, Certificate of Registry or, Adoption certificate
- Valid current Passport

The Data Subject's address must also be confirmed by sending **one** of the documents listed below. These must be original.

- Gas, electricity, water or telephone bill in the Data Subject's name for the last quarter
- Council Tax demand in the Data Subject's name for the current financial year
- Bank, Building Society or credit card statement in the Data Subject's name for the current period

Reigate & Banstead Borough Council will return all documents as soon as possible by recorded delivery. If you deliver your documents in person we will return them to you after verification.

WARNING

You are advised that the making of false or misleading statements in order to gain access to personal records to which you are not entitled is a criminal offence.

Delete as applicable

I am the Data Subject named above / I am acting on behalf of the person named above:-

- If you are NOT the Data Subject, please complete the following details, **and include written and signed consent of the Data Subject**

Surname..... First name(s).....

Address.....
.....

Relationship to data subject.....

I declare that the following information given in this form is correct to the best of my knowledge.

Signature..... Date.....

(we recommend that you send your form and documents by Recorded Delivery)

- I wish you to telephone me/ write to me* to arrange a time to view/collect * copies of my records

*** Delete as appropriate.**