

Data Protection Act 1998

Subject Access Request



Some things to note before completing this form:

- Cornwall Council charges a £10 processing fee for each Subject Access Request and per Data Subject, ie, the person the request is about. Therefore, if a couple submit one form requesting their joint information, the charge will be £20 as we have to perform searches under both individual names. Payment can either be sent with this form by cheque or postal order made payable to "Cornwall Council" or by cash or debit card at one of our One Stop Shops.
- Two forms of **original** identification (or certified copies) must be provided with this form and will be returned to you via First Class Signed For delivery. If you would rather not send original documentation through the post, you can either take it to one of our One Stop Shops where our staff will make and certify a copy for you free of charge or alternatively solicitors and some Post Office branches provide this service but will charge a fee.

NB: Please **do not** send documentation that you have photocopied or printed yourself as we cannot accept these as true copies and this will delay your request.

- We cannot provide copies of school records - you will need to contact the school direct for access to these.
- If your request relates to the personal data of a deceased person, you cannot use this form as the Data Protection Act 1998 only applies to living individuals; you will need to use our appropriate form for requests made under the Freedom of Information Act 2000.

Section 1 – About you

Full name:

Have you been known by any other name?

Yes

No

If Yes, please provide below as this can help us locate your information

Other name:

Address:

Postcode:

Tel no:

in case we need to contact you before starting your request

Email address:

Date of birth:

Are you the Data Subject (the person who the requested information is about)?

Yes

No

If No, please ensure you also complete Section 2

Are you a current employee of Cornwall Council?

Yes

No

If Yes, please provide your payroll number:

continued over

Section 1 – About you (continued)

We need you to supply two forms of proof of your identity and a £10 processing fee (unless you are requesting data held about you whilst you were a child in our care for which there is no processing fee). We can only accept original documents or certified copies. If you send us your original documents, we will return them as soon as possible via First Class Signed For delivery.

Please supply one of the following original documents, or a certified copy, to confirm your identity:

- Birth certificate
- Driving licence
- Passport

and one of the following original documents, or a certified copy, dated within the last 3 months to confirm your address:

- Utility bill
- Bank statement
- Benefits agency correspondence

Section 2 – Requesting data on behalf of someone else

Data Subject's full name:

Have they been known by any other name?

- Yes No If Yes, please provide below

Other name:

Their address:

Their postcode:

Their date of birth:

In addition to the requirements stated in Section 1 regarding proof of your identity, you must also provide evidence of A) the Data Subject's identity and B) your right to request their data on their behalf before we can start processing your request.

A) Please select below your relationship to the Data Subject:

- Parent Other relative Social Care/Health Professional
 Solicitor Other, please specify:

Please supply one of the following original documents, or a certified copy, to confirm their identity:

- Birth certificate
- Driving licence
- Passport

and one of the following original documents, or a certified copy, dated within the last 3 months to confirm their address:

- Utility bill
- Bank statement
- Benefits agency correspondence

or if you are a practising solicitor, barrister or FCILEx, a written undertaking you have verified their identity.

- B) •** If the Data Subject is over the age of 13 years you must provide either written or legal authority to act on their behalf. This can be either a letter signed by the person themselves or an official document showing you have legal authority to act on their behalf, eg, a Lasting Power of Attorney (LPA).

NB: Please note there are two types of LPA (Property and Financial Affairs and Health and Welfare) so please ensure you provide the correct one for each data type you are requesting, eg, if you are requesting social care records and details of housing benefit you will need to provide an LPA for both Health and Welfare and Property and Financial Affairs.

- If the Data Subject is under the age of 13 years you will need to prove that you have parental responsibility for them. If you are providing their full birth certificate as proof of identity for Section 2A which shows your name as a parent that is sufficient to also satisfy requirement 2B. If not, in addition we will need the document that awards you parental responsibility, eg, a Court Order.

Section 3 – The data

Please provide a description of the personal data that you require. If you know which department or council officer it may be held by, please let us know as this will help us to locate your information more quickly.

Please provide the date range you would like us to search:

From:

To:

Section 4 – Declaration

The declaration below is to be completed by the requestor, ie, the person identified in Section 1 of this request. Please be aware that misrepresentation may result in prosecution - knowingly or recklessly attempting to obtain personal data to which you are not entitled is an offence under Section 55 of the Data Protection Act 1998 and is punishable by an unlimited fine.

I,

certify that the information given on this form is true. I understand that it may be necessary for the Council to obtain further information in order to validate my request and locate the correct information and confirm that I have enclosed all of the following:

- 1 x proof of my identity and 1 x proof of my name and address (originals or certified copies)
- Processing fee of £10 per Data Subject

If you are not the Data Subject, we will also need:

- 1 x proof of their identity and 1 x proof of their name and address (originals or certified copies)
- Written or legal authority to show you act on behalf of someone over 13 years of age or proof you hold parental responsibility for someone under 13 years of age (originals or certified copies)

Signed:

Date:

Please return the completed form to:

**Data Protection
Corporate and Information Governance Team
4th Floor North
Cornwall Council
County Hall
TRURO
TR1 3AY**

Section 5 – Additional information about your request

Please read the following before submitting your application:

- Under the Data Protection Act, the Council has 40 calendar days in which to process your request once original/certified ID has been received, verified and accepted and the appropriate payment has been made.
- When making an application on behalf of a person who is unable to understand the Subject Access Request process, you must do so with their best interests only in mind.
- The Council reserves the right to refuse a request if the release of personal information to another party is believed not to be in the best interests of the Data Subject.
- The Council respects your right to privacy and is committed to protecting it in accordance with the Data Protection Act 1998. The Council will use details on this form to process your request.
- Staff in directorates that may hold relevant information will be provided with the information on this form to help them locate and review your information.
- In some circumstances we may need to forward personal details provided by you in your application to third party agencies in order to obtain permission to release information relating to them.
- By completing and submitting this application you consent to the Council sharing your information with relevant third parties unless otherwise indicated.
- In accordance with section 7 (3) of the Data Protection Act 1998, the Council is not obliged to comply with your request unless you have provided enough information to locate the information you seek. If you have not provided us with enough detail, you may be contacted for further clarification.
- In accordance with section 9A (3) of the Data Protection Act 1998, the Council is not obliged to comply with Subject Access Requests if the time it would take to locate and retrieve the requested information would exceed the appropriate limit set by the Fees Regulations 2004. If we are unable to extract all the relevant records within this time limit, you may be contacted to narrow the scope of your request.