



**DARLINGTON**

Borough Council

# Request Procedure

**2022**

## Contents

<b>1. Introduction</b> .....	3
<b>2. Data Protection Officer</b> .....	3
<b>3. How do I make a request?</b> .....	3
<b>3.1 Telling us what you want</b> .....	4
<b>3.2 What if I am unable to make a request in writing?</b> .....	4
<b>3.3 Proof of identification</b> .....	4
<b>3.4 What if I do not have proof of identification?</b> .....	4
<b>3.5 How can I contact you?</b> .....	4
<b>4. What will I get from the Council?</b> .....	5
<b>4.1 Will I always get what I ask for?</b> .....	5
<b>5. Can I see information about other people?</b> .....	5
<b>5.1 Requests for access to information about a child</b> .....	6
<b>5.2 Requests for information made on behalf of an adult</b> .....	6
<b>6. How long will it take to get a response?</b> .....	7
<b>7. How will the information be given to me?</b> .....	7
<b>8. Assistance</b> .....	7
<b>9. What will happen once I have made a request?</b> .....	9
<b>10. What if I'm not happy with the response to my request?</b> .....	10
<b>11. Recording and reporting</b> .....	11
<b>12. Record-keeping and sharing data</b> .....	11
<b>13. Additional information</b> .....	11
<b>Appendix 1</b> .....	12

## 1. Introduction

Article 15 of the UK General Data Protection Regulations (GDPR) gives you a right of access to your personal data.

## 2. Data Protection Officer

The Data Protection Officer (DPO) processes all requests, can provide information about this procedure in other formats and can help you make a request.

We log and acknowledge requests, liaise with the relevant service(s) to gather the information, check files for third party and other exempt information and then collate the files. We then prepare and issue the final response. The Data Protection Officer who is not involved in the day-to-day processing of requests, would also investigate any complaints in this area.

We are also the central point of contact for the Information Commissioner's Office (the regulator of the GDPR).

You can contact the Data Protection Officer by telephone, e-mail, in writing, by video call, in person or by any other reasonable means.

**Telephone:** (01325) 406777

**E-mail:** [dataprotection@darlington.gov.uk](mailto:dataprotection@darlington.gov.uk)

**By post or in person:** Data Protection Officer, Town Hall, Darlington, DL1 5QT

***N.B. Please arrange an appointment prior to visiting so that we can ensure that someone is available to meet with you.***

## 3. How do I make a request?

We would appreciate requests in writing. You must:

- Describe the information you want; and
- Provide proof of identification.

### **3.1 Telling us what you want**

You need to specify the information you want so that we can locate it. You can use our form to make your request (see appendix 1). If you prefer, you can send us a letter or e-mail to request access to your information.

### **3.2 What if I am unable to make a request in writing?**

If you are unable to make a request in writing, please contact us and we will make arrangements to help you make your request.

### **3.3 Proof of identification**

We ask for proof of identification so that we can make sure that you are entitled to the information. We ask that you provide a photocopy of:

1. Something official with your photograph on, for example, your passport, driving licence, works ID badge, etc; and
2. Something with your address on, for example, a recent bank statement or bill (with the financial details blacked out if you prefer).

### **3.4 What if I do not have proof of identification?**

We ask for proof of identification so that we can make sure that you are entitled to the information. If you do not have proof of identification, it does not mean that you cannot make a request. We may, however, ask you to come into the Town Hall so that we can confirm your identity.

### **3.5 How can I contact you?**

By post:

Data Protection Officer  
Darlington Borough Council  
Town Hall  
Darlington  
DL1 5QT

By e-mail: [dataprotection@darlington.gov.uk](mailto:dataprotection@darlington.gov.uk)

Telephone: (01325) 406777

You can also visit us at the Town Hall, although we ask that you make an appointment so that we can make sure that someone is available to see you.

## **4. What will I get from the Council?**

We will provide you with one copy of the information we hold. Further copies can be made available for a reasonable charge. If it is not clear from the documents you are given, we will also provide:

- The purposes of your processing;
- The categories of personal data concerned;
- The recipients or categories of recipient you disclose the personal data to;
- The retention period for storing the personal data or, where this is not possible, the criteria for determining how long you will store it;
- The existence of your right to request rectification, erasure or restriction or to object to such processing;
- The right to lodge a complaint with the ICO or another supervisory authority;
- Information about the source of the data, where it was not obtained directly from you;
- The existence of automated decision-making (including profiling);
- The safeguards we have in place if we your transfer personal data to a third country or international organisation.

We may have already provided much of this information in our privacy notice.

### **4.1 Will I always get what I ask for?**

There may be reasons why we cannot provide the information that you have asked for, for example, if it contains personal information about someone else, if we think that giving you the information would harm you or if there are ongoing court proceedings. If we tell you that we cannot provide the information you want, we will tell you why.

If you do not agree with our decision, you can ask us to reconsider our response. Please see the section 'What if I'm not happy with the response to my request?'

## **5. Can I see information about other people?**

You only have the right to access your own personal information. You do not have an automatic right to access personal data about other people, e.g. your family, friends. You may, however, be able to make a request on behalf of another person if:

- You are the parent of a child under the age of 12 years;
- You have written permission to make a request on behalf of someone else;

- You are have Power of Attorney or an order from the Court of Protection, which gives you the right to make the request on behalf of someone who does not have capacity to make the request themselves; or
- We believe it is in the best interests of someone who does not have capacity to make the request themselves.

Even if you meet these requirements we may need to ask you for more information before we make a decision about whether to disclose information to you. This is because we have a duty to keep personal data confidential.

## **5.1 Requests for access to information about a child**

### ***Children 12 years and older***

Children over 12 years old are generally mature enough to decide who should be able to see information about them. As such, they should make the request themselves.

If you submit a request on your child's behalf, we may contact your child and ask for their permission to give their information to you.

### ***Children under 12 years old***

You have the right to ask for access to your child's records if they are under 12 years old. We may, however, need to consider whether it is in your child's best interests to disclose their records to you.

## **5.2 Requests for information made on behalf of an adult**

### ***Where permission is given by the individual***

If you have permission to make a request on behalf of someone else, we will ask you to provide us with a signed letter from that person telling us that they are happy for us to give their information to you.

If you are a solicitor making a request on behalf of your client, we will ask you to provide us with a signed form of authority.

### ***Where the individual does not have capacity to make the request themselves***

If you are acting on behalf of someone who does not have capacity to make a request, we will ask you to prove that you have the authority to do so (e.g. Power of Attorney or an order from the Court of Protection).

If you do not have formal permission, we will consider whether responding to the request is in the person's best interests. If we have reason to believe you are not acting in that person's best interest we will refuse your request and inform you of the reason for our decision. If we refuse your request and you are not happy with

our decision you can ask us to reconsider our response. Please refer to the section called 'What if I'm not happy with the response to my request?'

## **6. How long will it take to get a response?**

We have one month to respond to a request. The timescale starts from the day after we receive the request and proof of identification).

We will calculate the time limit from the day after we receive the request (whether the day after is a working day or not) until the corresponding calendar date in the next month.

For example, if we receive a request on 3 September. The time limit will start from the next day (4 September). This gives us until 4 October to comply with the request.

That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. If we need to extend the timescale we will inform you within one month of the date we receive your request.

If we are unable to meet the deadline, we will contact you to let you know. We may also be able to discuss the possibility of providing you with the information in stages. We recognise that failing to provide you with a response by the deadline breaches the requirements of the GDPR so we will make every effort to try and make sure that this does not happen.

## **7. How will the information be given to me?**

Where you make your request by electronic means we will provide you with a response in a commonly used electronic format, unless you ask otherwise. We prefer not to send personal information through the post and ask you to come in and collect the information from the Town Hall once it is ready.

If you do not live in Darlington or there is some other reason why you cannot come into the Town Hall, we will make alternative arrangements.

## **8. Assistance**

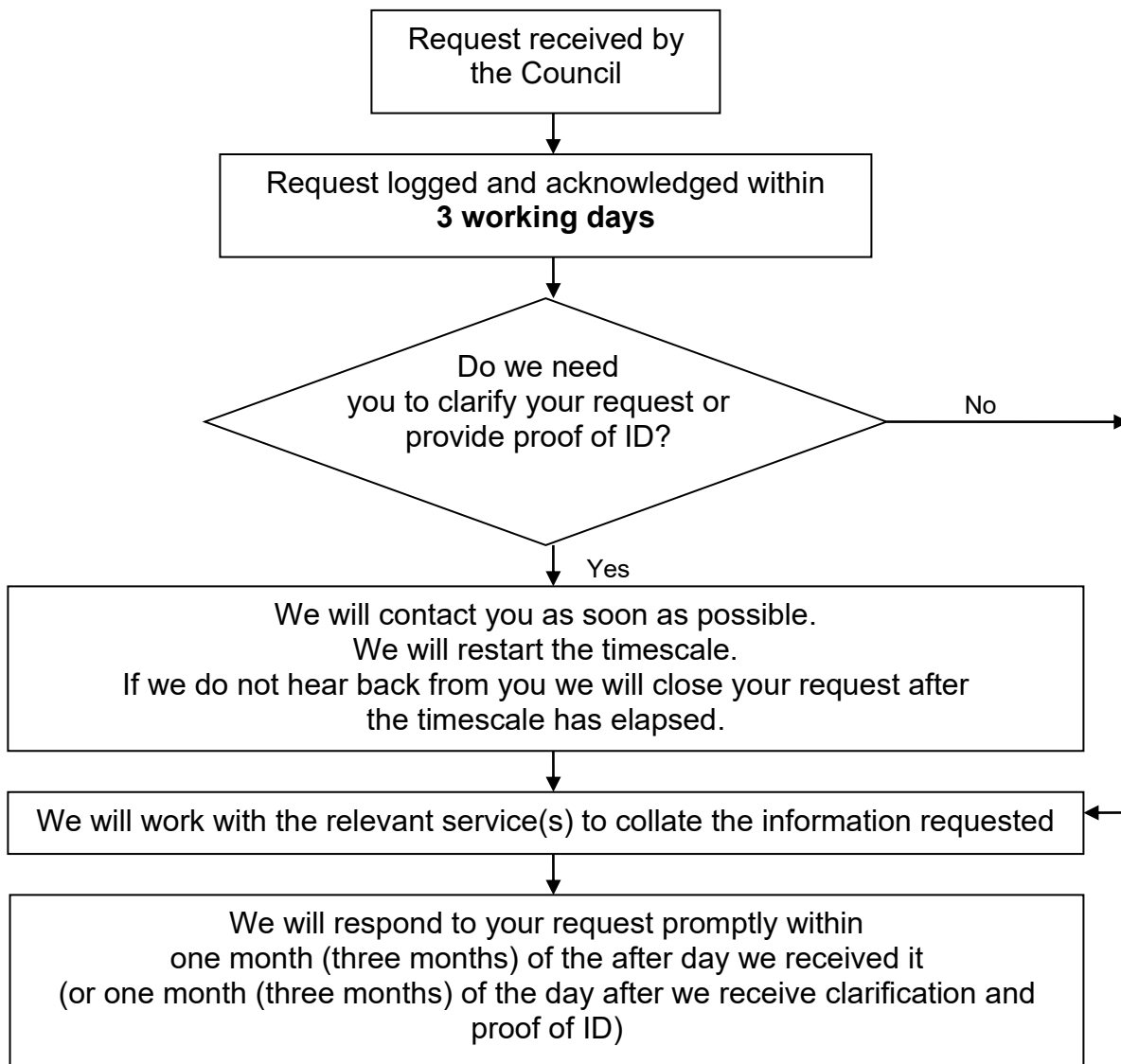
If you have difficulties reading or understanding the information that we disclose to you, we can provide support, such as arranging for someone to go through the information with you or providing interpreters.

In circumstances where we believe that the information is particularly distressing, we may offer you emotional support or signpost you to services who can offer emotional support.



## 9. What will happen once I have made a request?

### At a glance: what happens when I make a request?



We will send you an acknowledgement within three working days of receiving your request. In the acknowledgement letter, we will let you know when you can expect a reply (this will be one month (three months) from the day after we receive your request).

If we need you to clarify your request or provide proof of identification, we will contact you as soon as possible. In this case, we will place your request on hold until we hear back from you. If you do not reply to us, we will contact you again to remind you that we need clarification. If we do not receive clarification from you within one month we will close your request without responding. If you do provide us with clarification, the one month (three months) timescale will restart from the day after you provide it.

Once we are clear about the information you want and have proof of identification, we will work with the service(s) to collate the information.

You will receive a response to your request as soon as possible and, in any case, within one month (three months) of the day after we receive it (or within one month (three months) of day after we received clarification/proof of identification).

## **10. What if I'm not happy with the response to my request?**

If we do not provide you with the information that you have requested, or we remove some information, you can discuss the matter with the Data Protection Officer.

You can also contact the Information Commissioner's Office (ICO). The ICO monitors how we deal with requests and can ask us to justify our decisions. You can contact the ICO at:

Address: Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: (01625) 545700

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

Enquiries: [www.ico.gov.uk/Global/online\\_enquiries.aspx](http://www.ico.gov.uk/Global/online_enquiries.aspx)

## **11. Recording and reporting**

We will record information about requests to ensure that we are dealing with requests in line with the GDPR and this procedure. We may also use this information to identify trends. We will anonymise any statistical information.

## **12. Record-keeping and sharing data**

We will keep an electronic file containing your request, e-mails between services, records of telephone calls about your request and, finally, the response letter.

We will scan any letters that you send in and save them in the electronic file. We will dispose of the original letter in the confidential waste.

We will scan any paper files that we use to respond to you into the electronic file and then dispose of the paper copy, unless there is a lot of information and it will take a long time to scan it, in which case we will store the paper copy in a locked cupboard. If the file is an original we will send it back to the service once we are finished with it.

We will keep the electronic files (and paper files if appropriate) for three years and then securely dispose of them. We will keep statistical information about requests for as long as we need it.

We may share information about you with other council officers so that we can deal with your request. If you submit a complaint to the ICO, we will provide them with information about your request and any additional information that may help them to decide whether we have handled your request appropriately.

We will store your information securely and process it in accordance with the requirements of the GDPR.

## **13. Additional information**

The Information Commissioner's Office website:

<http://www.ico.gov.uk/>

UK GDPR

[2018-03-05\\_Keeling\\_Schedule.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672222/2018-03-05_Keeling_Schedule.pdf)

Data Protection Act 2018

[Data Protection Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2018/52/section/1)

## Appendix 1



### Darlington Borough Council Request form

#### Guidance for applicant

Please complete this form as fully as possible and then return it to:

By post: Data Protection Officer

Darlington Borough Council  
Town Hall  
Darlington  
DL1 5QT

By e-mail: [dataprotection@darlington.gov.uk](mailto:dataprotection@darlington.gov.uk)

You can also deliver the form to us by hand by visiting the Town Hall. We do, however, ask that you make an appointment before coming in so that we can make sure that someone is available to see you.

You must also provide proof of identification and proof of address. Please provide a photocopy of **something with a photograph of you**, such as a driving licence, works ID badge or passport. Please also provide a photocopy of **recent correspondence addressed to you**, such as a utility bill or bank statement (you can black out any financial information). If you do not have proof of identification or proof of address, please contact us and we will make alternative arrangements.

You can find more information about requests in our Request Procedure, which is available on our website at:

<http://www.darlington.gov.uk/Generic/dataandfoi/dataprotection/subjectaccess.htm>

Please fill in your details in BLOCK CAPITALS below

<b>Title</b>	
<b>First name</b>	
<b>Last name</b>	
<b>Current address</b>	
<b>Postcode</b>	
<b>E-mail address*</b>	
<b>Home telephone number*</b>	
<b>Mobile telephone number*</b>	

\*You do not have to provide us with these details but it will make it easier for us to contact you if we need to discuss your request. We will not pass on your contact details to anyone without your permission.

Are you requesting information about someone other than yourself?

No  Yes

If no, please provide the following information about yourself:

<b>Date of birth</b>	
<b>Other names</b> (e.g. your maiden name, adopted name, etc)	
Any <b>reference numbers</b> that you are aware of that the Council may use in relation to you	

It would also be helpful if you could provide the following information (this is optional, you don't have to provide it but may help us find your information if you do):

<b>Your mother's maiden name</b> and any other names she may have been known by	
<b>Names of your siblings</b>	

If you are requesting information about someone other than yourself, please provide the person's details below. Please use BLOCK CAPITALS:

<b>Title</b>	
<b>First name</b>	
<b>Last name</b>	
<b>Current address</b>	
<b>Postcode</b>	
<b>Date of birth</b>	
<b>Other names</b> (e.g. their maiden name, adopted name, etc)	
Any <b>reference numbers</b> that you are aware of that the Council may use in relation to you, e.g. social care case reference number	

<b>If you are requesting information on behalf of a child, do you have parental responsibility?*</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes, please provide us with a copy of the child's birth certificate or a copy of your proof of parental responsibility order
<b>If you are requesting information on behalf of an adult, do you have permission to act on their behalf?*</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>  Please provide us with evidence, for example, a signed letter giving you permission to act on the

	individual's behalf or a copy of any legal documentation giving you the power to act on the individual's behalf
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\*Please note that if you are unable to provide evidence, we may not be able to provide you with the information requested.

Please tell us which services you want us to check for information:

- Children's Social Services
- Adult Social Services
- Housing (tenancy files)
- Housing Benefits
- Council Tax
- CCTV\*
- Other (please specify)

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\*If you want access to CCTV footage, we may need a photograph to enable us to identify the footage you want, for example, a recent photograph of you or a photograph of your vehicle, etc. We will let you know if this is the case.

Date range that you would like the information to cover:

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If you are able to provide any further information to help us identify what you want, please provide details below:

Please read the following statements and then sign below to confirm that you have understood them and that you are happy with the way we will handle your information.

- We will only use the information that you have provided in this form to process your request.
- We may share the information internally with the services that you have told us you want us to check for information.
- We will not share the information with any other internal services without your permission.
- We will not share the information with any external organisations without your permission.
- We will save a scanned copy of your form in our electronic files.
- We will save either a paper or electronic copy of the information we provide in our files.
- We will delete the information from our files three years after your request is closed.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Print name \_\_\_\_\_