



Information That Relates to Other People

Under the UK Data Protection Act 1998, you are only entitled to see information that is held about you. There may be occasions when your information is combined with information about other individuals or with information other individuals have provided about you.

When processing your request we may inform these other people that you have made a subject access request and provide any other relevant information relating to your request. We may contact them for their consent to release information that relates to them. Unless they consent to the disclosure of their information to you, or if it is reasonable in all the circumstances to comply with the request without their consent, we are entitled to withhold the information about other individuals from you.

Correction or Deletion of Inaccurate Information

If we send you a copy of the information that we hold about you, and any of it is inaccurate or misleading as to any matter of fact, you have the right to have it corrected or deleted.

Please inform us of this as soon as possible so that we can take the necessary steps to consider your request, and take appropriate action.

If you have any queries or need assistance with making a request for your information, please contact:

Information Compliance Team

Torbay Council
Town Hall
Castle Circus
Torquay
TQ1 3DR

Telephone: 01803 207467

Email: infocompliance@torbay.gov.uk

The UK Data Protection Act 1998

‘Subject Access’ Your Right to See Information About You

You can ask the Council for some information about yourself as a normal day-to-day business enquiry, such as how your benefit claim is progressing, or how many library books you have on loan and when they are due for return. We may carry out security checks to ensure that you are who you say you are, and that you are entitled to the information, then the information will be disclosed to you.

You also have a legal right under the UK Data Protection Act 1998 to be informed about whether or not any information is held about you, and, if there is, to see a copy of it. This is known as your right of Subject Access.

Unless any exemptions apply, you have the right to receive from us a copy or description of the information that we hold which relates to you (this is known as your ‘personal data’).

This information may be held electronically (for example on computer, CCTV, video or audio recordings), or in paper records.

We will provide the information to you in permanent form (such as a paper copy), unless the supply of such a copy is not possible; would involve disproportionate effort; or you agree otherwise.

We will also provide a clear explanation of any technical terms or abbreviations used within the information we give you.

You also have the right:

- To be informed about the purpose(s) for which the information is processed e.g. "the information you have given will be used to assess your eligibility for a concessionary bus pass."
- To be informed about the source(s) of information, and recipient(s) or classes of recipients to whom we may have disclosed your information. e.g. "information given to Council Tax may also be used by Housing Benefit." or "information may be disclosed to the Police for the purposes of detecting and preventing crime."

If any 'automatic' decisions (decisions made by computers/systems without any human intervention) have been made about you by computers in the Council, you also have the right to be informed about how these decisions were made. **Torbay Council does not use such systems at present**, but we may do in the future. If you would like to receive this additional information you should mention this specifically when you make a subject access request.

We are obliged to reply promptly to your subject access request, within 40 calendar days, provided that you have paid the necessary fee. If we ask you for additional information to deal with your request, the 40 day countdown does not start until this additional information has been received.

We calculate the 40 day time limit from the day on which we have received from you:

- The required fee of £10 payable in advance. Cheques should be made payable to 'Torbay Council'. There is no charge for employees of the Council who wish to make a subject access request.
- The necessary information to confirm your identity. Two forms of Identity are required. A photocopy of any of the following items: birth certificate; marriage or civil partnership certificate; driving licence (photocard or paper); passport; two different utility bills (e.g. gas, electricity or water).

- Sufficient information to help us locate the information that you have requested (e.g. letting us know which department within the Council holds your information).
- If you would like to see school records, you should contact the Headteacher of the school direct as we do not deal with these requests.

How to Make an Application to See Your Information

All requests should be made using our subject access request application form, which is available on our website at: www.torbay.gov.uk. If you do not have access to the website and would like us to send you a paper copy, please contact the Information Compliance Team (01803) 207467.

Please provide as much information as you can to help us locate the information you request. For example, how far back in time you would like us to search; by providing names of members of staff who you have been in contact with; letting us know of specific areas in the Council where you think that information about you may be held.

The information that you provide to us on the form will only be used to manage and administer your request and carry out searches within Torbay Council (and/or external organisations where necessary) for information that is held about you.

Requests on Behalf of Other People

You can ask someone to act on your behalf and they may make a request for you. We will then send a copy of information held about you to them. Alternatively you can make a request on behalf of someone else (for example an elderly relative). In both these situations, we would also require an "Authorisation of Agent" form, also available on our website. We need to use these forms so that we do not give out personal details to the wrong person.

If you make a request on behalf of a child we may make additional enquiries to confirm that you have parental responsibility before releasing information to you. This may involve discussing your request with staff members within the Council or with relevant external organisations such as the Court Service.