

General Data Protection Regulation (GDPR) and Data Protection (DPA) Act 2018

Rights of Access, Rectification and Erasure Request



Some things to note before completing this form:

- 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 Information Service offices where our staff will make a certified 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** scan or photocopy documents yourself as we cannot accept these and it will delay your request
- For access to CCTV footage of yourself/someone you represent, we will require a recent facial photograph.
- For access to CCTV footage/ANPR data of your vehicle, we will require evidence of ownership.
- We cannot provide copies of educational records - you will need to contact the relevant school direct for access to these.
- We cannot provide any information relating to pre-adoption records through this process - you will need to request these through the Registration Service
- If your request relates to the personal data of a deceased person, you cannot use this form as the GDPR and DPA 2018 only apply to living individuals.

Section 1 – About you

Full name:

Have you been known by any other name?

No Yes (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 information we hold is about)?

Yes No (If No, please ensure you also complete Section 2)

How would you like to receive your copy of the information (data access requests only)?

Secure email **OR** Hard copy sent via Signed For delivery (please select only one option)

Section 1 – About you (continued)

We need you to supply two forms of proof of your identity. 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.

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

- Birth certificate
- Driving licence
- Passport

B) Please also supply 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

C) A recent facial photograph if you are requesting CCTV footage of you or someone you represent

D) V5 Vehicle Registration Document if you are requesting CCTV footage/ANPR data of a vehicle

(please note you can only request this if you or the person you represent, were in the vehicle at the time)

Section 2 – Making a request on behalf of someone else

Data Subject's full name:

Have they been known by any other name?

- No Yes (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 make this request 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

A) Personal data held in files (paper and electronic form)

Please provide a description of the personal data that you either require access to, or rectification/erasure of. If you believe the information we hold is inaccurate or incomplete or you are requesting that we erase it, please tell us why and enclose documentation to evidence this where possible. If you know which service area holds your information, please let us know as this will help us to locate it more quickly.

The date range you would like us to search:

From:

To:

OR

B) CCTV footage/ANPR data of you or a vehicle in which you were present

NB: The GDPR/Data Protection Act 2018 only applies to living individuals, not property, so we can only release this information if you (or the person you represent at Section 2) are in the footage or were in the vehicle at the time it was recorded.

Are you requesting:

CCTV footage

ANPR data (vehicles only)

If relating to a vehicle:

Reg No:

Make and model:

When was the footage recorded?: *(Please note, CCTV footage is retained for a maximum of 3 months)*

Date:

Time from:

to:

Description of incident (if relevant) and location, eg, name of road, junction, Cornwall Council premises, etc:

Section 4 – Privacy Notice

Please read the following before ticking the box to consent to us processing your information

- The Data Controller for the information you provide on this form is Cornwall Council, County Hall, Treyew Road, Truro TR1 3AY. Our Data Protection Registration Number is: Z1745294.
- If something on this form is unclear or you need help before you can complete it, please contact the Data Protection team on Tel: 01872 326424 or Email: dataprotection@cornwall.gov.uk
- Information you provide on this form will be used solely to process your request and will be held securely at our premises and/or on our electronic network for a period of 2 years after completion of the request. It will not be transferred outside of the EEA or used for marketing purposes.
- We will need to share this information with authorised staff in other areas of the council in order to locate the information you are requesting access to or rectification/erasure of. In some circumstances we may also need to forward it to third parties in order to obtain their permission to release information we hold about you if it was originally provided by them. We will not share it with any other organisation unless required to do so by law.

Under GDPR and the DPA 2018 you have the right to:

- - access information that we hold about you or have it rectified if it's inaccurate or incomplete (but you will need to provide evidence before we can do so)
- - have your information erased where we don't have a legal requirement to retain
- - withdraw your consent if you no longer wish us to process this request
- - restrict how we process your information, ie, object to us using your information for marketing or research purposes or in relation to a legal task or in the exercise of an official authority
- - request that a person reviews an automated decision where it has had an adverse effect on you
- If you would like to exercise these rights, please complete and submit this form with the appropriate documentation or, if you have concerns regarding the way we have processed your information, please contact The Data Protection Officer, Cornwall Council, County Hall, Treyew, Truro, TR1 3AY
Tel: 01872 326424 Email: dpo@cornwall.gov.uk
- Please refer any complaints to us initially so we can try to put things right. However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your data rights, you can raise your concerns with the Information Commissioner's Office Tel: 0303 123 1113
<https://ico.org.uk/concerns/>

Section 5 – Additional information about your request

- Under the General Data Protection Regulation and Data Protection Act 2018, the Council has **30 calendar days** in which to process your request once original/certified identification has been received, verified and accepted and enough information to locate the data that has been requested; only then will this timescale come into force. You may also be contacted for further clarification before we can start your request.
- When making an application on behalf of a person who is unable to understand the Rights of Access, Rectification and Erasure process, you must do so only with their best interests in mind. Cornwall 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.

Section 6 – 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 the Data Protection Act 2018 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 Cornwall 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:

- Proof of my identity (original or certified copy)
- Proof of my name and address (original or certified copy)
- Evidence to support a request to rectify or erase your data if applicable
- V5 Registration Document (original or certified copy, requests for vehicle CCTV footage/ANPR data only)
- Recent facial photograph (requests for CCTV footage of a person only)

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

- Proof of their identity (original or certified copy)
- Proof of their name and address (original or certified copy)
- 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 (original or certified copy)

Consent to process personal data:

- I confirm that I have read and understood the Privacy Notice at Section 4 and consent to the information provided on this form being processed for the purposes of complying with this request and that without consent, Cornwall Council will be unable to proceed with my request.

Signed:

Date:

Please send this completed form and supporting documentation to:

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

If you do not understand something we are asking for or have any questions about the completion of this form, please email us at dataprotection@cornwall.gov.uk or telephone us on 01872 326424