

WHPC Meeting 7th February 2023

Agenda Item 23/046

Residents Communication: To consider the Information Commissioner's Office decision on a Subject Access request by a resident to a Councillor.

Purpose

1. To record the receipt of resident's correspondence and the ICO findings against a West Hill Parish Councillor
2. To consider the residents' requests:
 - a. The next Parish Council meeting considers in public this letter (redacted of personal information/identifiers) and a copy is made available to the community when the agenda is published.
 - b. The Council, Councillors and public are made aware of Councillor Bennett's failure to comply with a statutory requirement, as deemed by the Information Commissioner's Office.
 - c. The view of the Council on such a failure by Councillor Bennett is recorded.
 - d. That Councillor Bennett is asked to explain what positive contributions he has made during his time as a Councillor that justify his statement of being "extremely busy with Council business, as none are apparent from the Council minutes.

Parish Clerk

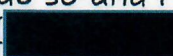
1st February 2023



Dear Ms Oliver, Clerk West Hill Parish Council,

Failure of Councillor Bennett to comply with data protection legislation.

I believe it is important that the West Hill Parish Council and the electorate of West Hill are made aware that the Information Commissioner's Office has found that Councillor Bennett had not complied with his obligations under data protection law.

The law required Councillor Bennett to provide the requested information within one calendar month. He failed/refused to do so and I made a complaint to the Information Commissioner's Office () to which they responded on 17th January 2023.

Circumstances:

Following Councillor Bennett stating he was keeping files I made a written subject access request of him, a Councillor and Data Controller, for the personal data and supplementary information he held about me. This request was made under Article 15 General Data Protection Regulation and sent to the Councillor's home address by Royal Mail Special Delivery. The letter was returned to me unopened marked 'Refused'. I then emailed a copy of the letter to Councillor Bennett's West Hill Parish Council email account on the 7th July 2022.

Councillor Bennett responded on 11th July 2022 stating, *'As an elected Councillor of West Hill Parish Council, I accept my individual responsibilities as a Data Controller. However, I am extremely busy with Council business, and I have no administrative support. It will take some time to respond in full but I will endeavour to do so within a month from 7th July. If any copies are to be provided in printed form then I will have to make a charge for any administrative costs'*.

Following an exchange of correspondence I received a letter from Councillor Bennett dated 25th July 2022 in which he stated, *" I consider the amount of time and my limited resources to search for all requested material would be manifestly excessive. I also consider you are vexatious in the circumstances. I therefore reject your request on the grounds of it being manifestly excessive. You may request a review which will require a*

much refined request". This response clearly implies he holds extensive material relating to me.

I wrote a reply (28th July 2022) to Councillor Bennett in which I stated, " I am dissatisfied with your refusal to my reasonable request, and I now give you an opportunity to reconsider your refusal and the unfounded reason".

Councillor Bennett in an email (29th July 2022) sent a one sentence reply, "You have my response and I will not engage further with you on this matter".

The matter was then referred to the Information Commissioner's Office. They apologised for the delay in responding by stating, "We are currently receiving a large amount of correspondence into the office which is affecting our response times".

I ask:-

- ❖ The next Parish Council meeting considers in public this letter (redacted of personal information/identifiers) and a copy is made available to the community when the agenda is published.*
- ❖ That Council, Councillors and public are made aware of Councillor Bennett's failure to comply with a statutory requirement, as deemed by the Information Commissioner's Office.*
- ❖ The view of the Council on such failure by Councillor Bennett is recorded.*
- ❖ That Councillor Bennett is asked to explain what **positive** contributions he has made during his time as a Councillor that justify his statement of being 'extremely busy with Council business', as none are apparent from Council Minutes.*

Yours Sincerely,

