

<b>Report to:</b>	QSMTM Q2
<b>Report by:</b>	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
<b>Meeting Date:</b>	03 November 2021
<b>Subject/ Title:</b>	Subject Access Requests Report 2021-22 VC159065
<b>Attached Papers</b>	Summary table and outcomes of requests

## Purpose of report

1. This Committee Report (CR) is required under the Key Document C1 Governance Reporting Arrangements and its purpose is to inform the Senior Management Team (SMT) about subject access requests received and dealt with in Q2 of 2021-22.

## Recommendation and actions

2. It is recommended that:
  - (i) the SMT notes the contents of this CR
  - (ii) the SMT notes that the information in this CR regarding the number of subject access requests received has been uploaded to the FOI and EIR Statistics Portal
  - (iii) the publications arrangements set out in paragraph 25 are agreed.

## Executive summary

3. The right of access, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data as well as other supplementary information. This helps individuals to understand how and why we are using their data and also enables them to check we are doing this lawfully. Requests are forwarded, on receipt, to the most appropriate member of staff for a response. We maintain a record of all subject access requests in our case management system.
4. We have previously considered subject access statistics along with requests for information and requests for review statistics for the purposes of our reporting systems. However, from the financial year 2020-21, subject access statistics are reported separately from information request statistics.

## Subject access requests received

5. In Q2, 9 subject access requests were received.
6. The statistics for 2021-22 are set out in the table below, as well as the comparative figures for 2020-21:

	2020-21	2021-212	% increase/decrease
Number received Q1	3	3	No change
Number received Q2	4	9	<b>125%</b>
Number received Q3	5		
Number received Q4	8		
Total	20	12	

## Subject access requests analysis

7. Breakdown of subject access requests dealt with by each quarter in 2021-22:

	2020-21	2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total
Total received	20	3	9			12
Total closed	19	3	10			13

8. There was 1 open case from 2020-21 which was carried forward to 2021-22 and closed in Q1 of 2021-22.

9. There were no open subject requests at the end of Q1 2021-22.

10. The following outcomes for 2021-22 were recorded:

	2020-21		2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total	%
Granted in full	11	58%	3	4			7	54%
Refused - no proof of ID	0	0%	0	0			0	0%
Refused - manifestly unfounded/excessive	2	11%	0	1			1	8%
Refused - exemption applied	1	5%	0	1			1	8%
Partially refused	1	5%	0	3			3	23%
Information not held	2	11%	0	1			1	8%
Fee not paid	0	0%	0	0			0	0%
Withdrawn	1	5%	0	0			0	0%
Erasure - granted	1	5%	0	0			0	0%
<b>Total</b>	<b>19</b>	<b>100%</b>	<b>3</b>	<b>10</b>			<b>13</b>	<b>100%</b>

11. The timescales and targets for responding to subject access requests are set out in the Key Document C7 Performance and Quality Framework 2021-22:

Description	Target	2021-22 Q1	2021-22 Q2	2021-22 Q3	2021-22 Q4	2021-22 Total
Requests to be responded to in a calendar month	100%	100%	100%			100%

12. In 2021-22, to date, we have met our target of responding to all subject access requests within one calendar month.

## COVID-19 pandemic

13. Our priority as an organisation has been to continue to provide key services and guidance within available resource while safeguarding the health, safety and wellbeing of our members of staff.

14. Since temporarily closing our office premises on 23 March 2020 and putting in place our business continuity arrangements, we have maintained operational output within the constraints imposed by limitations on access to paper records stored in the office premises. This has included ensuring subject access requests are responded to, as far as possible, in line with our data protection procedures.

## Risk impact

---

15. We have policies and procedures in place providing detailed guidance on how to respond to subject access requests to ensure that such requests are appropriately managed and responded to. These policies and procedures mitigate against the risk of not complying with our statutory duties and responsibilities.
16. A failure to respond to a subject access request within the statutory timescales would have an adverse impact on the Commissioner's reputation and could result in a complaint being made to the ICO. The policies and procedures that are in place mitigate this risk.
17. This CR contributes towards the control measures aimed at reducing the likelihood and impact of risk relating to information governance and data protection.

## Equalities impact

---

18. There is no direct equalities impact arising from this report.

## Privacy impact

---

19. There is no direct privacy impact arising from this report.

## Resources impact

---

20. Responding to subject access requests can be demanding on staff time due to the research that may be required to identify relevant information and the deadlines for response.

## Operational/ strategic plan impact

---

21. The guidance and procedures for handling subject access requests aim to ensure consistency of approach across the office and improve the efficiency of the process.

## Records management impact (including any key documents actions)

---

22. Guidance to staff on handling and responding to subject access requests is set out in the Key Document C5 Data Protection Policy and Handbook.

## Consultation and Communication

---

23. QSMTM minute and publication of CR.
24. A report on subject access requests is included in the Annual Report.

## Publication

---

25. This CR and attached papers should be published as follows:
  - (i) the CR should be published in full;
  - (ii) the summary table should be published in full in our Guide to Information/Class 7;



- (iii) the outcome of requests table contains personal data and is withheld on the basis that section 38(1)(b) of FOISA would apply if a request were, at this stage, to be made for the information.