

Report to:	QSMTM Q3 2022-23
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
Meeting Date:	26 January 2023
Subject/ Title:	Subject Access Requests Report Q3 2022-23 VC179776
Attached Papers	<ul style="list-style-type: none"> • Summary table • 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 and provide an analysis to the Senior Management Report (SMT) on the subject access requests received and dealt with in Q3 2022-23.

Recommendation and actions

2. It is recommended that the SMT:
 - (i) notes the contents of this CR
 - (ii) notes that the information in this CR regarding the number of subject access requests received has been uploaded to the FOI and EIR statistics platform
 - (iii) agrees the publication arrangements set out in paragraph 26.

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.

Subject access requests received

4. In Q3, 4 subject access requests were received.
5. The statistics for 2022-23 are set out in the table below, as well as the comparative figures for 2021-22:

	2021-22	2022-23	% increase/decrease
Number received Q1	3	11	266%
Number received Q2	9	1	89%
Number received Q3	2	4	100%
Number received Q4	9		
Total	23	16	

Subject access requests analysis

6. Breakdown of subject access requests dealt with by each quarter in 2022-23:

	2021-22	2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total
Total received	23	11	1	4		16
Total closed	23	12	0	5		17

7. There was 1 open case at the end of Q4 2021-22 which was carried forward and closed in Q1 2022-23.

8. 9 requests closed in Q1 & Q3 2022-23 were from 1 requester.

9. There were no open subject requests at the end of Q3 2022-23.

10. The following outcomes for 2022-23 were recorded:

	2021-22		2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total	%
Granted in full	11	49%	8	0	3		11	64%
Refused - no proof of ID	0	0%	0	0	0		0	0%
Refused - manifestly unfounded/excessive	3	13%	0	0	2		2	12%
Refused - exemption applied	1	4%	0	0	0		0	0%
Partially refused	6	26%	1	0	0		1	6%
Information not held	1	4%	3	0	0		3	18%
Fee not paid	0	0%	0	0	0		0	0%
Withdrawn	1	4%	0	0	0		0	0%
Erasure - granted	0	0%	0	0	0		0	0%
Total	23	100%	12	0	5		17	100%

11. The timescales and targets for responding to subject access requests are set out in the Key Document C7 Performance and Quality Framework 2022-23:

Description	Target	2022-23 Q1	2022-23 Q2	2022-23 Q3	2022-23 Q4	2022-23 Total
Requests to be responded to in a calendar month	100%	100%	N/A	100%		100%

12. In 2022-23, to date, we have met our target of responding to all subject access requests within one calendar month.

13. As no cases were closed in Q2 2022-23, there were no cases to measure against targets.

COVID-19 pandemic

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

15. Our office premises re-opened in May 2022 and hybrid working is in place. We continue to maintain operational output which includes responding to subject access requests in line with our data protection procedures.

Risk impact

16. 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.
17. 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.
18. This CR contributes towards the control measures aimed at reducing the likelihood and impact of risk relating to information governance.

Equalities impact

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

Privacy impact

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

Resources impact

21. 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

22. 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)

23. Guidance to staff on handling and responding to subject access requests is set out in the Key Document C5 Data Protection Policy and Handbook. A planned review of the key document is due to take place in March 2023.

Consultation and Communication

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

Publication

26. This CR and attached papers should be published as follows:
 - the CR should be published in full with the QSMTM papers
 - the summary table should be published in full in our Guide to Information/Class 7



- the outcome of requests table contains personal data and should be 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.