

<b>Report to:</b>	QSMTM Q3 2023-24
<b>Report by:</b>	Helen Gardner-Swift, Head of Corporate Services (HOCS) Liz Brown, Finance and Administration Manager (FAM)
<b>Meeting Date:</b>	14 February 2024
<b>Subject/ Title:</b>	Subject Access Requests Report Q3 2023-24 VC200896
<b>Attached Papers</b>	<ul style="list-style-type: none"> <li>• Summary table</li> <li>• Outcomes of requests</li> </ul>

## 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 2023-24.

## 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 21.

## 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, 3 subject access requests were received.
5. The statistics for 2023-24 are set out in the table below, as well as the comparative figures for 2022-23:

	2022-23	2023-24	% increase/decrease
Number received Q1	11	1	91%
Number received Q2	1	8	700%
Number received Q3	4	3	25%
Number received Q4	8		
<b>Total</b>	<b>24</b>	<b>12</b>	

## Subject access requests analysis

6. The table below shows the breakdown of subject access requests dealt with by each quarter in 2023-24:

	2022-23	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Total received	24	1	8	3		12
Total closed	23	3	8	2		13

7. The following should be noted:

- there were 2 open cases at the end of Q4 2022-23 which were carried forward and closed in Q1 2023-24.
- 1 subject access request case, received on the 13 December 2023, was open at the end of Q3 2023-24.

8. The outcomes to date in 2023-24 are recorded as set out in the table below:

	2022-23		2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total	%
Granted in full	13	57%	1	6	1		8	62%
Refused - no proof of ID	0	0%	0	0	0		0	0%
Refused - manifestly unfounded/excessive	2	9%	2	1	0		3	22%
Refused - exemption applied	0	0%	0	0	0		0	0%
Partially refused	1	4%	0	0	1		1	8%
Information not held	6	26%	0	0	0		0	0%
Fee not paid	0	0%	0	0	0		0	0%
Withdrawn	1	4%	0	1	0		1	8%
Erasure - granted	0	0%	0	0	0		0	0%
<b>Total</b>	<b>23</b>	<b>100%</b>	<b>3</b>	<b>8</b>	<b>2</b>		<b>13</b>	<b>100%</b>

9. The timescales and targets for responding to subject access requests are set out in the Key Document C7 Performance and Quality Framework 2023-24:

Description	Target	2023-24 Q1	2023-24 Q2	2023-24 Q3	2023-24 Q4	2023-24 Total
Requests to be responded to in a calendar month	100%	100%	100%	100%		100%

10. In Q3 2023-24, we met our target of responding to all subject access requests within one calendar month.

## Risk impact

11. 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.
12. 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.

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

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## **Equalities impact**

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

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## **Privacy impact**

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

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## **Resources impact**

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16. 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.

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## **Operational/ strategic plan impact**

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17. 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.

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

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

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## **Consultation and Communication**

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19. QSMTM Q3 minute and publication of CR.
20. A report on subject access requests is included in the Annual Report.

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## **Publication**

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21. This CR and attached papers should be published as follows:
- the CR should be published in full
  - 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.