

Subject Access Request Procedure

Purpose
<p>The purpose of this procedure is to provide clear and consistent instructions for the handling of a subject access request (SAR) throughout its' end-to-end lifecycle from request through to closure.</p>
Scope
<p>The scope of this procedure covers all SARs as defined in the Data Protection Act (2018).</p> <p>This procedure is to be used by members of the Information Assurance and Data Protection (IADP) branch members</p> <p>This procedure is applicable to all the core Scottish Government Directors General (DG), Directorates, Divisions and Branches.</p>
Prerequisites
<p>This procedure is based upon the guidelines for Subject Access Requests provided by the Information Commissioner's Office (ICO). These guidelines can be found on the ICO website, www.ico.org.co.uk.</p> <p>It is expected that IADP branch members are familiar with the guidance provided by the ICO.</p>
Responsibilities & Third Party Involvement
<p>This procedure provides instructions for the responsibilities of the following:</p> <ul style="list-style-type: none">• SAR requester• IADP branch• Relevant Scottish Government Divisions and Branches
Procedure Steps
<p>The procedure has been broken down into various steps. Each step will have associated work instructions.</p> <p>The identified steps are listed:</p> <ul style="list-style-type: none">• Request• Validation, clarification & acknowledgement• Request(s) to search• Management of request(s) to search• Redaction• Collation• Release

Subject Access Request Procedure

This procedure is supported by the use of eRDM Connect. In the appendix, there are the links to how to use eRDM, IADP team guidance and an overall process map for eRDM Connect. Links are also contained in the following steps to support the existing use of eRDM connect.

1. Request

1.1 The following are the main channels used to receive a SAR:

- External email
- Online request from the Scottish government website [Request personal data: form - gov.scot \(www.gov.scot\)](http://www.gov.scot)
- Internal email from a Scottish Government resource (employee, contractor, etc.)
- Phone
- Social media or a verbal request

1.2 There may be occasions when the requester is acting on behalf of a data subject. In these circumstances, we should seek to ensure that the appropriate approval has been provided by the data subject, i.e. legal representation.

2. Validation, clarification & acknowledgement

2.1 There are two main elements of the validation process:

- Validate the nature of the request, e.g. is it a SAR?
- Validate the identity of the requester

2.2 SAR Validation

Before taking any further actions, it is essential to determine the precise nature of the request. The following activities will assist you:

- Is it a request for personal data?
- Is the data held by the Scottish Government or an Executive Agency (EA) or another public body, e.g. Police, Prison service, NHS or a local authority? A list can be found in the appendix. If this is the case, we should provide assistance and guidance to direct the requester to the correct body
- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 01b - request is for another organisation details - Objective ECM \(scotland.gov.uk\)](#)

2.3 Requester not data subject

Subject Access Request Procedure

There are occasions when a SAR is made by a data subject's friend, family or legal representative. In such circumstances, it is expected that we establish that there is current mandate in place before proceeding with a SAR.

2.4 ID Validation (Data Subject)

It is essential that the identity of the requester is validated. If the request is made by the actual data subject then we need to confirm their identity. This can be done by:

- Photo ID, e.g. current passport or driving licence
- Pre-existing business relationship (this can be determined by checking with the relevant branch)
- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 01 - request for proof of identity details - Objective ECM \(scotland.gov.uk\)](#)

2.5 ID Validation Follow-up

If the requester does not respond within a reasonable timeframe with proof of identity, e.g. 2 weeks. It is recommended that we follow-up the original request.

- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 05 - letter chasing proof of ID details - Objective ECM \(scotland.gov.uk\)](#)

2.6 Request related to a child

If the request for data is related to a child, there are specific guidelines on the ICO website that can be consulted to determine the appropriate steps to take. The following templates have been created within eRDM Connect

- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 09 - requesting proof that a parent can act on behalf of their child over 12 details - Objective ECM \(scotland.gov.uk\)](#)
- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 10 - requesting proof that a parent can act on behalf of their child under 12 details - Objective ECM \(scotland.gov.uk\)](#)

2.7 Clarification

There are occasions when a SAR is for specific dates or timeframes or about a specific topic. Any items related to a clarification should be addressed in a timely manner with the data requester.

- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 04 - request for clarification details - Objective ECM \(scotland.gov.uk\)](#)

2.8 Once, we have satisfied all the earlier points an acknowledgement letter with a deadline date is sent to the data requester

Subject Access Request Procedure

- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 02 - acknowledgement letter giving deadline date details - Objective ECM \(scotland.gov.uk\)](#)

3. Request(s) to Search

3.1 If the SAR contains any specific named contact names or branch details these should be used when requesting data

3.2 When using the eRDM global search, it is recommended to search by either the named individual or the branch name.

3.3 A good source of information is the MiCase system

3.4 A list of internal contacts to request data is contained within the appendix section. The following template is used:

- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 03 - email to business area to conduct a search for information details - Objective ECM \(scotland.gov.uk\)](#)

4. Management of request(s) to search

4.1 A request(s) to search should be no longer than 10 working days (2 calendar weeks).

4.2 A reminder to be sent after 5 working days (1 calendar week).

4.3 the SAR spreadsheet should be updated to manage the request to search requests.

4.4 If there is no response from a business area the appropriate escalation steps should be discussed.

5. Redaction

This is a key step to ensure that any response provided by the data requester does not compromise the data privacy of another data subject.

The majority of data redaction will be performed by the relevant branch.

5.1 Redaction guidelines

General redactions guidelines can be found on Saltire [Redacting information](#)

The IADP branch should provide advice and guidance to

- Business area to perform redaction

Subject Access Request Procedure

5.2 Redaction tools

The main redaction tool is Adobe Acrobat Pro. However, it is expected that redaction functionality within eRDM will be made available within the Scottish Government.

5.3 Quality Assurance Checks

It is expected that any quality assurance checks are performed by the relevant branch before responding to the IADP branch. This would require some review and approval by the relevant manager(s) before returning to the IADP branch.

5.4 The four areas that need to be considered are:

- Un redacted personal data
- Over redaction
- Exemptions
- Redacted text cannot be made visible

6. Collation

6.1 All the responses are collated in the ERDM Connect folder.

6.2 A check should be made to ensure that all the relevant documents are in the folder before moving to the next step.

7. Release

7.1 The following template is sent to the data subject once all quality checks have been performed:

- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 15 - invitation to Objective Connect details - Objective ECM \(scotland.gov.uk\)](#)

7.2 In the rare instances that all documentation is to be provided as hard copies, the IADP branch will need to make the necessary arrangements for printing and secure delivery.

There is no legal obligation to provide hard copies, but this can be done in situations such as: requester has accessibility issues; or has originally written to us by post and does not have internet access.

If working remotely release can be arranged by contacting the Atlantic Quay house team: AccHouseTeamEBAQHH@gov.scot. We should provide the Cost Centre – 311446 – and request the document is sent first class and signed for on delivery.

If working in the office documents can be printed and hand-delivered to that building's mailroom, again including the Cost Centre.

Subject Access Request Procedure

The following template is to be included in the delivery package with the documents:

- [Data Protection \(DP\) - Subject Access Request \(SAR\) - 0000 - Template - 14 - send with disclosed document details - Objective ECM \(scotland.gov.uk\)](#)

7.3 Advise the area(s) that submitted the documents of the retention plan for the released items (as below), and that this does not affect their own retention schedules. Use template document 16 if necessary.

8. Retention of documents

8.1 After discussion with the team it was decided that documents will be retained on the following schedule:

- Accessible to the data subject for one calendar month in the Objective Connect folder
- Following that month expiring, retained for a further 3 calendar months to allow review or handling of a complaint.
- This does not impact on or reflect the retention periods of the areas which originally held the data, who should maintain their own retention schedules.

8.2 Once the first month of access has expired, remove the requester and rename the document 'Retained prior to deletion – SAR 2021-XX'

8.3 After the subsequent 3 months have expired delete all documents, run an audit report on the Workspace, and save report to the main SAR folder.

Troubleshooting and Frequently Asked Questions (FAQ)

To be developed

Procedure Review(s)

It is recommended that this procedure is reviewed on an annual basis or whenever there is a major change in one of the steps, e.g. introduction of a new tool or significant organisational change