



**Scottish Housing  
Regulator**

**Internal Procedure  
Handling Subject Access Requests**

**August 2020**

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## **1. Purpose**

This note sets out our internal procedures for how we will deal with subject access requests seeking personal data held by SHR about an individual.

## **2. Definitions**

2.1. 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 (the supplementary information is that provided within our [Privacy Policy](#)).

2.2. Requests can be made verbally or in writing. We must provide all such information in a readable form within one calendar month of receipt of the request. The Information Commissioner's Office (ICO) guidance provides an explanation of [what is personal data](#).

## **3. The Law**

3.1. Individuals have the right to access their personal data under the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

## **4. Roles and responsibilities**

4.1. Subject access requests received from tenants, service users or other interested parties will be handled by the Regulation Group portfolio holder for the associated landlord, depending on the context of the request, or by Strategy and Communications for requests relating to staff or Board members.

4.2. Requests submitted directly to SHR by post or through the SHR mailbox will be passed on to all ADs by the admin team. Subject access requests submitted to a specific team or individual should be passed on, if appropriate, to the relevant team for action

4.3. Requests received should also be flagged to Strategy and Communications for monitoring and reporting purposes.

4.4. The Regulation Analyst (Governance Manager for S&C requests) will gather the information required to respond to the subject access request, conduct the initial sift of the information for exemptions and draft the response.

4.5. The Regulation Manager (Head of Performance and Planning for S&C requests) will review the information to be issued and to be withheld and agree the draft response.

4.6. The Divisional AD (S&C Director for S&C requests) will approve the final response letter for issue.

## **5. Receipt of subject access request**

5.1. When a request is received by SHR from an individual for access to their personal information the person responsible for handling the request should immediately acknowledge and log on the [subject access request tracker](#).

5.2. To have a valid request, we must be content that the person making the request is the person to whom the personal data relates. In order to avoid personal data about one individual being sent to another person it may be [necessary to confirm their identification](#) before issuing our response. The person responsible for handling the request should seek identification from the individual with a signature and address to verify their identity. We can accept scanned copies via email to minimise any delays in responding to the request. However if we have had regular correspondence with the individual making the request and we have no doubts as to their identity, then we do not need to seek identification from them.

5.3. The one calendar month period will start from the date we have all the information to consider the request as valid, such as proof of identity. It is possible to [extend the period of compliance](#) by a further two months where requests are complex or numerous. If this is the case the individual must be informed of this, and the reason why, within one month of receipt of the request.

## **6. Gathering information**

6.1. The person handling the request should conduct a search of all internal documents and records for information relating to the requester. The search should cover information held on SharePoint, eRDM, the G-Drive and in hard copy files.

6.2. Information held within stored emails also fall within the scope of subject access requests so the person handling the request should also issue an SHR wide email to enquire if anyone holds any information within the scope of the request, or knows where information within the scope of the request is held.

## **7. Sifting information**

7.1. When all personal data relating to the subject access request has been gathered, this should be reviewed to identify any information that is outwith the scope of the request, or information that is subject to an exemption.

7.2. The ICO guidance sets out [what information should be supplied](#) and the [exemptions](#) that may apply.

7.3. The guidance contains advice about dealing with [personal data relating to third parties](#) within the information about the requestor. This is not automatically exempt from

release but should be considered on a case by case basis, including seeking consent from the third party where appropriate.

7.4. When only parts of the information are subject to exemptions, the exempt information should be redacted and the remaining information released to the requestor. Guidance is available on Saltire on [how to redact information](#).

7.5. The person dealing with the request should keep a [log of the information released and the information withheld](#), and the reasons. Copies of the information released and withheld should also be retained for the audit trail in the SAR eRDM file (object ref qA690424). The person handling the request should store the original request and copy of the data subject's ID, our response and any correspondence seeking clarification, the log of information released and withheld and the clean and redacted copies of the information provided in the eRDM file.

## **8. Issuing response**

8.1. When all information to be released has been identified, this should be sent to the requester with a [brief cover letter](#) that refers to their right to go to the ICO if they are not content with the response. The final response should be approved by the AD (S&C Director for S&C requests) prior to issue.

8.2. Where possible, information should be released in the preferred format of the requester, i.e. if they have asked for electronic copies then we should scan the information (unless it is impractical to do so) and issue the response by email. Responses to subject access requests should be sent by recorded delivery when issuing in hard copy.

## **9. Requests for review**

9.1. If the requester is unhappy with the response they should be directed to contact the [Information Commissioner's Office](#). The ICO may contact us to seek further information if they receive a concern about the way we have handled a request. These are sent directly to the Iain Muirhead, the ICO named contact. Iain will then discuss and agree the response to the ICO with the portfolio holder who handled the original request.

## **10. Further advice and guidance**

10.1. Further information on handling subject access requests is available on the [ICO website](#) and the Data Protection section on [Saltire](#).