

Subject Access Requests



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

How the Scottish Children's Reporter Administration will deal with your request for personal information



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Who is this guidance for?

This guidance is for all those who would like to make a request to the Scottish Children's Reporter Administration (SCRA) for their personal information (a subject access request), and for those who have already made such a request.

SCRA is working with Who Cares? Scotland to improve how we deal with subject access requests, and in particular how we provide a more personalised approach. Who Cares? Scotland's Records Access Campaign calls for greater ease of access for care-experience people to their records¹. This guidance has been produced in consultation with the Who Cares? Scotland Campaign Team. We have also consulted with the Information Commissioner's Office (ICO), which is responsible for enforcing data protection law in the UK.

What is SCRA?

SCRA is part of the Children's Hearings System. SCRA's main functions are to employ Children's Reporters and to administer Children's Hearings. It is the job of the Children's Reporter to investigate referrals of children where there are concerns for their welfare and decide whether to arrange a Children's Hearing for Orders to be made to protect them.

Why should I make a subject access request to SCRA?

People have different reasons for making subject access requests to SCRA. In our experience, it is generally because they want to find out what information SCRA holds on them, to find out why they were in care, to find out why their child has been referred to the Children's Reporter, or to check the accuracy of their records.

I'm not sure about whether to make a subject access request, who should I speak to in SCRA?

If you are not sure if you want to make a request or what to do, please get in touch with us. We can talk through it with you to make sure that you understand the process and what information SCRA may be able to provide. Our contact details are on pages 4 and 10.

What types of information does SCRA have?

The types of documents and information typically held by SCRA are summarised below (please note, there are differences between cases and individuals on what types of documents and information held and how many).

For information about children referred to the Children's Reporter, this can include:

- Correspondence between SCRA and families and other organisations (e.g. social work, schools, courts, solicitors, etc.).
- Reports from social work, police, safeguarders, schools, health professionals, residential care providers, third sector organisations, etc.
- Children's Reporter decisions

¹ Who Cares? Scotland (2019). Our Lives, Our Stories, Our Records. A records access campaign by care-experienced members of Who Cares? Scotland. <https://www.whocaresscotland.org/wp-content/uploads/2019/09/WCS-Report-Care-Records-Access-Campaign-August-2019.pdf>

- Statutory documentation – Records of Children’s Hearings Proceedings, Orders made by Children’s Hearings and courts, Grounds of Referral, etc.

Please note that SCRA holds its case files on children referred until the young person is 18 years old. For those older than 18 years, the local authority may still hold information including documents that originated from SCRA.

SCRA, as an employer, holds information about its staff members.

For details on all the information held by SCRA, please refer to our Record of Processing Activities - <https://www.scra.gov.uk/wp-content/uploads/2019/02/Record-of-Processing-Activities-v1.1.pdf>

Making a subject access request

Who deals with subject access requests in SCRA?

It is the Information Governance team in SCRA’s Head Office in Stirling. If you make your request to a local Children’s Hearings Centre, it will be passed onto the Information Governance team.

The SCRA Information Governance team is:

Gillian Henderson, Information & Research Manager
Stephen Eodanable, Data Protection Officer
Colette Cairns, Personal Information Officer
Gwen McNiven, Records & Information Officer
Nicola Baird, Information Assistant

How do I make a subject access request to SCRA?

There is no form to fill in. All you need to do is to ask for the information.

When making a request, we recommend that you contact us by email or by letter. This is so we can be sure what you are asking for and have an accurate record of it.

- You can email us at: Inforequest@scra.gov.uk This mailbox is checked several times a day so that we pick up and deal with requests quickly.
- Or send a letter to: Data Protection Officer, SCRA, Ochil House, Springkerse Business Park, Stirling FK7 7XE.

You can also contact SCRA in person at a local Children’s Hearings Centre². A member of SCRA’s staff will take a message from you. We will ask you to confirm that the message taken is accurate and clearly sets out your request.

Please provide a ‘phone number in case we need to contact you to discuss your request.

² The locations of Children’s Hearings Centres are listed on SCRA’s web site - <https://www.scra.gov.uk/contact-us/office-locations/>

Please be as clear as you can on what you are asking for, this will help us in locating the information and responding to you. If you are not sure what you are looking for, a member of the Information Governance team will discuss with you what types of information are held by SCRA and which may be available to you.

There is also guidance produced by the ICO on how to make effective subject requests - <https://ico.org.uk/your-data-matters/your-right-to-get-copies-of-your-data/>

I'm making a subject access request on behalf of someone else, what do I need to do?

Please contact us as above.

We will need proof that you acting on behalf of the individual.

- If you are solicitor we normally require a written request on headed paper, which confirms that you act for your client and are authorised to receive the information requested. In some cases a signed mandate from your client may also be required.
- If you are a friend or relative, we will need a statement from the individual that they give their permission for you to make this request and receive their personal information. We are likely also to request proof of identity of the individual. If we are unsure, we may contact the individual directly to double check that you are acting on their behalf.

Once we are sure that you represent the individual we will deal with the subject access request as described in this guidance.

Will SCRA charge for providing my information?

In most cases the information will be provided free of charge.

SCRA can charge a reasonable fee to cover the administrative costs of providing information that has already been provided or where the request is excessive or manifestly unfounded. However, SCRA could not levy any charge without contacting the requestor to let them know that a fee would be charged and the reasons why.

Do I need to provide ID?

We must protect your privacy and safety. This means that we need to be certain of who we are responding to so that we don't send personal information to someone who is not entitled to it.

We will usually ask you for two proofs of your identity (e.g. copy of passport, driving license, utility bill, CitizenCard, Young Scot Card, railcard, etc).

Sometimes we will not need to do this – for example, if you make the request in person to a member of SCRA staff who knows you.

We will retain copies of ID documents for 6 months. These are held in a secure folder that only the Information Governance Team has access to.

How SCRA will deal with your subject access request

We aim to provide a person centred approach. This means that we will tell you who in the Information Governance team is dealing with your request, and we will give you their contact details. The person dealing with your request will keep in touch with you throughout the subject access request process, and will follow up with you after.

Acknowledgement

We will acknowledge your subject access request in writing (by letter or email) within 3 working days of us receiving it.

If necessary, we will ask for copies of your ID and your postal address and/or email address at this stage. We will also ask you if you want to receive the information by post or email, or both.

If it is not clear to us what information you are looking for, we will get in touch with you to ask if you'd like to discuss this and for us to explain what types of information SCRA holds.

We cannot provide information that is held by other organisations and not by SCRA. If you request such information, we will explain which organisation you should contact to make a subject access request to.

How long will it take SCRA to respond to my request?

SCRA is obliged by law to respond within one calendar month of your request.

Where a request is complex SCRA can take an extra 2 months to complete the request but we will inform you within one calendar month if an extension is required. Examples of complex requests are often those involving information on multiple people, and/or where the information is held in different places and needs to be retrieved and collated.

If we cannot meet the one month or agreed extended timescale, we will contact you to explain why (e.g. we need to get permission from a health professional for us to provide their report to you, the large amount of information to be gathered and checked, etc.).

If we cannot provide all the information within a month, we will send you what we can within a month with the rest to follow. We will contact you to ask if you'd prefer to receive the information in this way or if you'd prefer to wait until it's all ready to send.

If the request is not complex and we have failed to respond to the request within one calendar month you have a right to complain to SCRA. If this does not resolve the issue, you have right to complain to the ICO (see page 8 for more on this).

Will information be redacted (taken out)?

SCRA has to balance the requestor's right to access against other's own information rights. In many cases this will mean that personal information about other people must be removed but not in all cases. Information about third parties will be disclosed where:

- The other individual has agreed to the information being disclosed to you;
- It is reasonable to give you this information without the other individual's consent; or
- It relates to those working in a professional capacity (e.g. name of Children's Reporter and their work contact details).

Information exempt from disclosure under data protection law will not be provided. Examples are where: SCRA has a duty of confidence; if legal professional privilege applies; if it is social work data and its disclosure would be likely to cause serious harm to the physical or mental health of any individual; and for confidential references.

We recognise that redaction can make documents difficult to read. We will minimise the amount of information that is redacted, whilst still meeting our requirements under data protection law.

If we redact information, we will:

- Tell you why the information has been withheld;
- Justify our decision for this; and
- Explain how you can challenge this outcome.

What information will be provided?

We will provide you with the information that is held by SCRA that you are entitled to receive under data protection law.

We will try to order the documents by date, so that it is easier for you to read your information.

We will provide a link to or a copy of SCRA's Privacy Notice³, to explain your data protection rights.

How will the information be sent to me?

When we acknowledge your request we will ask you if you would like to receive the information by email or by post (special delivery) or both.

If you do not have an email or postal address or, if you prefer, we also can arrange for you to collect the information in person from a Children's Hearings Centre.

The information will be sent to you in the way you ask. We may double check with you to make sure that the email or postal address we have is still correct before sending you the information.

If you wish to receive the information by post, we email or 'phone you when the information is posted, so that you know to expect it and that it will need to be signed for.

³ <https://www.scra.gov.uk/wp-content/uploads/2018/11/Privacy-notice-for-people-involved-in-the-Hearings-System.pdf>

What happens after I've received my information?

What support can I get?

We understand that some official documents can be difficult to read because they can contain jargon and legal language. Also for some requests, there may be a lot of information going back many years and it may be difficult to read through all this.

We will contact you around a week after the information has been sent to check that you received it and to ask if you have any questions about it. If you would like longer to go through the information, we can agree to contact you again to discuss it with you.

Please get in touch if you have any questions about the information we've sent you, and we will do our best to answer them.

What do I do if I'm not happy with how SCRA has dealt with my request?

Please first contact the Information Governance team (contact details on pages 4 and 10) to raise your concerns. A member of the team, who did not deal with your request, will investigate how it was dealt with. They will respond to you within 20 days on the outcome of their investigation.

If you are still not happy with how SCRA has dealt with your concerns, you can complain to the Information Commissioner's Office (ICO) about how SCRA has dealt with your request – <https://ico.org.uk/make-a-complaint/> or phone the ICO's Helpline – 0303 123 1113. The ICO will investigate SCRA and how we dealt with you.

The ICO has guidance on making a complaint - <https://ico.org.uk/make-a-complaint/your-personal-information-concerns>

Definitions

Scottish Children's Reporter Administration (SCRA) – is a national organisation which employs Children's Reporters and administers Children's Hearings - <https://www.scra.gov.uk/>

Case records held by SCRA – reports, correspondence and legal documents about the referral of children to the Children's Reporter and Children's Hearings processes. Most information on children's cases is held electronically in SCRA's Case Management System, and some information is kept in paper files. Our policy is that case information is held until a child is 18 years old. Sometimes SCRA will hold little information about a child. This is when there has been a recent referral and no Children's Hearing has been held yet.

Personal information or data - information about a person. This can include information about where they live, their health, relationships, family, religion, offences, education, etc.

Subject access request – a request you make for your own personal information or a request from someone who is acting on your behalf (e.g. your solicitor).

Subject access request for a child's personal information - Adults and children aged 12 years and over can make their own requests for their personal information. Parents (and others who are relevant persons) can request information on their child, if they are acting on their child's behalf. But, if a child is 12 years or over (or if younger than 12 and judged to have sufficient maturity) we usually need their consent before releasing information about them. SCRA will only provide a child's personal information to another individual who requests it if that person can demonstrate that they are acting on behalf of the child (this includes their parents).

Data protection law – your personal information is protected by law, and includes the right to make a subject access request. The main data protection laws are the General Data Protection Regulation (EU) 2016/679 and the UK Data Protection Act 2018. SCRA must comply with data protection law.

Information Commissioner's Office – the ICO is responsible for enforcing data protection law in the UK - www.ico.org.uk

Redacted – means the document is edited to remove other people's information.

Get in touch

- You can email SCRA's Information Governance team at:
Inforequest@scra.gov.uk
- Or send a letter to: Data Protection Officer, SCRA, Ochil House, Springkerse Business Park, Stirling FK7 7XE.

Go to SCRA's web site for more on how we:

Protect your privacy:

www.scra.gov.uk/contact-us/privacy-information/

Protect your information:

www.scra.gov.uk/contact-us/protecting-information/

How we deal with requests for information:

www.scra.gov.uk/contact-us/requesting-information/