

Subject Access Requests



SCOTTISH
CHILDREN'S REPORTER
ADMINISTRATION

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



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/2022/09/Privacy-Notice-September-2022-People-involved-in-the-Hearings-System-v2.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 1 and 9) 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: <https://www.scra.gov.uk/contact-us/privacy-information/>

Protect your information: <https://www.scra.gov.uk/contact-us/protecting-information/>

How we deal with requests for information: <https://www.scra.gov.uk/contact-us/requesting-information/>

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