

# Guidance for the redaction of SAR's

## **What is the Right of Access?**

The right of access, also referred to as subject access, gives individuals the right to obtain a copy of their personal data. It helps individuals to understand how and why the organisation are using their data, and enables them to check that the organisation are doing it lawfully. The Right of Access is enshrined within Data Protection Legislation.

Completion of Subject Access Requests for families open or known to children's social care currently falls to all the social work teams. A rota is in operation with all grade 9/10 managers on it.

## **Timescales:**

Timescale for completion starts when all the necessary identity documentation has been received. The customer care team will only log and allocate a case to a team once all the identity proof has been accepted. When a subject access request is received it must be acted upon without undue delay and at the latest within one month of receipt. The time limit should be calculated from the day after the request is received regardless of whether that is a weekend to the corresponding date in the next calendar month.

Information obtained from third parties should be released to individuals. The information should be redacted in the exactly the same way as we would redact documents produced by LBS and then disclosed. The only exception to this instruction would be information obtained from the police or legal advice.

Therefore all information barring the exceptions above should be provided. The rules about third party data apply only to personal data which includes both information about the individual who is the the subject of the request and information about someone else. This would include names, addresses and other identifiable information. For example if there is a letter from a grandparent then it would need to be redacted to take out any personal information relating to that or other persons in the letter.

Permission to share information belonging to another individual needs to be gained from those parties. Therefore parties need to be contacted and given time to respond. If they do not respond or do not give permission then their information will need to be redacted as noted above. 5 working days should be given to receive a response and this needs to be communicated to the person of whom the request has been made.

If a parent of a child aged 12 years or over requests access to that child's file, permission from the young person needs to be sought. This should be in writing from the young person

Good practice denotes you making contact with the person who has requested the file to advise of your role and also to check if there is anything in particular that they are looking for - this could save a lot of time if the whole file does not require redaction. It is imperative that you keep the FOI team updated with progress. If there are extensive files you may be in a position to negotiate with the requester for these to be provided in a staggered manner. Communication is key!!

**Items that need to be redacted or removed:**

- Anything from the police ( requests have to be made to the police directly)
- Any legal documents or legal advice
- Any information or names relating to any others - the subject access request relates to the person in question only
- Information from 3rd party organisations should be redacted as above
- Supervisions and case notes where the person has not been present
- Section 47 enquiries and strategy discussions should also be removed

A glossary of all acrimons should also be provided.

**Next Steps:**

Once redaction has taken place the file needs to be passed to social care support who will copy on to dark print which further adds to the identification of information redacted.

Arrangements then need to be made for collection. If the request is from a solicitor the file will be sent via DX

If parent or young person collecting they will need to sign to say they have received a copy on a certain date and that they are responsible for the information

**Further information:**

Further detailed information regarding responding to Subject Access Requests is available on the ICO website:

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/>

