

# Subject Access Requests

## Guidance for staff in responding to Subject Access Requests (SARs) from current and former users of our service

### Introduction

Gloucestershire County Council regularly receives requests to access records from young people, families and people previously open to our services. Access to records is a very important part of people understanding their story and speaks to the heart of many needs and sensitivities. As such GCC is committed to supporting this process with dignity, respect and care, and sees this as a natural extension of the social care role.

With this in mind, this guidance outlines how Children's Social Care will manage and administer responses to Subject Access Requests (SARs); a legal requirement under General Data Protection Regulation.

### The process

People can approach their worker (if open to the service or a recent care leaver) to better understand their story. They can also approach GCC's Information Management Service (IMS) for access under Data Protection legislation. They are invited to apply for information through the following link on GCC's website (<https://static.toiimg.com/thumb/msid-74838142,width-1200,height-900,resizemode-4/.jpg>).

For children, young people and families that are open to our service, their social worker or personal adviser needs to make every reasonable effort to support enquiries about the information that we hold on them, and to provide information where it is reasonable to do so. A revised flow of work has been created, appendix 1. Step 1 in this process involves the proactive sharing of information to make the process as accessible and supported as possible.

The flow chart illustrates that access to information should be transparent and proactive where there is an open involvement with the individual, reducing the need for individuals to submit formal SARs. Where there is no longer an active involvement the activity is directed to multi-agency safeguarding hub to respond.

#### **1. Proactive information sharing**

The routes for information sharing need to be clarified for the child, young person and/or family.

This reduces the need for individuals to submit requests for more formal access to their information:

- a) Key worker to proactively share relevant information with the person as a user of our services (the subject).
- b) The person can also contact their worker at any point to get updates.
- c) If they are not satisfied with our response, they should escalate it to their worker's manager.
- d) If the person remains dissatisfied regarding the quality of service, the complaints process should be highlighted to them, should they wish to use this.
- e) The person can use the SAR process for a formal request of a copy of the relevant information.

#### **2. Understanding the Records**

How records are shared with the subject is a key part of the process. It is important to manage the way information is shared and enable appropriate support for any trauma or confusion individuals may experience through receipt of their personal information.

In order to support individuals and to meet the requirements of the Care Leavers Association Clear Mark Award for SARs, the council offers the requestor support with understanding their records. Where this offer is taken up it is the responsibility of the respective team to provide this support. In most cases this would be a leaving care personal adviser. Where there hasn't been any recent involvement it will need to go to the social care team with the relevant operational knowledge to respond.

The Information Management Service has staff that are trained in the data protection legislation and applying the exemptions, handling sensitive information, and using redacting techniques. The council is able to rely on exemptions when deciding what information should be released, without detailed background knowledge of the child/young person it is more likely that information will be withheld using those exemptions. There are also some exemptions that the IMS officer will need you to make the decision on as social care professional – they are not able by law to make those decisions, as they are not social care staff. It will therefore regularly be the case, that you and IMS will need to work closely together to determine what information is known to the individual and what can and cannot be shared in relation to a SAR.

With some requests this can be a time-consuming process and therefore discussions are needed both between IMS and social care staff, but also between the designated worker and their manager. It is therefore important that time is built in for this social care task.

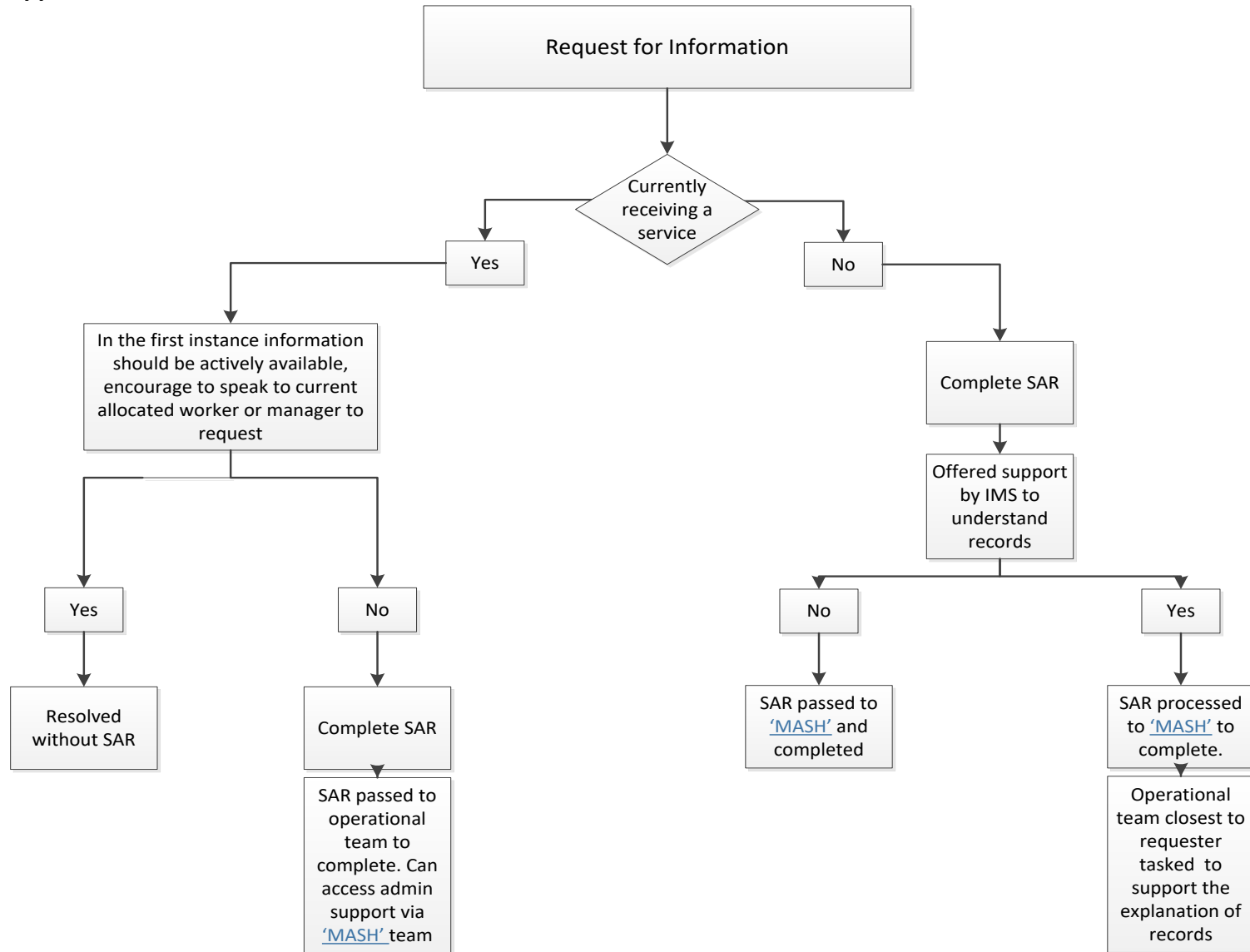
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# Appendix 1



\*Complete SAR refers to the requester completing the request and IMS processes being followed