

## DATA PROTECTION ACT SUBJECT ACCESS REQUESTS 2009-2010

The Data Protection Act (DPA) gives people the right to access information that is held about them, these are called Subject Access Requests (SARs). The Feedback and Information Team (FIT) (located with Haringey's Chief Executive's Service) handle these requests centrally for Haringey Council and Homes for Haringey.

In January 2010 Haringey introduced a £10 fee for handling subject access requests, as permitted by the Data Protection Act.

### 1. Volumes and Performance

The DPA allows 40 working days to respond to the requests. In 2009 - 2010 we responded to 288 requests in total. 86% of them were within the 40 day timescale.

Year	Total	% On time
2009 - 2010	288	86%
2008 - 2009	213	77%
2007 - 2008	187	60%

Performance has steadily improved, despite increasing numbers of requests, but needs to improve further to meet our target of responding to all subject access requests within 40 days.

The sections of the council that receive the most requests are:

- Benefits & Local Taxation (Corporate Resources)
- Children & Families (Children and Young People's Service)
- Housing Management (Homes for Haringey)
- Strategic & Community Housing (Urban Environment)

Between them they received 62% of all Haringey's SAR and responded as follows:

Business Unit	% of the total SARs Haringey receives	% performance to timescale 09-10	% performance to timescale 08-09
Benefits & Local Taxation	12%	94%	88%
Children & Families	18%	71%	61%
Housing Management	21%	90%	84%
Strategic & Community Housing	13%	89%	64%

The four services received a very similar proportion of the requests as last year but response times improved in every area. This is due to raised awareness of the need to refer requests immediately to FIT and also to more robust chasing of responses by FIT before the due date. The Children & Young People's Service has nominated an officer to liaise with the Feedback & Information Team to ensure SARs are dealt with promptly. While performance in this area needs to improve further, there are special issues for Children and Family records which mean requests are likely to take longer to respond to. These issues are:

- Many of the requests are from people who were in the care of Haringey Council many years ago. These old records have to be retrieved from microfiche archives, which can be time consuming.
- The files involved are often very large. Providing a copy to FIT can be time consuming and resource intensive.
- Due to the size of many of the social care files and the nature of the content, they take longer for FIT to review than most files.
- Many of the requests are by adults for access to children's files. We have to be very careful to make sure that the adult in question is entitled to access the child's file. This can sometimes delay matters.

## **2. Complaints 2009-2010**

We received 4 complaints relating to subject access requests. 3 were responded to on time within 20 working days. 2 of the complaints were upheld and additional information located and supplied to the requester. The other two were not upheld.

## **3. Information Commissioner's Office Enquiries**

The Information Commissioner's Office (ICO) does not require people who wish to complain about matters relating to subject access requests to have exhausted the council's own complaints procedure first (as they do with complaints about Freedom of Information Act requests).

We handled 7 Enquiries from the ICO in 2009-2010. We replied to 6 of them within the timescale of 28 Calendar days, 1 was outside of this time period. 6 of the enquiries related to subject access requests. The outcomes of those 6 enquiries were as follows:

1. Complaint that we had not responded to a subject access request was not upheld by ICO, it had been sent to the wrong address and was not received by the Council.
2. Complaint about failure to respond to a subject access request, explanation given to ICO (June 2009), no further response/decision from ICO.
3. Following ICO enquiry, we wrote to ICO to say the matter would be dealt with as a Freedom of Information Act Internal Review (June 2009).
4. Complaint about incomplete information provided following a subject access request. We provided additional information and notified the ICO that we had done so (no further response/decision from ICO).
5. Complaint about failure to respond to a subject access request, explanation given to ICO (Dec 2009), no further response/decision from ICO.
6. Complaint about failure to respond to a subject access request, explanation given to ICO (June 2009), no further response/decision from ICO.