



**Information Commissioner's Office**  
Promoting public access to official information  
and protecting your personal information

## **Data Protection Good Practice Note**

### **Checklist for handling requests for personal information (subject access requests)**

This guidance aims to assist small and medium sized organisations that receive requests for information covered by the Data Protection Act 1998 (the Act).

Individuals have a right under the Act to make a request in writing for a copy of the information you hold about them on computer and in some manual filing systems. This is called a subject access request. They are also entitled to be given a description of the information, what you use it for, who you might pass it on to, and any information you have about the source of the information.

Organisations have been dealing with requests from individuals for many years, certainly well before there was a formal right of access. Where you are happy to provide the information requested it often makes sense to do so as part of your normal course of business, rather than treating any written request for personal information as a formal request under the Act.

At other times you will need to consider the request in the light of the specific provisions of the Act. This simple checklist should help you deal with subject access requests.

#### **1 Is this a subject access request?**

Determine whether the person's request will be treated as a routine enquiry or as a subject access request. Any written enquiry that asks for information you hold about the person making the request can be construed as a subject access request, but in many cases there will be no need to treat it as such.

If you would usually deal with the request in the normal course of business, do so. Examples of such requests might be:

- "I've lost the guarantee number for my fridge. Can you tell me what it is please?"
- "How many cash withdrawals did I make from my account last month?"

The following are likely to be treated as formal subject access requests.

- "Please send me a copy of my staff records."
- "I have a right to see all the invoices issued to me for the last three years. Please send copies to me."
- "I am a solicitor acting on behalf of my client and request a copy of his medical records. An appropriate authority is enclosed."

If you are in any doubt how to respond, go back to the individual or their representative and clarify the situation. Train your staff so they are able to

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recognise subject access requests when they receive them and know what to do.

**No** Handle the query as part of your normal course of business.

**Yes** Go to **2**.

## **2 Do you have enough information to be sure of the requester's identity?**

Often you will have no reason to doubt a person's identity. For example, if a person with whom you have regular contact sends a letter from their known address it may be safe to assume that they are who they say they are.

**No** If you have good cause to doubt the requester's identity you can ask them to provide any evidence you reasonably need to confirm it. For example, you may ask for a piece of information held in your records that the person would be expected to know, such as membership details, or a witnessed copy of their signature. Once satisfied, go to **3**.

**Yes** Go to **3**.

## **3 Do you need any other information to find the records they want?**

**No** Go to **4**.

**Yes** You will need to ask the individual promptly for any other information you reasonably need to find the records they want.

You might want to ask them to narrow down their request. For example, if you keep all your customers' information on one computer system and your suppliers' information on another, you could ask what relationship they had with you. Or, you could ask when they had dealings with you. However, they do have the right to ask for everything you have about them and this could mean a very wide search.

You have 40 calendar days to respond to a subject access request after receiving any further information you need and any fee you decide to charge. Go to **4**.

## **4 Are you going to charge a fee?**

**No** Go to **5**.

**Yes** If you need a fee you must ask the individual promptly for one. The maximum you can charge is £10 unless medical or education records are involved (see guidance on our website). The 40 calendar days in which you must respond starts when you have received the fee and all necessary information to help you find the records. Go to **5**.

## **5 Do you hold any information about the person?**

**No** If you hold no personal information at all about the individual you must tell them this.

**Yes** Go to **6**.

## **6 Will the information be changed between receiving the request and sending the response?**

**No** Go to **7**.

**Yes** You can still make routine amendments and deletions to personal information after receiving a request. However, you must not make any changes to the records as a result of receiving the request, even if you find inaccurate or embarrassing information on the record. Go to **7**.

## **7 Does it include any information about other people?**

**No** Go to **8**.

**Yes** You will not have to supply the information unless the other people mentioned have given their consent, or it is reasonable to supply the information without their consent. Even when the other person's information should not be disclosed, you should still supply as much as possible by editing the references to other people. To help you on this point we have published more detailed guidance on [dealing with subject access requests involving other people's information](#). Go to **8**.

## **8 Are you obliged to supply the information?**

There may be circumstances in which you are not obliged to supply certain information. Some of the most important exemptions apply to:

- crime prevention and detection;
- negotiations with the requester;
- management forecasts;
- confidential references given by you (but not ones given to you);
- information used for research, historical or statistical purposes; and
- information covered by legal professional privilege.

**No** If all the information you hold about the requester is exempt, then you can reply stating that you do not hold any of their personal information that you are required to reveal.

**Yes** Go to **9**.

## **9 Does it include any complex terms or codes?**

The information may include abbreviations or technical terms that the individual will not understand, for example, '02' means a monthly account, '03' means 'paying on receipt of goods' and so on.

**No** Go to **10**.

**Yes** You must make sure that these are explained so the information can be understood. Go to **10**.

## **10 Prepare the response**

A copy of the information should be supplied in a permanent form except where the individual agrees or where it is impossible or would involve undue effort. This could include very significant cost or time taken to provide the information in hard copy form. An alternative would be to allow the individual to view the information on screen. You have 40 calendar days to comply with the request starting from when you receive all the information necessary to deal with the request and any fee that is required. Individuals can complain to the ICO or apply to a court if you do not respond within this time limit.

### **More information**

If you need any more information about this or any other aspect of data protection, please contact us.

Phone: 08456 30 60 60 (Lo-call rate)  
01625 54 57 45 (National rate)

E-mail: please use the online enquiry form on our website

Website: [www.ico.gov.uk](http://www.ico.gov.uk)