



The **Constitution** Unit

Survey of Data Protection Officers

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Survey of Data Protection Officers

This report presents the results of a survey of central government data protection officers carried out by the Constitution Unit in April 2002.

We approached 32 departments and executive agencies. (referred to in this report collectively as departments) A list of the 20 departments who agreed to participate is attached to this report. We are extremely grateful to them for their help. The participating departments range from the Inland Revenue which deals with over 20,000 subject access requests every year and has over 1000 data protection officers, to smaller departments like the Government Actuary's Department which handles less than 20 requests per year.

The aim of the survey was to collect information on the impact of the Data Protection Act 1998 on the administration of central government departments and executive agencies. The objectives of the survey questions were to:

- understand departments' approach to dealing with subject access requests
- assess the quality of information and advice to data protection officers
- establish what sources of information and advice are most useful
- assess the need for further training
- compile statistics on the nature and number of requests.

The information was collected on the basis that the answers of individual authorities and officers would be kept confidential.

The sample size was very small and so the results are no more than indicative. However, we hope to repeat the survey in subsequent years. We would welcome suggestions for its improvement. The results each year will be circulated to data protection officers.

Resourcing data protection

Allocation of staff resources

Question 3 asked whether data protection officers have been allocated responsibility for Freedom of Information. The Public Record Office model action plan for central government recommended that responsibility for Freedom of Information (FOI) be assessed and allocated in May 2001.

The draft Code of Practice on Records Management under section 46 of the FOI Act states that it is desirable that the person, or persons, responsible for the records management function should also have eith

Training and awareness

Figure 2 (Question 21) What Sources of Advice are Useful?

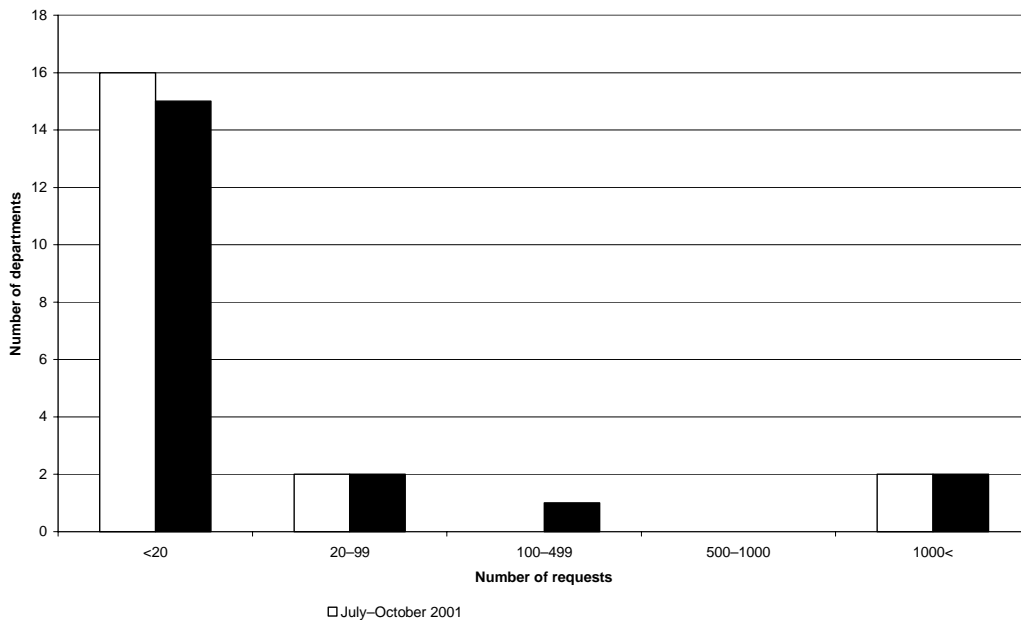
Administrative procedures

Number of subject access requests

80% of the authorities surveyed received less than 20 requests between July and October 2001. A few of the larger departments predictably received over 1000 requests. Numbers of requests did not rise significantly after the October 2001 amendment to the DP Act which allowed requesters to ask for manual as well as electronic records. (Question 12)

The majority of public authorities do not therefore have experience handling large volumes of requests and will need to review procedures to prepare for the increase in overall number of requests when access rights under the Freedom of Information Act come into force in 2005.

Figure 3 (Question 12) Number of Subject Access Requests



Roughly half of departments are routinely using a form that requires the person making the subject access request to be more specific about the information requested. (Question 8) Examples from participating departments are attached.

We compared the answers to question 7 with the answers to the question 8. The results show that all authorities that are taking between 20 and 39 days to process requests are not using a standard form. This suggests that the use of a form simplifies and speeds up the process. When the FOI Act comes into force in 2005, a much wider range of information will be accessible. It will be essential to define the scope of a request at a very early stage in the process.

The majority of authorities surveyed “sometimes” give an interim response to a subject access request before responding in full. (Question 9) This is not surprising. Whether a partial response is given will depend on the nature of the information requested.

Use of exemptions

30% of authorities surveyed do not hold statistics on the number of times information is withheld from a requester, yet 60% say that they have formal procedures in place to record number, type and exemptions applied (see questions 4 and 16).

Of the remaining authorities that do record this information, just under half (6/14) have never withheld information from a requester. 8/14 have withheld information in one or more (and in one case, all) requests.

It is difficult to draw conclusions about the exemptions that are applied. Most surveyed did not identify frequently used exemptions. Section 29 (Crime and Taxation) appears to be commonly cited as a reason for withholding information. Three authorities quote legal professional privilege as a common exemption. (Question 17)

It is not surprising then, that when given the opportunity to identify exemptions that are

Appendix I Participating Departments and Executive Agencies

- 1. Armed Forces Personnel Administration Agency**
- 2. Inland Revenue**
- 3. Charity Commission**
- 4. Crown Prosecution Service**
- 5. Department of Culture Media and Sport**
- 6. Department for Education and Skills**
- 7. Department for International Development**
- 8. Department of Work and Pensions**
- 9. Foreign and Commonwealth Office**
- 10. Government Actuary's Department**
- 11. HM Customs and Excise**
- 12. HM Land Registry**
- 13. HM Treasury**
- 14. Home Office**
- 15. Office for National Statistics**
- 16. Office for Standards in Education**
- 17. Office of Gas and Electricity Markets**
- 18. Office of the Rail Regulator**
- 19. Ordnance Survey**
- 20. Serious Fraud Office**

Appendix II Questionnaire



The **Constitution** Unit

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tel.: 020 7679 4902 fax: 020 7679 4978
email: constitution@ucl.ac.uk www.ucl.ac.uk/constitution-unit

Director: Professor Robert Hazell

- ! 500 –1000
- ! More than 1000
- ! Our department does not track the no. of requests

In the four months from November 2001 to end February 2002?

- ! Less than 20
- ! 20-99
- ! 100 –499
- ! 500 –1000
- ! More than 1000
- ! Our department does not track the no. of requests

13. Of the requests above, how many involved access to:

- ! manual data

| |
|--|
| |
|--|
- ! computerised data

| |
|--|
| |
|--|
- ! both manual and computerised data

| |
|--|
| |
|--|
- ! archived records

| |
|--|
| |
|--|

14. Approximately what percentage of requests are made by staff or former staff?

- ! Less than 50%
- ! About 50%
- ! More than 50%
- ! All requests have been made by staff

15. When a request is made, do you advise the data subject the purposes for which data are processed and the recipients/classes of recipients to whom they may be disclosed?

- ! Routinely
- ! Only when asked by the data subject
- ! Never

Section C: Use of Exemptions

16. In how many requests (or estimated proportion of requests) was some or all of the personal data requested withheld from the data subject?

17. What exemptions are most commonly cited?

—

Section E: Comments

26. Do you have any other comments on the Data Protection Act? Are there any issues to which you would like to draw our attention?

Appendix III IRD Subject Access Form



**Data Protection Subject Access Unit
Business Services
Room BP4302
Chillingham House
Benton Park View
Longbenton
NEWCASTLE UPON TYNE
NE98 1ZZ**

**Telephone: 0191 2257575
Fax: 0191 2253098**

Date:

.....
.....
.....
.....
.....

Dear

Thank you for your recent request for information under the Data Protection Act 1998.

Would you please:-

Complete the enclosed form at Part A and tick the relevant boxes at Part B;

sign the declaration at Part C;

if you are completing this form as an agent for another person, please ensure that they sign a declaration of consent authorising you to act on their behalf. This should be enclosed when returning the completion form.

Please note that all correspondence will be forwarded to your home address unless otherwise specified.

Please return the form within 28 days.

Yours sincerely

DATA PROTECTION SUBJECT ACCESS UNIT

Data Protection Subject Access Request Form Personnel Records

Please complete part A in capital letters, tick the relevant boxes in part B and sign the declaration at part C.

Part A

Title:

Surname:

Forenames:

Previous Surname(s):
(if applicable)

Date of Birth:

National Insurance
Number:

PI Number:

Grade:

Business Area:

Home Address:

Office Address:

Please indicate where you would
prefer your information to be sent:

Home

Office

Part B

Please note that we will not necessarily hold a record for you under each of the headings below. Please indicate the records you wish to access.

- ! Locally held personnel files
- ! Confidential or personnel files held at Regional Office level or equivalent
- ! Leave records (sick/annual/special/career)
- ! BMI or other health records/reports
- ! Performance management records (in year reviews/performance assessments, agreements /MAP)
- ! Probation reports
- ! Business continuity (next of kin)
- ! Superannuation records
- ! Pay records
- ! Travelling and removals
- ! Travelling and subsistence
- ! PPMIS
- ! JASS records:

| |
|--|
| Job title of post applied for: |
| Reference number: |
| Region/Department/Section running trawl: |
| Date of interview (if applicable): |
| (Please continue on a separate sheet if necessary) |

- ! Disciplinary records
- ! Recruitment records
- ! Records of management action held other than on any of the above:
(eg: complaint cases where these exist separately)

| |
|--|
| Name of HR Manager dealing with complaint: |
| Office of HR Manager: |

If you wish to access your National Insurance or Tax records please contact the Data Protection SAR Unit on 0191 2257575 for a copy of the relevant application forms.

Part C

Declaration

I declare that I am the person named in **Part A** and that I am entitled to request personal information under the Data Protection Act 1998.

Signed:

Date:

Data Protection Subject Access Request



**Data Protection Subject Access Unit
Business Services
Room BP4302
Chillingham House
Benton Park View
Longbenton
NEWCASTLE UPON TYNE
NE98 1ZZ**

**Telephone: 0191 2257575
Fax: 0191 2253098**

**Your Reference:
Our Reference: SAR**

Date: 17 September 2002

Dear

Thank you for your recent request for information under the Data Protection Act 1998.

Would you please: -

- ! Fill in parts A, B and the Declaration at Part E.**
- ! If you are applying for Assessment and Collection of Tax records please also complete parts C and D**
- ! If you are completing this form as an agent for another person, please ensure that they sign a declaration of consent authorising you to act on their behalf. This must be enclosed when returning the completed form.**

Please return the form within 28 days. If you have any questions about this form please contact the Unit using the details above.

Yours sincerely

**Michael Armstrong
DATA PROTECTION SUBJECT ACCESS UNIT**

Data Protection Subject Access Request

You may continue on another sheet if necessary

Part C – Assessment & Collection of Taxes

| Unique Tax Reference Number: | PAYE Reference: |
|-------------------------------------|------------------------|
| | |

Part E – Declaration

I declare that I am the person named in **Part A** and that I am entitled to request personal information under the Data Protection Act 1998.

| | |
|----------------|--|
| Signed: | |
|----------------|--|

| | |
|--------------|--|
| Date: | |
|--------------|--|

Appendix IV Treasury Subject Access Form

Appendix V Ordinance Survey Subject Access Form



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