

Paper on 'Complex' definitions as decided by the Trust under the current Data Protection Legislation requirements

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Records Management

Version Control Sheet

Version	Date	Author	Status	Comment
0.1	December 2018	Records Manager	New document	

Summary of Changes since previous Version:

Numbers <i>(Select the appropriate action)</i>			
Page	Paragraph	Appendix	Original/New/Amendment/Deleted – Statement <i>(select the appropriate action)</i>
			New document: December 2018

This paper has been written to discuss the Trusts proposed 'Complex' definitions when dealing with subject access requests (SARs) under the new Data Protection Legislation.

At present each SAR must be processed without undue delay and at the latest within one month of receipt. Some SARs can be extended by a further two months if the request is considered complex or if we have received a number of requests from the same individual.

Guidance issued by the Information Commissioner's Office does not specify the terms of what merits a 'complex case'. As a result, the Trust has been required to develop the requirements based on received cases since May 2018. These cases have provided the awareness and experience to provide the basis of the recommendations outlined for consideration. These examples provide the basis of the Trust's accountability and audit processes to ensure a clear pathway and continuity of approach for Record Management. The outlined definitions will be reviewed regularly to ensure they continue to reflect and meet Trust accountability requirements:

The basis to establish the complexity of a request is to be based on:

- 1 The request requirement: to consider the volume of record material to be collated, reviewed, redacted (if necessary) and prepared for issue.
- 2 It may be necessary to identify a health professional to review records if the person is not currently receiving care from one of our services.
- 3 The need to take into account the impact the material may have on the requester where records are considered sensitive and may cause serious harm and distress.
- 4 The contentiousness of the material provided: there may be requirements to review the information in relation to the current data protection legislation requirements in connection with data rights.
- 5 Ensure a comprehensive response where a record request involves collating and coordinating personal data held from several different departments.