

Data Protection Law: Subject Access Requests Model Letters Pack

Introduction

This pack contains model letters which may be used when processing subject access requests made under Data Protection law. They are model letters and as such can be altered to suit particular circumstances. The model letters should be used in conjunction with the University's request handling procedures:

- [Dealing with a subject access requests](#)

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Model letters included in this pack

Receiving and clarifying request

1. [Acknowledgement of request](#)
6. [Obtaining a valid subject access request \(further information required\)](#)
9. [Verifying the identity of a data subject](#)

Looking for the information

2. [Internal letter asking staff to search their records](#)

Obtaining and acknowledging the opinions of third parties

3. [Obtaining the opinions of a third party \(including referees\)](#)
4. [Acknowledgment of the third party's consent to disclose the information](#)
5. [Acknowledgment of the consideration of the third party's opinions regarding disclosure of the information and explanation of the decision reached](#)

Release and partial release

10. [Replying to a subject access request providing the requested information](#)
11. [Release of part of the information when the remainder is covered by an exemption](#)
14. [Replying to a subject access request explaining why you have only sent some of the requested references](#)

Refusal

12. [Replying to a subject access request explaining why you cannot provide any of the requested information](#)
13. [Replying to a subject access request explaining that only references received by the University are liable for disclosure](#)
15. [Replying to a subject access request explaining why you cannot provide the requested reference/s](#)

About this guidance

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1. Acknowledgement

[Name]

[Address]

[Date]

Dear [Name]

Thank you for your [letter/email/fax] of [date] requesting information about [subject]. I am writing to let you know that we have received your request and will process it as soon as possible, and certainly within one month of the day we received the request. You will hear back from us by [calculate date by which University must have processed the request] at the latest.

Yours sincerely

2. Internal letter asking staff to search their records

Subject: Data Protection law: Subject access request

Dear [Name]

The University has received a subject access request for the following information [details of requested information].

Please search your [paper records / e-mails / computer drives] and locate any relevant information.

For guidance on searching your emails and computer drives please refer to:
<http://www.ed.ac.uk/schools-departments/records-management-section/data-protection/subject-access-requests/searching-records>

The University has a statutory deadline for responding to this request. Please return all relevant information to [name] by [date] along with a record of how long it has taken you to retrieve it.

Yours sincerely

3. Obtaining the opinions of a third party (including referees)

[Name]

[Address]

[Date]

Dear *[Name of third party]*

I am writing to seek your views on the disclosure to *[name of data subject]* of *[give brief description of document/s]*.

We have received a subject access request from *[name of data subject]* under Data Protection law. Under this law *[name of data subject]* has a right to receive copies of the information we hold about *[him/her]* unless particular exemptions apply. These exemptions include information about third parties where the third parties' interest in the data remaining confidential is greater than *[name of data subject]*'s interest in receiving the data.

In our search we identified some records that involve you. Before disclosing substantive third party information it is our practice to seek the views of the third party concerned and to take these views into account when applying the exemption. *[Name of data subject]* has the right to challenge any non-disclosure decisions that we make. This means that we cannot guarantee that these records will not be disclosed. However, we will ensure that your views are taken into account in any discussion about their disclosure.

The items concerned are included in *[describe file]*. They are:

1. *[Itemise the documents concerned or for large quantities list the number of pages]*

I enclose copies of them for you information.

Please could you let me know whether or not you have any objections to the disclosure to *[name of the data subject]* of your *[whatever the document is]*? If you do have any objections, please could you explain their nature so that we can take your views into account when considering whether to disclose?

Data Protection law requires us to reply to *[name of data subject]* by *[date –one month after receipt of valid subject access request]*, so I would be grateful if you could reply to my letter by *[date – allow yourself enough time to weigh the issues and to reply]*.

If you would like clarification of any of the points I have raised, please feel free to contact me.

Yours sincerely

4: Acknowledgment of the third party's consent to disclose the information

[Name]

[Address]

[Date]

Dear *[Name of referee]*

[Name of data subject]

Thank you for your letter dated *[date]* concerning the disclosure of *[whatever the document is]* in response to *[name of data subject's]* data subject access request. As you have no objections to the release of the information, I will include it in the information that I supply to *[name of data subject]* in response to *[his/her]* subject access request.

Thank you for taking the time to consider this matter.

Yours sincerely

5: Acknowledgment of the consideration of the third party's opinions regarding disclosure of the information and explanation of decision reached

[Name]

[Address]

[Date]

Dear *[Name of referee]*

[Name of data subject]

Thank you for your letter dated *[date]* concerning the disclosure your *[whatever the document is]* in response to *[name of data subject's]* subject access request. Following consideration of your views we have decided *[not to disclose the reference / to disclose an anonymised version of the reference / to disclose the reference]*.

[Explain how you came to your decision.]

Thank you for taking the time to consider this matter.

Yours sincerely

6: Obtaining a valid subject access request (further information required)

[Name]

[Address]

[Date]

Dear *[Name]*

Thank you for your letter of *[date]* making a subject access request for *[whatever information has been requested]*.

[If further information is required:]

So that we can process your request we need some more information. The University has over 9,000 staff spread over a large number of academic and administrative departments. You will not have had any dealings with most of these staff and departments. We cannot answer an enquiry that asks to see all information the University holds on you, as this is too general a request for us to be able to locate the information you want. Information that will help us answer your request includes the type of information in which you are interested (for example your academic record), and the areas of the University you believe may hold relevant information. Any further information you can supply will also assist us in answering your request.

We intend to instruct the following areas to search but further information is needed if this does not cover everything:

- *[List areas which will be searched]*

I look forward to receiving confirmation that you wish to proceed with this request.

Yours sincerely

9: Verifying the identity of a data subject

A script for a telephone call to confirm the identity of an individual making a subject access request.

Good morning *[name of data subject]*

I am telephoning from the University of Edinburgh about the subject access request you have made under Data Protection law. My name is *[your name]* and I am processing your request.

Before we can accept your request, I have to confirm your identity. This is to make sure that we do not release your data to anyone other than yourself. Please could I ask you two questions, based on the information that we hold about you, to confirm your identity?

The first question is: *[question 1]*

The second question is: *[question 2]*

[If the person answers the questions correctly:]

Thank you for answering these questions correctly. I will note on our file that I have confirmed your identity, and I will start to process your request.

[If the person refused to answer the question:]

I am sorry, we cannot comply with your request until we have confirmed your identity. If you are not prepared to answer the questions, is there another way we could confirm your identity?

[If the person answers the question incorrectly:]

I am sorry, you answered question *[1/2]* incorrectly. Is there another way we could confirm your identity?

[Please record the telephone conversation on the form on the following page.]

Telephone call to confirm the identity of an individual making a subject access request

Please complete the form below.

Name of member of staff	
Name of data subject	
Telephone number	
Date of call	
Time of call	
Question 1:	
Reply:	
Question 2:	
Reply:	
Outcome:	

10: Replying to a subject access request providing the requested information

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection law: subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

We are pleased to enclose the information you requested.

Copyright in the information you have been given belongs to the University of Edinburgh or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published (including published on the Internet or an intranet), or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Data subject rights and right to complain

If the information we hold about you is inaccurate and you would like us to rectify it, please let us know. In certain circumstances you can also ask us to erase the information or restrict the use of the information. You can also object to how your information is being used.

Contact details for the Records Management Section are published at www.ed.ac.uk/records-management/about/contact. If you contact us, please explain the reason for your request for erasure or restriction or for your objection.

If you are dissatisfied with this response please let us know so that we can address any concerns. You may also complain to the UK Information Commissioner's Office.

Information on how to do this is available at <http://ico.org.uk/complaints>.

If you do not have access to the Internet, please let me know and I will provide a copy of the relevant webpages.

Yours sincerely

11: Release of part of the information, when the remainder is covered by an exemption (excluding references – see letter 14)

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection law: subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following areas to search their records for information relating to you:

- [List the areas]

I am pleased to enclose [some/most] of the information you requested. [If any information has been removed] We have removed any obvious duplicate information that we noticed as we processed your request, as well as any information that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been blacked out. [OR if there are fewer documents enclose] I have not enclosed all of the information you requested. This is because [explain why it is exempt].

Copyright in the information you have been given belongs to the University of Edinburgh or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published (including published on the Internet or an intranet), or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Data subject rights and right to complain

If the information we hold about you is inaccurate and you would like us to rectify it, please let us know. In certain circumstances you can also ask us to erase the information or restrict the use of the information. You can also object to how your information is being used.

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If you do not have access to the Internet, please let me know and I will provide a copy of the relevant webpages.

Yours sincerely

12: Replying to a subject access request explaining why you cannot provide any of the requested information (excluding references – see letter 15)

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection law: subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the information you requested. This is because [explanation where appropriate].

Right to complain

If you are dissatisfied with this response please let us know so that we can address any concerns. You may also complain to the UK Information Commissioner's Office. Information on how to do this is available at <http://ico.org.uk/complaints>. If you do not have access to the Internet, please let me know and I will provide a copy of the relevant webpages.

Yours sincerely

13. Replying to a subject access request explaining that only references received by the University are liable for disclosure

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection law: subject access request

Thank you for your letter of [date] making a data subject access request for references supplied by the University in connection with your [job/course] application.

I regret that I cannot provide the [reference/references] that you requested. This is because they are exempt from disclosure under the Data Protection law. The University is not required to disclose references written by University staff and sent to external organisations.

Right to complain

If you are dissatisfied with this response please let us know so that we can address any concerns. You may also complain to the UK Information Commissioner's Office. Information on how to do this is available at <http://ico.org.uk/complaints>. If you do not have access to the Internet, please let me know and I will provide a copy of the relevant webpages.

Yours sincerely

14: Replying to a subject access request explaining why you have only sent some of the requested references

[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection law: subject access request

Thank you for your letter of [date] making a data subject access request for the references we received in connection with your [job/course] application.

I enclose [whichever reference can be disclosed]. However, I have not provided [a copy/copies] of [one/some] of the references you requested because [one of your referees/your referees] withheld consent to disclose [it/them].

Copyright in the information you have been given belongs to the University of Edinburgh or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published (including published on the Internet or an intranet), or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Data subject rights and right to complain

If the information we hold about you is inaccurate and you would like us to rectify it, please let us know. In certain circumstances you can also ask us to erase the information or restrict the use of the information. You can also object to how your information is being used. Contact details for the Records Management Section are published at www.ed.ac.uk/records-management/about/contact. If you contact us, please explain the reason for your request for erasure or restriction or for your objection.

If you are dissatisfied with this response please let us know so that we can address any concerns. You may also complain to the UK Information Commissioner's Office. Information on how to do this is available at <http://ico.org.uk/complaints>.

If you do not have access to the Internet, please let me know and I will provide a copy of the relevant webpages.

Yours sincerely

15: Replying to a subject access request explaining why you cannot provide the requested reference

[Name]

[Address]

[Date]

Dear *[Name of data subject]*

Data Protection law: subject access request

Thank you for your letter of *[date]* making a data subject access request for the references we received in connection with your *[job/course]* application. I regret that I cannot provide the *[reference/references]* that you requested.

[If using on the third party data exemption-]

The law requires us to take into account the interests of third parties before disclosing their information as part of a subject access request. In order to process your request we contacted your referees to obtain their views regarding the disclosure of their reference for you. Your referees withheld consent to disclose the references so I regret that I cannot provide them.

Right to complain

If you are dissatisfied with this response please let us know so that we can address any concerns. You may also complain to the UK Information Commissioner's Office. Information on how to do this is available at <http://ico.org.uk/complaints>. If you do not have access to the Internet, please let me know and I will provide a copy of the relevant webpages.

Yours sincerely