HMRC - TCM0138210 - Miscellaneous (P To V): Subject Access Requests – Identifying A SAR

Background

A Subject Access Request (SAR) is a request from an individual to an organisation asking to know what personal information is held about them. A SAR can be requested in writing or electronically by any tax credits customer, or verbally by vulnerable customers via the Needs Enhanced Support process.

Note: The Customer Service and Information Team is currently looking at whether verbal requests can be extended to all customers under the new GDPR.

From 25 May 2018 the new Data Protection Act 2018 and General Data Protection Regulations come into force and the legislation states that all SARS must be responded to within 28 calendar days.

Failure to identify and action a SAR within this timescale may generate complaints from the customer and also result in large fines being imposed upon HMRC by the Information Commissioner’s Office. Once a SAR is identified, it must be forwarded to the SAR Team.

Note: It is a criminal offence to destroy any information relevant to a SAR once a request is received.

Step 1

Check the customer correspondence to identify if a SAR has been received

If the correspondence includes a request for HMRC (Tax Credits) to send the customer for example

 - everything we hold about them

 - transcripts of all telephone calls made

 - copies of all forms they completed and sent to HMRC (Tax Credits)

this is a SAR, go to Step 2.

If the correspondence mentions a keyword such as

 - Data Protection Act

 - Freedom of Information

 - General Data Protection Regulation (GDPR)

 - Information Commissioner’s Office

this is a SAR, go to Step 2.

If the correspondence is a request for HMRC (Tax Credits) to send the customer

 - a copy of a letter we sent to them in a previous month/year

 - a copy of their most recent/previous award notice because it has been lost

the request is

Note: From 15 June 2018, historical award notices will have a limited availability. The SAR Team will not be able to provide further notices than those shown as available in the ‘Request Re-issue’ screen.

Step 2 {#step2}

If you have received a SAR as a DMS item

forward the work item to the SARs / IAA queue

note your action on DMS using the re-categorisation tool

add the Standardised Message MT17 from TCM0162080 to NTC Household Notes, for how to do this use TCM1000001.

continue to work the customer’s enquiry (Disputed Overpayment, mandatory reconsideration, complaint etc.) by viewing the correspondence in Documentum or as a PDF copy

consider inserting the following ‘line to take’ into your response to the customer

 ‘In your letter you have [also] asked us to send you a copy of [insert item/s requested]. We are currently dealing with this request and you will receive a reply shortly.’

take no further action.

If you have received a SAR as a physical item

fax a copy of the correspondence to the SAR team (This content has been withheld because of exemptions in the Freedom of Information Act 2000)

call the SAR team (This content has been withheld because of exemptions in the Freedom of Information Act 2000) to tell them that you have sent a fax and to confirm receipt

Note: If you do not have access to a fax machine, send a copy of the customer’s correspondence to the SAR team. (This content has been withheld because of exemptions in the Freedom of Information Act 2000)

add the Standardised Message MT17 from TCM0162080 to NTC Household Notes, for how to do this use TCM1000001.

continue to work the customer enquiry (Disputed Overpayment, mandatory reconsideration, complaint etc)

consider inserting the following ‘line to take’ into your response to the customer

‘In your letter you have [also] asked us to send you a copy of [insert item/s requested]. We are currently dealing with this request and you will receive a reply shortly.’

take no further action.

If you are dealing with a SAR as a DMS item that is asking for telephone transcripts or copies of call recordings only, go to Step 3.

If you are dealing with a SAR as a physical item that is asking for telephone transcripts or copies of call recordings only, go to Step 3.

If you are dealing with a verbal SAR from a vulnerable customer using the Needs Enhanced Support process and you require any help, or if you have any general enquiries about SARs

contact the SAR team for help and to confirm whether you need to make a referral

by calling the SAR team (This content has been withheld because of exemptions in the Freedom of Information Act 2000) or

by sending an email to the SAR Team (This content has been withheld because of exemptions in the Freedom of Information Act 2000) .

Step 3 {#step3}

If the request is a DMS item

create a PDF copy of the customer’s correspondence

email the PDF (This content has been withheld because of exemptions in the Freedom of Information Act 2000) using the email subject header

 ‘Call Retrieval / Transcript Request’

add the Standardised Message MT18 from TCM0162080 to NTC Household Notes, for how to do this use TCM1000001.

continue to work the customer enquiry (Disputed Overpayment, mandatory reconsideration, complaint etc.)

consider inserting the following ‘line to take’ into your response to the customer

 ‘In your letter you have [also] asked us to send you [copies / transcripts] of your telephone calls. We are currently dealing with this request and you will receive a reply shortly.

Note: If the customer is asking for copies and transcripts of calls plus copies of other records, then the whole request should be sent to the SAR team as per the process within Step 2.

take no further action.

If the request is a physical item

fax a copy of the customer’s correspondence to the Call Retrieval Team (This content has been withheld because of exemptions in the Freedom of Information Act 2000)

add the Standardised Message MT18 from TCM0162080 to NTC Household Notes, for how to do this use TCM1000001.

continue to work the customer enquiry (Disputed Overpayment, mandatory reconsideration, complaint etc.)

consider inserting the following ‘line to take’ into your response to the customer ‘In your letter you have [also] asked us to send you [copies / transcripts] of your telephone calls. We are currently dealing with this request and you will receive a reply shortly.

Note: If the customer is asking for copies and transcripts of calls plus copies of other records, then the whole request should be sent to the SAR team as per the process within this guidance.