

Determination and Sanction

Inquiry regarding the handling of Data Subject Access Requests (“DSARs”) by the Committee for Health and Social Care (“the Controller” or “HSC”)

Breach Determination Notice

The Authority is making a determination that HSC has breached operative provisions of the Data Protection (Bailiwick of Guernsey) Law, 2017 (“the Law”) specifically:

- **Section 15** relating to an individual’s right to be given a copy of their personal data by the controller;
 - **Section 27** relating to the controller’s duty to comply with a request to exercise a data subject right; and
 - **Section 31** relating to the controller’s duty to take reasonable steps (including technical and organisational measures) to ensure that processing of personal data is carried out in compliance with this Law.
1. Over a short period of time, the Authority received multiple complaints from individuals regarding HSC’s compliance with their respective DSARs, specifically relating to Children and Family Community Services (“C&CFS”), which the Authority understands receives a large portion of the DSARs submitted to HSC. A common theme of these complaints was HSC’s failure to comply with the DSARs within the designated period.
 2. The Authority already dealt with previous compliance concerns relating to DSARs that in certain instances required formal enforcement action. Two previous cases of note are:
 - **CAS-06678** – relating to HSC’s response to a DSAR received in June 2023. An investigation was opened by the Authority; determination and enforcement order issued following conclusion of enquiries.
 - **CAS-06976** – following complaints regarding HSC’s compliance with two separate DSARs, an inquiry was opened to establish the Controller’s general compliance with section 15 and 27 of the Law; no determination issued following the Authority’s inquiry.

[The above cases will be referred to within this document by their CAS no.]

3. Through previous regulatory interactions with HSC, the Authority had been advised of resource pressures for the Controller, impacting their ability to meet their statutory obligations in responding to DSARs. The Authority also factored into consideration the nature of HSC's functions, providing healthcare services to the Bailiwick, and the resulting volume of special category data processed.
4. On 4 August 2025, the Authority commenced an inquiry ("the Inquiry") into HSC to properly address the compliance concerns of a public authority failing in their statutory duty to disclose DSARs within the designated period. The Inquiry took into account the information provided by complainants – the complaints incorporated into this case are as follows:
 - ODPa ref. CAS-15246 (HSC ref. DSAR/HSC/25/0048)
 - ODPa ref. CAS-15277 (HSC ref. DSAR/HSC/25/0078)
 - ODPa ref. CAS-15278 (HSC ref. DSAR/HSC/25/0018; DSAR/HSC/25/0040; DSAR/HSC/25/0083)
 - ODPa ref. CAS-15352 (HSC ref. DSAR/HSC/23/0115)
5. Please be advised that the complaints were not the exclusive factor in determining the scope of the Inquiry. The purpose of the Inquiry was to assess HSC's overall compliance with the Law, where it applies to the handling of DSARs.
6. In response to an Information Notice, on 7 October 2025, HSC provided the Authority with a spreadsheet (hereto referred to as "Spreadsheet 1") detailing all DSARs processed by HSC for 2024 and 2025 up to the date of the relevant Information Notice (9 September 2025). In their response, HSC made reference to pending detail and information gaps, therefore an updated copy was subsequently requested by the Authority on 29 October 2025 (hereto referred to as "Spreadsheet 2").
7. In addition to this, HSC have previously provided a breakdown to the Authority, detailing the same information, for 2023 and 2024 (provided as a result of CAS-06976).
8. On review of Spreadsheets 1 & 2, the Authority noted a number of discrepancies:

Identified differences between Spreadsheet 1 and Spreadsheet 2

	2024 (Spreadsheet 1)	2024 (Spreadsheet 2)	2025 (Spreadsheet 1 < 9/9/2025)	2025 (Spreadsheet 2 < 29/10/2025)
Total DSARs for period:	107	55	130	81
Date of first DSAR (received)	02/01/2024	11/01/2024	01/01/2025	03/01/2025
Date of last DSAR (received)	27/12/2024	20/12/2024	09/09/2025	07/11/2025

Figure 1

9. As can be seen from *Figure 1* (above), Spreadsheet 2 appears to be incomplete and is missing a significant number of the DSARs already captured in Spreadsheet 1. In both cases the date of the first DSAR also does not match. It is particularly concerning that, despite a wider date range for 2025, Spreadsheet 2 has approximately 50 fewer DSARs recorded in both 2024 and 2025.
10. In representations, HSC confirmed that Spreadsheet 2 was provided by the Children and Family Community Services Team (“C&FCS”), without prior review by the Data Protection Officer, and did not provide an overview of all DSARs for HSC, nor did it include the completed DSARs for C&FCS that were referenced in Spreadsheet 1.
11. This statistical inconsistency calls into question the integrity of HSC’s record-keeping and the handling of DSARs which has been factored into the Inquiry’s determination.
12. Due to the issues identified above, the Authority’s scrutiny of the data provided has been limited and reliant on our own calculations. It was noted that the total number of DSARs for 2024, detailed in Spreadsheet 1, matched the figure given for 2024 in the CAS-06976 spreadsheet referenced above. Therefore, in order to ensure as accurate an assessment as possible, Spreadsheet 1 was treated as the most complete record of HSC DSARs for both 2024 and 2025 (up to 9 September 2025). The majority of figures provided by the Authority in this document are drawn from our assessment of 2023 (CAS-06976), 2024 (Spreadsheet 1) and 2025 (Spreadsheet 1). Where appropriate reference is made to Spreadsheet 2.

Reasons for the proposed determination

13. Section 15 of the Law

Section 15 relates to the “Right of access”.

In particular, sub-section 15(1) provides that:

“An individual has a right to be given the following information in accordance with subsections (2) to (4) – “

Sub-section 15(1)(a) adds:

“confirmation as to whether or not personal data relating to the individual is being processed in the context of a controller”

Sub-section 15(1)(b)(ii) provides that:

“If personal data relating to the individual is being processed in the context of a controller – one copy of the personal data...”

Furthermore, sub-section 15(2) provides that:

“On request by an individual, the controller must give the individual that information.”

14. The Authority is of the view that HSC has failed to comply with the requirements of these provisions by virtue of the below:

CAS-15246

15. On 7 May 2025, an individual submitted a DSAR to HSC, ref. DSAR/HSC/25/0048.

16. The DSAR related to Child and Family Community Services (“C&FCS”) and requested safeguarding records or concerns raised in relation to the requestor during their childhood, providing the relevant 16-year period.

17. On 13 June 2025, HSC responded stating,

“Unfortunately, the Controller is not currently in a position to make a disclosure to you due to the complexity of records which have been identified by the Controller for review and the nature of the process that must be followed to ensure that neither

sensitive government information nor third-party personal data is disclosed through your right of access. As such, the Controller has failed to comply with this request.”

18. On 18 June 2025, HSC advised the requestor,

“We have now completed a thorough search of all relevant systems. Following this review, we can confirm that, unfortunately, we do not hold any personal data relating to you. This is most likely due to the expiry of applicable data retention periods in line with our statutory obligations.”

19. HSC have failed to confirm to the requestor, within the statutory period, whether or not their personal data is being processed by the Controller.

20. Furthermore, interim communications regarding compliance occurred after the deadline and implied that records had been identified. This caused understandable confusion for the requestor once it was subsequently confirmed by HSC that no personal data was held.

CAS-15277

21. On 10 June 2025, an individual submitted a DSAR to HSC, ref. DSAR/HSC/25/0078.

22. The DSAR related to C&FCS and requested personal data from that and any other associated departments or agencies, relating to the requestor and their children.

23. On 11 July 2025, HSC advised,

“Unfortunately the controller is not currently in a position to make a disclosure to you, and as such, the controller has failed to comply with this request. The extended wait time is primarily due to the high volume of subject access requests currently being processed.”

24. In HSC’s formal response to the Authority on 7 October 2025, they advised...

“DSAR/HSC/25/0078: [redacted] – anticipated disclosure by 30 October 2025, with some historic files requiring careful review to ensure full compliance.”

25. HSC have failed to provide a copy of the personal data requested within the statutory period.

26. Furthermore, communications regarding HSC’s non-compliance were provided to the requestor outside the designated period. It is noted that no extension was applied by

the Controller at the time this communication occurred and that the revised disclosure date was over four months after the request was received. The Authority has not been advised of a final disclosure being made by this revised date.

CAS-15278

27. Three DSARs were submitted by the requestor as follows, all relating to information processed by C&CFS:

- DSAR/HSC/25/0018, submitted to HSC on 20 February 2025,
- DSAR/HSC/25/0040, submitted to HSC on 29 March 2025, and
- DSAR/HSC/25/0083, submitted to HSC on 23 June 2025.

28. In HSC's formal response to the Authority on 7 October 2025, they advised,

"DSAR/HSC/25/0018: [redacted] – anticipated disclosure by 15 October 2025, with potential delay due to voluminous records and limited staff availability."

"DSAR/HSC/25/0040: [redacted] – anticipated disclosure by 22 October 2025, with records requiring cross-checking across multiple departments."

29. The Authority is aware that HSC failed to provide the requested material for all three DSARs within the statutory period (including where an extension had been applied).

30. The Authority understands that the final set of data for *0018 and *0040 was disclosed to the requestor on 5 December 2025.

31. The Authority understands that the final documents relating to *0083 were disclosed to the requestor on 15 December 2025. Reference has been made by the controller to technical issues that led to further delay, specifically with this DSAR.

CAS-15352

32. On 13 November 2023, an individual submitted a DSAR to HSC, ref. DSAR/HSC/23/0115.

33. The DSAR related to C&FCS and requested social care records from birth to 18 years old.

34. The requestor informed the Authority that, following submission of the request, they received no further communication from the Controller on the matter.

35. In HSC's representations, they confirmed the requestor initially provided an incorrect email address and therefore the initial acknowledgement (14 November 2023) and a

subsequent notification of extension (15 November 2023) was not ultimately received. HSC acknowledge that, whilst relevant, this does not negate the failings identified by the Authority regarding HSC's compliance with this specific request – as per the following points.

36. On 6 August 2025, following the DSAR being chased by the requestor, HSC advised them a portion of the files would be available on 8 August 2025 and stated,

“We are continuing to work on the remaining files and have escalated your request as a priority to ensure your records are disclosed to you as soon as possible.”

37. As of HSC's formal response dated 26 November 2025, HSC confirmed that six of the twenty-eight files had been disclosed to the requestor, with the remaining being disclosed on a phased basis due to the overall volume. An anticipated conclusion date of 31 March 2026 was provided.

38. Regarding the cause of the delay, HSC stated,

“...at the time of receipt of the DSAR (November 2023) and up to the end of the first quarter of 2025, our service only had one staff member available to triage and respond to subject access requests, supported by a very small team with competing responsibilities.”

39. HSC have failed to provide a copy of the personal data requested within the statutory period.

40. In this particular case, whilst the matter may be deemed complex by HSC, the time taken to facilitate the DSAR is far in excess of what is expected from a controller, especially a public authority. This is further exacerbated by the nature of the special category information being requested.

41. Further, the HSC's reference to “...competing responsibilities” raises the question what priorities are given to data protection matters, including whether a clear statutory obligation (DSAR responses) is being appropriately prioritised alongside other organisational requirements.

General DSAR compliance

42. The Authority has performed an analysis of the information provided to form an overview of HSC's DSAR compliance from 2023 to 2025.

43. The primary data points considered were as follows:

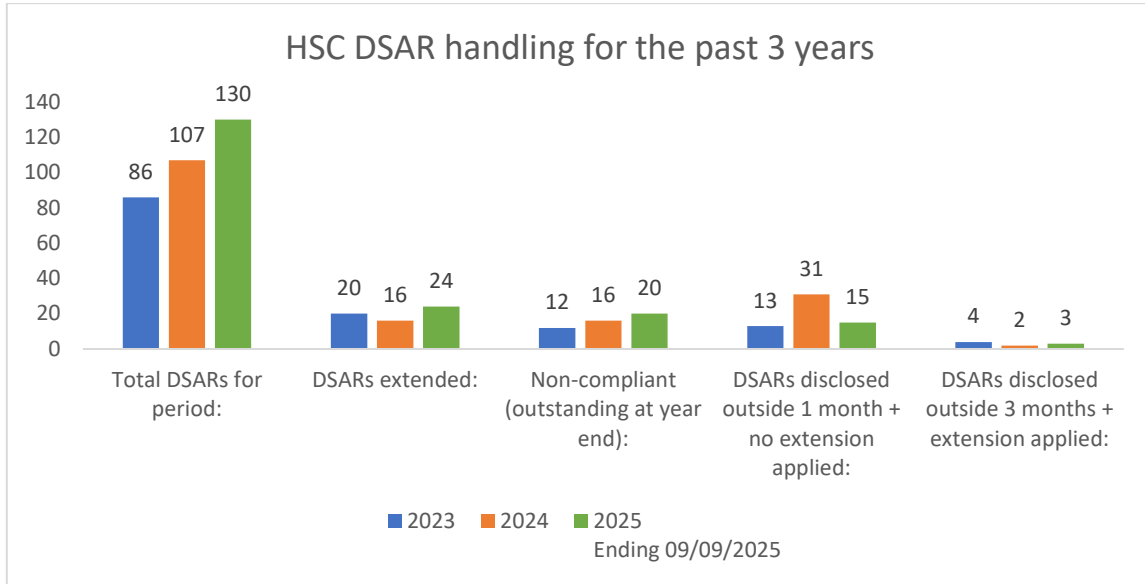


Figure 2

44. The Authority notes that the number of extensions was at a three-year high (24 total as of September 2025), with Spreadsheet 2 placing this figure at 37 as of October 2025.

45. The Authority also considered overall time taken to disclose (days), where a disclosure date has been provided¹:

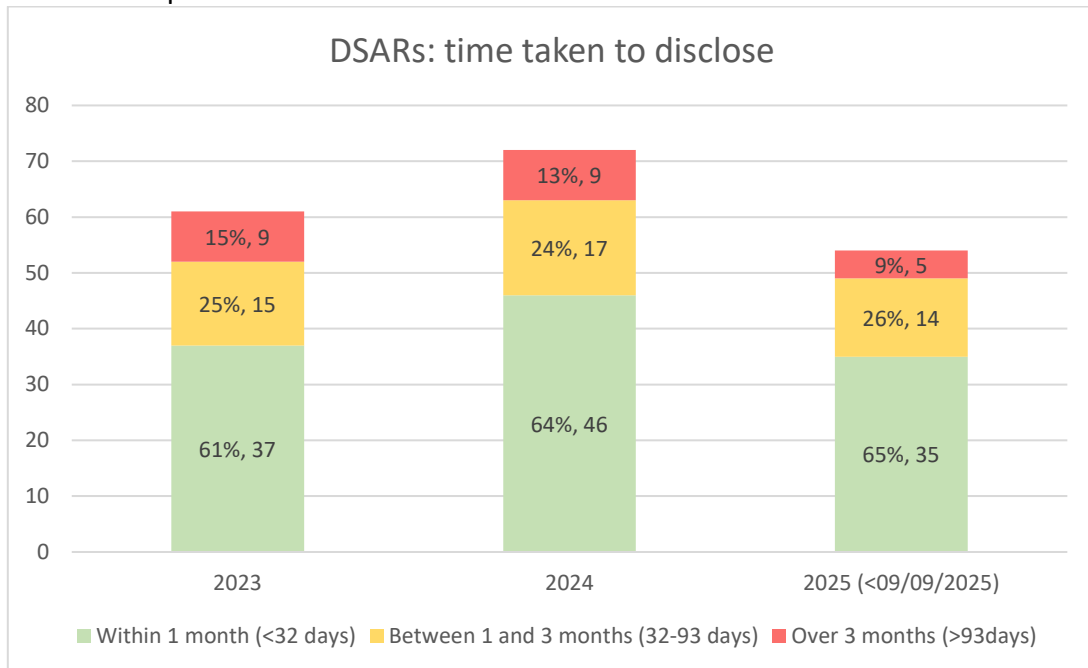


Figure 3

¹ Please note: the percentage figures are generated by rounding up to the second decimal point i.e. 61% (2023) = 0.6066. As a result, the total percentages for both 2023 and 2024 of Figure 3 display as 101%.

Annual DSAR figures: time taken to disclose

	2023 ²	2024 ³	2025 ⁴ (<09/09/2025)
Total DSARs disclosed	61	72	54
Min value (days)	2.00	1.00	0.00
Max value (days)	458.00	399.00	151.00
Mean (days)	73.46	47.57	37.15
Median (days)	29.00	29.00	31.00

Figure 4

46. The Authority observes that, where disclosure has occurred, the overall distribution of response times (*see Figure 3*) remains largely unchanged over the past 3 years. The Authority does, however, note the positive trends demonstrated by *Figure 4*, namely that the average number of days to disclose has consistently decreased. Furthermore, the most egregious cases (Max value) have also reduced over time. The above does not, however, account for DSARs marked as ongoing, withdrawn or where no disclosure date has been provided.

47. To determine the total number of DSARs on any given year for which HSC have failed to comply with section 15 of the Law, the Authority totalled:

- Non-compliant (outstanding at year end),
- DSARs disclosed outside 1 month + no extension applied, and
- DSARs disclosed outside 3 months + extension applied.

² DSR/HSC/23/0106 and DSR/HSC/23/0122 have been discounted in order to not skew the above results as the disclosure date precedes the date of receipt.

³ DSR/HSC/24/0181 detailed a disclosure date of 24/08/2028, which is being treated as an error and so has been discounted from the 2024 calculations in order to not skew the results.

⁴ SAR.HSC.25.0055 and SAR.HSC.25.0092 have been discounted in order to not skew the above results as the disclosure date precedes the date of receipt.

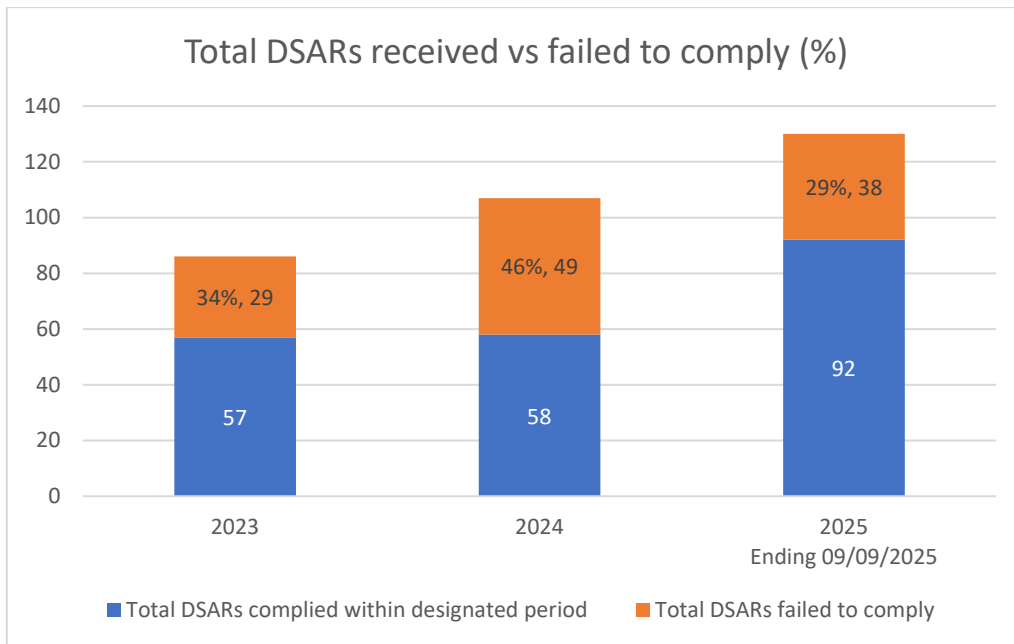


Figure 5

48. As demonstrated by *Figure 5* above, 2023 to 2024 showed an increasing trend of non-compliance alongside the rising number of DSARs received. Whilst this percentage for 2025 is less than that of 2024, the Authority is cognisant that, this is likely to have increased since Spreadsheet 1 was provided. Further, the Authority considers an approximate ratio of 2:1 compliant to non-compliant DSARs to not be an acceptable threshold.

49. When including incomplete DSARs due for disclosure outside of the year (or after 9 September in the case of 2025), this percentage figure increases (*see Figure 6*). It should be noted that the Authority cannot find reference to these DSARs in the subsequent year's spreadsheet and therefore it is assumed that they remain unfulfilled:

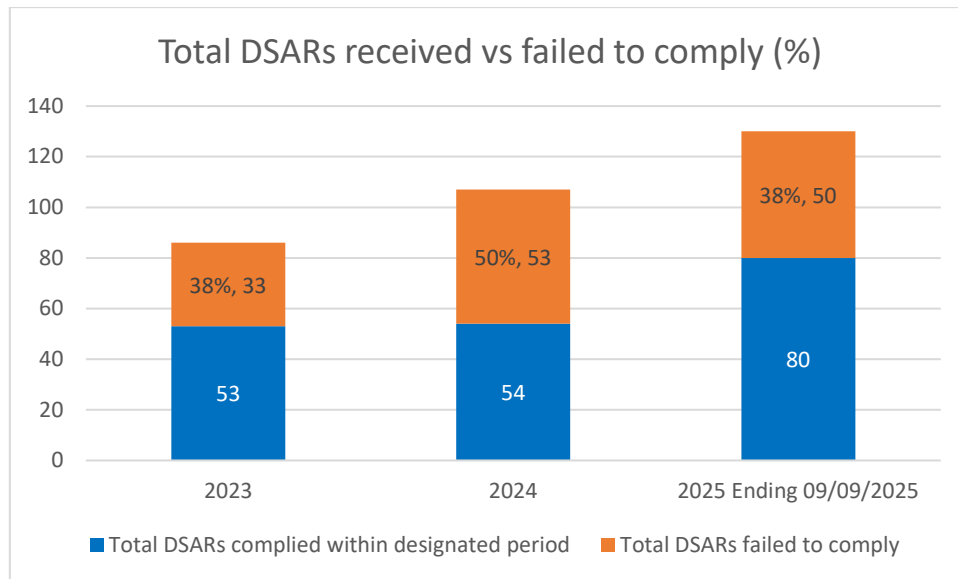


Figure 6

50. This upwards trend is supported by the 'Figures' tab in Spreadsheet 2, which states that, as of 7 November 2025: **43** DSARs were open and overdue, with a further **17** concluded outside of the designated period. The Authority notes that this figure is pulled from a smaller pool of 81 DSARs, when compared to Spreadsheet 1 (see Figure 7 for a comparison below).

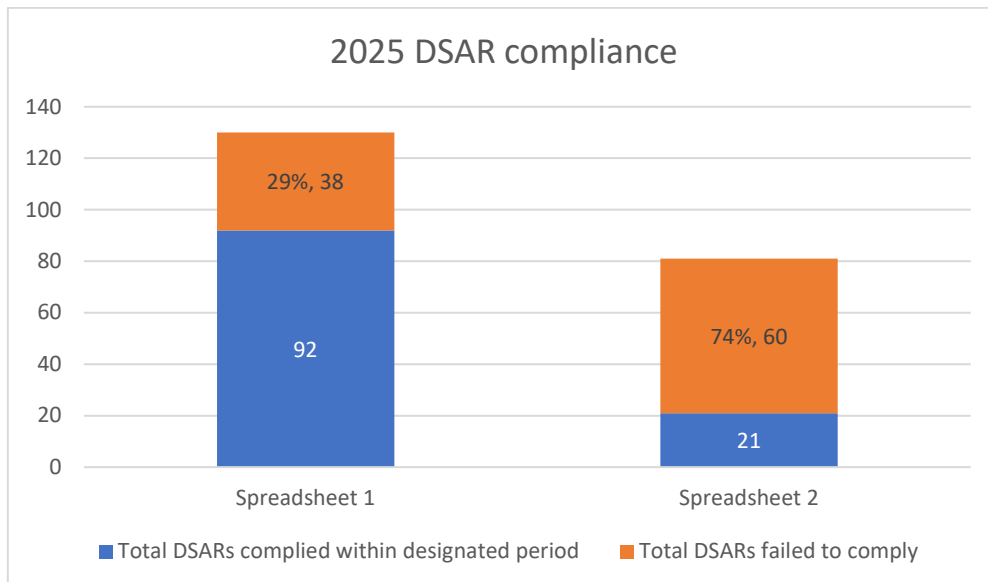


Figure 7

51. Were the Authority to be provided with a completed and fully up-to-date version of Spreadsheet 2, a more accurate picture and trend may have been discerned. As noted in paragraph 10, the lack of record-keeping reliability and integrity raises concerns regarding HSC's DSAR governance.

52. Section 27 of the Law

Section 27 relates to the controller's responsibility to comply with a request to exercise a data subject right.

In particular, sub-section 27(1) provides that:

"Subject to the following provisions of this section, sections 28 and 29 and any other exception or exemption provided by sections 14 to 22 or any other provision of this Law, the controller must comply with the request and notify the requestor of any action taken in compliance with the request –

- a) as soon as practicable, and*
- b) in any event within the designated period,"*

Furthermore, sub-section 27(2)(a) provides that:

"If a controller fails to comply with any part of a request, the controller must notify the requestor of –

- a) the controller's reasons for not so complying,"*

Furthermore, sub-section 27(3) provides that:

"The notification in subsection (2) must be given to the requestor –

- a) as soon as practicable, and*
- b) in any event within the designated period."*

Furthermore, sub-section 27(4) provides that:

"The controller may extend the time allowed for notification under subsection (1)(b) or (3)(b) by a further two months where necessary, taking into account the complexity and number of requests, but in this event the controller must notify the requestor, within the designated period, of –

- a) any such extension, and*
- b) the reasons for the extension."*

53. The Authority is of the view that HSC has failed to comply with the requirements of these provisions.

54. In terms of HSC’s compliance with requests, the Authority’s assessment of section 15 also supports a contravention of section 27(1) in that HSC are regularly disclosing DSAR material outside the designated period. This is demonstrated by both the specific complaints referenced above as well as the more general overview of DSAR compliance, compiled by the Authority.

55. Further, the complaints received by the Authority raise concerns that, where HSC are failing to comply with requests, or alternatively applying extensions, the necessary notifications to requestors are being made outside the designated period. The below table summarises these cases:

Complaints received vs communication outside the designated period

Reference no.	Due Date	Communication	Delay (days)
ODPA ref. CAS 15246 (HSC ref. DSAR/HSC/25/0048)	07/06/2025	13/06/2025 – HSC confirmation to requestor: failed to comply with the request. No prospective date of disclosure given.	6
ODPA ref. CAS 15277 (HSC ref. DSAR/HSC/25/0078)	10/07/2025	11/07/2025 – HSC confirmation to requestor: has failed to comply with the request. No prospective date of disclosure given.	1
ODPA ref. CAS 15278 (HSC ref. DSAR/HSC/25/0083)	23/07/2025	25/07/2025 – HSC confirmation: application of 2-month extension.	2
ODPA ref. CAS 15352 (HSC ref. DSAR/HSC/23/0115)	13/12/2023	15/11/2023 – notification of extension sent (see paragraph 35 of this document). 06/08/2025 – email from HSC to requestor confirming the controller has failed to comply.	602

Figure 8

56. The Authority notes the ‘SARs 2025 work doc DO NOT USE’ tab of Spreadsheet 2 provides a column for ‘DATE Failure to Comply email sent to Data Subject’. Of the 12 entries in this column, **10** notifications were sent outside the designated period.

57. Similarly, the same tab has an ‘Extension email sent’ column. Of the 18 entries in this column, **3** notifications were sent outside the designated period.

58. The Authority notes that these categories are not detailed in other spreadsheets provided and therefore there is no indication of yearly trends. Furthermore, as stated

above, Spreadsheet 2 appears incomplete and, therefore, does not provide a full or reliable picture of HSC's compliance regarding this aspect. That said, the above indicates a pattern whereby HSC are notifying requestors of non-compliance outside the designated period, contravening sections 27(2) and 27(3) of the Law.

59. Please note, where an extension is applied in accordance with the Law and the DSAR is provided within the extended designated period, this would not constitute a contravention of section 15 of the Law. The concern as outlined above (and reflected in the communications referenced in *Figure 8* – HSC ref. DSAR/HSC/25/0083) is that, even where an extension is applied by HSC, in some instances the extension is communicated to the requestor after the initial designated period. This contravenes section 27(4) of the Law.
60. HSC stated to the Authority that the observed lateness in communications is a result of staff resource limitations and the high volume of complex requests.
61. The Authority fully recognises that limited resources can impact operational efficiency, however, this is a factor squarely under the control of HSC, who is responsible for deciding the priority and resourcing given to their statutory obligations under the Law. Thus, insufficient resourcing suggests that data protection generally, and DSAR requests specifically, are of a lower priority at HSC, which is particularly concerning given the sensitivity and volume of the data that they hold (including special category health information) and the duty they have to the data rights of service users.
62. Communication to requestors within the designated period is a key requirement under the Law. This is also echoed in States of Guernsey DSAR guidance, which requires notifications of extensions be provided within two weeks of acknowledgment of the DSAR. Where HSC are notifying of extensions or otherwise confirming they have failed to comply with a request, it is not reasonable that these limited communications occur outside the designated period.
63. HSC's comment also does not account for the contradictory communication to the requestor for DSAR/HSC/25/0048, where the controller suggested the delay was due the complexity of records which had been identified by the Controller, only for the requestor to later be advised that no information was held.
64. Transparency is a core principle of the Law and controllers can achieve compliance and promote trust through genuine and credible communications with data subjects. Notifications by HSC, informing the requestor that they have failed to comply, should therefore be accurate, informative and provided within the designated period: this should be reflected in the relevant internal governance, in this case, the States of Guernsey DSAR guidance.

65. Furthermore, policy should be strict as to how DSARs are handled at the point of non-compliance to ensure the requestor remains informed and the DSAR suitably prioritised. A lack of any potential disclosure date suggests improper prioritisation of overdue DSARs. The Authority expects, at minimum, that a provisional date be detailed in the aforementioned notification, which HSC will take steps to adhere to (disclosing prior to this date if possible). This will ensure that DSARs outside the designated period maintain their urgency and are not overtaken by more recent requests.

66. Section 31 of the Law

Section 31 relates to the controller's duty to take reasonable steps for compliance.

In particular, sub-section 31(1)(a) provides that:

"A controller must take reasonable steps (including technical and organisational measures) –

- a) to ensure that processing of personal data is carried out in compliance with this Law,"*

Furthermore, sub-section 31(2) provides that:

"In discharging the duty in subsection (1), the controller must take into account – the nature, scope, context and purpose of the processing,

- a) the likelihood and severity of risks posed to the significant interest of data subjects, if processing is not carried out in compliance with this Law,*
- b) best practices in technical measures, organisational measures and any other steps that may be taken for the purposes of subsection (1), and (d) the costs of implementing appropriate measures."*

67. The Authority is of the view that HSC has failed to comply with the requirements of these provisions by virtue of the below:

68. During this Inquiry, HSC have reaffirmed that a lack of staff resources and increase in the number of DSARs remains the primary issue in complying with the Law: previously flagged to the Authority by the Controller in July 2024 (CAS-06976). C&FCS, who receives the majority of requests has, for the most part, been supported by a single Data Information Officer to facilitate DSARs. For reasons outlined in paragraph 61, the under-

resourcing of the work unit does not represent an acceptable excuse, but rather, is symptomatic of an underlying problem of prioritisation of compliance with the Law.

69. The Authority does acknowledge that certain measures have been taken to improve HSC's DSAR processing capabilities, namely the addition of thirteen (now ten) volunteer Redaction Support staff in the first half of 2024. However, these individuals are not dedicated DSAR staff and have other, competing responsibilities. Furthermore, as per *Figure 5* and *Figure 6*, the inclusion of these resources does not appear to have positively impacted HSC's compliance for 2024.
70. In 2024, HSC were also considering converting an identified administration post into a further Data Information Officer. This does not appear to have occurred.
71. Following the initiation of this Inquiry, HSC took steps to recruit two Data Support Workers. The Authority is aware that this role is also not solely focused on data protection or DSARs and the staff members support other organisational functions, such as payroll. Furthermore, it is unclear to the Authority whether the loss of members from the Redaction Support team will minimise the positive effect of the Data Support Workers on future DSARs. This is particularly concerning due to the significant increase in the number and complexity of requests experienced by HSC.
72. HSC confirmed to the Authority that, looking forward, the recruitment of staff dedicated to handling DSARs would be a positive measure in reaching compliance and they intend to implement this alongside other organisational measures during Q1 of 2026.
73. The Authority shares HSC's concerns regarding current staffing, as well as the trends demonstrated by the DSAR information provided. The Authority is of the opinion that resources were not suitable to adequately facilitate and comply with DSARs received by HSC through 2023, 2024 and 2025, up to 9 September 2025. Ultimately, it is the responsibility of HSC to address this self-acknowledged under-resourcing risk in a manner and structure that is effective.

Additional observations

Key Performance Indicators ("KPIs")

74. HSC were asked to detail the KPIs, monitored by HSC and/or the States of Guernsey Data Protection team to measure HSC's compliance with DSARs. In response, HSC confirmed they do not currently utilise KPIs to specifically monitor DSARs.

75. KPIs are a valuable tool that allow organisations to determine their success in any given area over a period of time and adjust internal practices, should there be an indication of a negative trend developing over months, quarters or years. The corresponding RAG (“Red, Amber, Green”) ratings produced assist controllers in making informed decisions regarding the allocation of resources to any areas flagging as “amber” or “red”. These can be particularly persuasive when budget is an impacting factor.
76. Considering the scale of HSC’s operations, the general volume of DSARs received and the necessity to balance resources/funding appropriately, the Authority considers KPIs an invaluable tool in helping HSC identify problematic areas/factors within the Controller’s purview and, if necessary, developing a business case for effective solutions.
77. The Authority is cognisant that HSC have developed statistics for the year in question, as can be seen in Spreadsheet 2. We strongly recommend the development of KPIs, which would be a relatively straightforward adjustment to the information already held.

Representations

78. On 8 April 2026, HSC provided their formal response to the Authority’s ‘Notice of Intention to make a Breach Determination and Proposed Sanction’. No objection was made to the proposed sanction, however, a revised timeline was suggested by HSC in order to adequately address their DSAR backlog.
79. The Authority has considered HSC’s arguments, including their concerns regarding the initial one-month compliance period (for DSARs received over 6 months prior to the Order) and suggested timeline to clear this backlog.
80. Based on HSC’s representations it appears that approximately two months (timeframe detailed: 25/03/2026 – 29/05/2026) is required by the Controller in order to disclose over fifty percent of outstanding DSARs (comprising of “Phase 1” and “Phase 2”).
81. As for “Phase 3” and “Phase 4”, while those internal timeframes are to be determined, as referenced in HSC’s representations, the Authority notes HSC’s comment that a four-month timescale is a *“realistic and deliverable approach”* for the completion of all phases.
82. The Authority also notes HSC’s suggestion to disclose a mixture of “Legacy” (pre-2026) and recent DSARs for each timestamped phase. The Authority appreciates that HSC will have a deeper understanding of the urgency of individual cases, however, we want to ensure that exceptionally delayed DSARs are prioritised. We have therefore amended

the wording of term 1 of the Order to allow HSC some flexibility in the DSARs selected for each phase, whilst also prioritising DSARs based on the period overdue (see below).

83. The Authority has provided revised deadlines accounting for the points raised by HSC. This can be seen in the sanction below. Considering the time passed since the initial representations, HSC's statements (referenced above), and the actions already taken by the Controller, the Authority considers this to be an achievable timeframe to address the remaining backlog.

84. HSC's other representations, regarding the body of the proposed determination have also been considered and, where appropriate, changes have been made to the contents of the final determination.

Conclusion

85. In conclusion:

- Information provided by HSC, as well as a number of complaints received by the Authority, demonstrates an ongoing failure to facilitate DSARs within the designated period. Whilst some potential positive trends have been identified, this does not increase compliance to a satisfactory threshold.
- HSC have identified that a significant factor impacting their compliance with the Law is a lack of resources. This is a factor within the control of HSC and suggests a lack of priority for their statutory duties under the Law. While efforts have been made to rectify this; self-admissions by HSC, combined with the information received through this Inquiry, suggests further action is necessary to ensure compliance moving forwards.
- HSC are regularly failing to communicate information regarding extensions or non-compliance to requestors within the designated period required by the Law, leaving these individuals with a lack of information to which they are entitled i.e. an anticipated disclosure date.
- Statistical information provided by HSC has increased the Authority's concerns regarding the Controller's record-keeping, which in turn would likely negatively impact HSC's ability to comply with the Law.

HSC Data Collation Logs

86. As a result of the Authority's investigation, ref CAS-06678, the Authority issued HSC with an enforcement order requiring HSC create, document and implement improved processes which will ensure compliance with future requests made under section 15 of the Law, including implementing measures that ensure that HSC can demonstrate that reasonable steps have been taken to facilitate such requests.

87. On 19 February 2025, in response, HSC confirmed that the "HSC Data Collation Log" document, a tool developed by HSC in response to the enforcement order, had been established to "*ensure meticulous record-keeping*" throughout the DSAR process.

88. The Authority notes that use of the HSC Data Collation Log is also detailed in the HSC SAR Guidance, last updated 3 January 2025.

89. In HSC's formal response to the Inquiry, they advised that:

"Given the nature of the requests handled by the C&FCS team, it is not practical to complete Data Collation Logs. The team is currently under significant resource constraints, and are already struggling to meet the statutory deadlines imposed on the Controller under the law. The process of cataloguing each and every piece of data collated would, in itself, constitute the workload of a dedicated full-time position. At present, their limited capacity does not allow for such a detailed administrative process without further compromising their ability to meet core statutory obligations."

90. As per section 37(3)(b)(iv) of the Law, where an enforcement order is made against a controller, they are required to comply with section 73(5), which states:

"The person concerned must comply with an order under subsection (2) within the time specified in it for compliance."

91. It is troubling that, while the tool was developed to assist in the efficient management and fulfilment of DSARs, the reason for its discontinuation is attributed to inadequate resourcing, once more, a factor under HSC's control.

92. HSC's response indicated use of the HSC Data Collation Log, developed towards satisfaction of the enforcement order, has been discontinued. In our proposed determination, the Authority raised concerns that the enforcement order is no longer being honoured, asking HSC to outline in their response to the proposed determination

how they currently satisfy the terms of the enforcement order through other means and measures.

93. HSC responded, acknowledging this failure and an insufficient focus on record-keeping and DSAR management. HSC confirmed various measures that had recently been implemented to improve their compliance and adherence to the imposed enforcement order, which the Authority has noted accordingly.
94. Non-compliance with an enforcement order is a serious matter that can result in escalated enforcement measures up to and including administrative fines.
95. To be clear, the enforcement order issued was of a general nature and did not prescribe this specific tool. Rather it required HSC to: “...*create, document and implement improved processes which will ensure compliance with future requests made under section 15 of the Law, including implementing measures that ensure that HSC can demonstrate that reasonable steps have been taken to facilitate such requests.*” (see full wording of enforcement order in CAS-06678).
96. Taking into consideration HSC’s response, referencing additional measures implemented, the Authority concludes that, while below the initial safeguard level and form pledged, the general requirements of the enforcement order have not been contravened. As a result, the Authority has made the decision not to pursue additional enforcement measures regarding the Controller’s compliance with section 37(3)(b)(iv) of the Law. While disappointed in the diminished level of safeguards implemented in response to said enforcement order, for this matter the Authority encourages focus on the more overarching issue of DSAR compliance through the issuance of the Order, detailed below.
97. Please note, the above will be considered an aggravating factor in HSC’s overall compliance with the Law and will be taken into account if the Authority is required to assess similar Data Protection concerns in the future. This will also be addressed through our public statement for this inquiry (see Appendix B).

Sanction

98. When the Authority determines that a controller has breached an operative provision of the Law, the Authority may impose a sanction against that controller as outlined within section 73 of the Law.

99. The Authority hereby issues an enforcement order (“the Order”) under section 73(1)(c) of the Law. For the purpose of 73(1)(c), subsection (2)(a) and (c) will apply.

1. ***Within 1 month of issuance of this notice, HSC will contact all requestors with overdue DSARs (as of the date of this notice) to address the delay and confirm whether or not personal data regarding the requestor is being processed.***

Where it is, HSC will provide the requestor with a revised completion date of:

- ***Phase 1: Initial third of pending DSARs (prioritising DSARs overdue >6 months) = 2 months from issuance of this notice***
 - ***Phase 2: Next third of pending DSARs (prioritising DSARs between 3 and 6 months overdue) = 4 months from issuance of this notice***
 - ***Phase 3: Final third of pending DSARs (prioritising DSARs less than 3 months overdue) = 6 months from issuance of this notice***
2. ***HSC will develop a detailed plan of action for addressing HSC’s backlog of DSARs and disclose that plan to the Authority within 3 months of issuance of this notice, including current dedicated/partial resourcing within HSC and the strategy to address its under-resourcing situation. This plan should include a summary of all currently overdue DSARs, including:***
 - ***The number overdue as of the date of this notice,***
 - ***Relevant reference numbers of all overdue DSARs***
 - ***The date each DSAR was received by HSC,***
 - ***The information requested, and***
 - ***The current status including whether an extension has been applied or the request withdrawn.***
 3. ***HSC will resolve all overdue DSARs (including any of those referenced within this document that are still outstanding) by the revised completion dates (see term 1) or earlier if possible.***
 4. ***Following the date of this notice, HSC will provide monthly written updates to the Authority confirming the status of all overdue DSARs, including those detailed in their report, until they are resolved. These records will be consistent, clear and accurate.***
 5. ***Within 6 months of issuance of this notice, HSC will implement changes to ensure any DSARs received following the date of implementation are dealt with promptly and effectively, within the designated period. This may include:***

- *Updates to training and/or governance,*
 - *Updates to internal systems and procedures,*
 - *Improving the accuracy and consistency of record keeping (spreadsheets etc), and*
 - *Ensuring that HSC have the staffing and resources deemed necessary by the Controller to facilitate DSARs in accordance with the Law, including disclosing the requested information within the designated period.*
6. *Within 6 months of issuance of this notice, HSC will implement changes to ensure any communications to requestors, regarding notification of extensions or HSC failing to comply, are provided within the designated period. These changes should also address the issuance of a provisional completion date, provided to requestors at the same time they are notified that HSC has failed to comply. HSC should include governance that regulates the use of these provisional dates, including:*
- *The default extension period,*
 - *Amendments to this period,*
 - *Prioritising overdue DSARs, and*
 - *Action to be taken when HSC fails to disclose within the revised period.*
7. *HSC will provide the Authority with a detailed summary of the changes required by Terms 5 and 6 within the same period.*

The Authority is aware that, following initiation of the Inquiry, HSC began considering and implementing measures to improve their compliance with DSARs (detailed in the HSC Data Protection Officer's email to the Authority, dated 5 February 2026, as well as HSC's representations to the Authority). The Authority recommends referencing these steps, providing a suitable level of detail, in HSC's response to term 2 of the Order.