

AWEW/mjc/NSI 012/14

8 December 2014

To: All NSI approved companies

Dear Colleague

UPDATE ON THE LAW REGARDING ENFORCED SUBJECT ACCESS REQUESTS

Further to our letter (Ref: AWEW/mjc/NSI 011/14) dated 3 December 2014 regarding enforced subject access requests, the Government has announced a delay to the proposed date for commencement of Section 56 of the Data Protection Act (DPA) because of a technical issue encountered when finalising the arrangements for introduction of the new legislation.

We do not know the details of the technical issue encountered or how long it will take to finalise the arrangements. However, the Government says it is working urgently to resolve this issue and remains committed to making the practice of enforced subject access illegal.

As stated in the earlier NSI letter, an example of enforced subject access is where an organisation requires an individual to make a Subject Access Request (SAR) to the police and provide the results to the organisation as a condition of employment. The reason is that the information revealed by a SAR is likely in many cases to go beyond what is permitted legally, for example by revealing spent cautions and convictions.

The new legislation with regard to Section 56 of the DPA might have an effect on BS 7858 although how it might do so is unclear. However there are no changes to the security screening procedures under BS 7858 at the present time.

We are keeping matters under review and we will inform you in due course of the date of commencement of Section 56 of the Data Protection Act (DPA) and whether this will have any effect on BS 7858 procedures.

Yours sincerely



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