

# Equality Impact Assessment

Subject Access Request guidance

January 2023

## Equality Impact Assessment Record

<b>Title</b>	Subject Access Request guidance
<b>Senior Lead Officers</b>	Gillian Hamilton, Depute Chief Executive and Strategic Director of Corporate Services and Governance  Mel O'Bryan, Head of Information Governance
<b>Operational Leads</b>	Governance and Information Team
<b>Directorate: Division: Team</b>	Corporate Services, Governance and Information team
<b>Is this new policy or revision to an existing policy?</b>	New guidance for Education Scotland adapted from Scottish Government guidance.

## Screening

This Equality Impact Assessment (EQIA) aims to re-evaluate the impact of Education Scotland's Subject Access Request guidance on the efficient and equitable handling of Subject Access requests received by Education Scotland with the aim of reducing the potential impact on any correspondents, particularly those with one or more protected characteristics.

The main purpose of the guidance is to ensure that:

- Education Scotland adheres to the Data Protection Act in terms of obligations to its stakeholders
- Requests can be managed appropriately and efficiently by staff

People have a legal right to access the personal data held about them. They can make a subject access request (SAR) in writing, via an online form or verbally. Education Scotland guidance mirrors that of the Scottish Government.

## Who will it affect?

The publication of the Subject Access Request guidance will affect staff in Education Scotland and individuals who believe Education Scotland holds data/information about them and wish to request access to that data/information.

## The Scope of the Equality Impact Assessment

In undertaking this assessment, Education Scotland has assessed the impact on each of the protected characteristics and has considered measures against the three needs of the general equality duty as set out in Section 149 of the Equality Act 2010 to:

- eliminate unlawful discrimination, harassment, and victimisation;
- advance equality of opportunity; and,
- foster good relations

## Key Findings

This impact assessment has identified some potential negative and indirect effects of an online guidance document and these have been noted below with appropriate mitigating actions identified and established as described.

It is also important to recognise that during this EQIA we have carefully considered the accessible design of the content of this document and that of the guidance documentation to ensure we support our aim of providing access for all.

## What might prevent the desired outcomes from being achieved?

Education Scotland acknowledges that as the National Improvement Agency for Scotland, the range of people in Scotland who might engage with us at different stages of their education is wide.

Education Scotland does not have a robust data source which details the profile of stakeholders who we engage directly with and would potentially access this service. Therefore we must rely on data relating the Scottish population more widely.

We recognise that the factor above may be within our control to change and will continue to seek opportunities to obtain more robust data on our stakeholder population so that we can more effectively meet their needs.

## Stage 1: Framing

### Results of framing exercise

As a result of our framing exercise, we identified that there was potential for this guidance to have moderate impact on some protected characteristic groups, either negatively or positively.

#### Protected characteristic: age

Digital technology has only become pervasive in our society in approximately the last 25 years. This could potentially lead to older correspondents being at a disadvantage when accessing online guidance and forms to request their data/information.

Children and young people may also have difficulties in making a request although the guidance does not impose any age restrictions on who can make a request.

Despite this evidence, it is predicted that the impacts on both older and younger requestors will be minor and can be mitigated further as shown in the results section.

#### Protected characteristic: disability

There is the potential for both positive and negative impacts on people with disabilities. Disabled people in Scotland may be more likely to require additional support with navigating the webpage where the subject access request guidance is outlined. However, we will continue to encourage the use of alternatives such as a nominated person to handle subject access requests on their behalf or requesting/responding to verbal access requests.

## Protected characteristic: gender reassignment

There are potential negative impacts on people who have undergone or intend to undergo gender reassignment. Gender reassigned people in Scotland are more likely to have changed their title and/or name and/or pronouns. It is therefore important to note that our guidance and forms for completion include questions asking if people have been known by any other names so important data/information is not missed from any subject access response.

## Protected characteristic: marriage or civil partnership

As with gender there is the potential to miss important information/data due to a name change following a marriage or partnership. It is therefore important to note that our guidance and forms for completion include questions asking if people have been known by any other names to mitigate against this.

## Protected characteristic: pregnancy and maternity

We are not aware of any evidence that the guidance relating to making a subject access request would adversely affect stakeholders or staff.

We will however continue to explore the potential impact on people who are pregnant or on maternity leave.

## Protected characteristic: race

If English is not the first language of a requestor then we are aware that individuals may need translation services which are not readily accessible. The mitigating action of a third person to make the request/response by would be encouraged.

## Protected characteristic: religion or belief

We are not aware of any evidence that the guidance relating to making a subject access request would adversely affect stakeholders or staff.

We will however continue to explore the potential impact on people with different religions or beliefs.

## Protected characteristic: sex

We are not aware of any evidence that the guidance relating to making a subject access request would adversely affect stakeholders or staff.

We will however, continue to explore the potential impact on men and women.

## Protected characteristic: sexual orientation

We are not aware of any evidence that the guidance relating to making a subject access request would adversely affect stakeholders or staff.

We will however, continue to explore the potential impact on people with different sexual orientations.

### Interaction with Other Policies (Draft or Existing)

Not applicable

### Extent/Level of EQIA required

The Framing exercise has highlighted the following actions:

- Advertise the ability for a request to be made verbally, with staff and via the guidance and information available on the website.
- Ensure accessible visual documentation .
- Ensure the forms/information required to make a request are accessible and request all other known as names .

## Stage 2: Data and evidence gathering, involvement and consultation

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>Age</b>	<p><u>Scottish population</u></p> <ul style="list-style-type: none"> <li>• under 4 years old = 5.5%</li> <li>• 5 to 7 years old = 3.0%</li> <li>• 8 to 11 years old = 4.0%</li> <li>• 12 to 15 years old = 4.6%</li> <li>• 16 to 19 years old = 5.1%</li> <li>• 20 to 24 years old = 6.9%</li> <li>• 25 to 29 years old = 6.5%</li> <li>• 30 to 34 years old = 6.1%</li> <li>• 35 to 39 years old = 6.4%</li> <li>• 40 to 44 years old = 7.5%</li> <li>• 45 to 49 years old = 7.8%</li> <li>• 50 to 54 years old = 7.1%</li> <li>• 55 to 59 years old = 6.2%</li> <li>• 60 to 64 years old = 6.4%</li> <li>• 65 to 69 years old = 4.9%</li> <li>• 70 to 74 years old = 4.2%</li> <li>• 75 to 79 years old = 3.4%</li> <li>• 80 to 84 years old = 2.4%</li> <li>• over 85 years old = 2.0%</li> </ul>	<p>Scottish Census 2011:  <a href="http://scotlandscensus.gov.uk">Search   Scotland's Census (scotlandscensus.gov.uk)</a></p>	<p>Data gathered from the population census is the official count of every person and household in Scotland and considered high quality evidence as it is aggregated by the National Records for Scotland.</p> <p>However, we must acknowledge a major limitation is that the census takes place every 10 years and therefore the data might not be an accurate representation of the current population and therefore should be treated as a best estimate only.</p>
<b>Disability</b>	<p><u>Scottish population</u></p> <p>The disability profile of the Scottish population is 19.6%</p>	<p>Scottish Census 2011:  <a href="http://scotlandscensus.gov.uk">Search   Scotland's Census (scotlandscensus.gov.uk)</a></p>	<p>Data gathered from the population census is the official count of every person and household in Scotland and considered high quality evidence as it</p>

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

			<p>is aggregated by the National Records for Scotland.</p> <p>However, we must acknowledge a major limitation is that the census takes place every 10 years and therefore the data might not be an accurate representation of the current population and therefore should be treated as a best estimate only.</p>
<b>Gender reassignment</b>	<p><u>Scottish population</u> The gender reassignment profile of the Scottish population was estimated at around 0.5% in 2018.</p>	<p>Scottish Public Health Network (ScotPHN) Health Care Needs Assessment of Gender Identity Services: <a href="http://scotphn.net">scotphn.net</a></p>	<p>Data gathered as part of the Health Care Needs Assessment of Gender Identity Services study includes all individuals referred for gender reassignment, which is likely to be a higher number than the percentage of people who actually gender reassigned or whom the service rejected.</p>
<b>Marriage and civil partnership</b>	<p><u>Scottish population</u> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work.</p>	N/A	N/A



<p><b>Pregnancy and maternity</b></p>	<p><u>Scottish population</u> The pregnancy and maternity profile of the Scottish population in 2021 indicates there were 45,466 births with the representation of maternal ages as:</p> <ul style="list-style-type: none"> <li>• under 20 years old = 2.6%</li> <li>• 20 to 24 years old = 12.9%</li> <li>• 25 to 29 years old = 27.1%</li> <li>• 30 to 34 years old = 34.1%</li> <li>• 35 to 29 years old = 19.0%</li> <li>• 40 years old and over = 4.3%</li> </ul> <p>In addition, the pregnancy and maternity profile of the Scottish teenage population in 2019 was:</p> <ul style="list-style-type: none"> <li>• under 16 years old = 0.03%</li> <li>• between 16 and 18 years old = 0.2%</li> <li>• between 18 and 20 years old = 1.2%</li> <li>•</li> </ul>	<p>Public Health Scotland - Births in Scottish hospitals: <a href="https://publichealthscotland.scot/media/10493/table2_maternal_age.xlsx">https://publichealthscotland.scot/media/10493/table2_maternal_age.xlsx</a></p> <p>Teenage pregnancy by year and age at conception: <a href="#">Teenage pregnancies - Year of conception, ending 31 December 2019 - Teenage pregnancies - Publications - Public Health Scotland</a></p>	<p>Data gathered from the Scottish Birth Record covers all hospitals in Scotland and is considered trustworthy and high quality data with public value. The majority of data is collected is at local and national level and aggregated by Public Health Scotland.</p> <p>However, it is important that we acknowledge there are limitations within the accuracy of the data in relation to the number of births when compared to the National Register for Scotland birth registrations.</p>
<p><b>Race</b></p>	<p><u>Scottish population</u> The race profile of the Scottish population is:</p> <ul style="list-style-type: none"> <li>• minority ethnic background = 2%</li> <li>• white = 96%</li> <li>• prefer not to say = 1%</li> <li>• not known = 1%</li> </ul>	<p>Scottish Census 2011: <a href="http://scotlandscensus.gov.uk">Search   Scotland's Census (scotlandscensus.gov.uk)</a></p>	<p>Data gathered from the population census is the official count of every person and household in Scotland and considered high quality evidence as it is aggregated by the National Records for Scotland.</p> <p>However, we must acknowledge a major limitation is that the census takes place every 10 years and therefore the data might not be an accurate representation of the current population and therefore should be treated as a best estimate only.</p>

<b>Religion or belief</b>	<u>Scottish population</u> The religion or belief profile of the Scottish population is: <ul style="list-style-type: none"> <li>• church of Scotland = 32.4%</li> <li>• roman catholic = 15.9%</li> <li>• other Christian = 5.5%</li> <li>• Buddhist = 0.2%</li> <li>• Hindu = 0.3%</li> <li>• Jewish = 0.1%</li> <li>• Muslim = 1.4%</li> <li>• Sikh = 0.2%</li> <li>• no religion = 37%</li> <li>• religion not stated = 7.0%</li> </ul>	Scottish Census 2011: <a href="http://scotlandscensus.gov.uk">Search   Scotland's Census (scotlandscensus.gov.uk)</a>	Data gathered from the population census is the official count of every person and household in Scotland and considered high quality evidence as it is aggregated by the National Records for Scotland.  However, we must acknowledge a major limitation is that the census takes place every 10 years and therefore the data might not be an accurate representation of the current population and therefore should be treated as a best estimate only.
<b>Sex</b>	<u>Scottish population</u> The sex profile of the Scottish population is: <ul style="list-style-type: none"> <li>• females = 48.5%</li> <li>• males = 51.5%</li> </ul>	Scottish Census 2011: <a href="http://scotlandscensus.gov.uk">Search   Scotland's Census (scotlandscensus.gov.uk)</a>	Data gathered from the population census is the official count of every person and household in Scotland and considered high quality evidence as it is aggregated by the National Records for Scotland.  However, we must acknowledge a major limitation is that the census takes place every 10 years and therefore the data might not be an accurate representation of the current population and therefore should be treated as a best estimate only.

<p><b>Sexual orientation</b></p>	<p><u>Scottish population</u> The sexual orientation of the Scottish population is currently unknown.</p> <p>We do, however, have UK-wide data from the Annual Population Survey in 2020, that the representation of sexual orientation across genders and age groups was:</p> <p>Males – (heterosexual or straight)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 88.4%</li> <li>• 25 – 24 years old = 91.6%</li> <li>• 35 – 49 years old = 93%</li> <li>• 50 – 64 years old = 94%</li> <li>• 65+ years old = 96.6%</li> </ul> <p>Males – (gay or lesbian)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 3.3%</li> <li>• 25 – 24 years old = 4.3%</li> <li>• 35 – 49 years old = 2.9%</li> <li>• 50 – 64 years old = 2.1%</li> <li>• 65+ years old = 0.6%</li> </ul> <p>Males – (bisexual)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 3.1%</li> <li>• 25 – 24 years old = 1.0%</li> <li>• 35 – 49 years old = 0.6%</li> <li>• 50 – 64 years old = 0.4%</li> <li>• 65+ years old = 0.3%</li> </ul> <p>Males – (other)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 1.0%</li> <li>• 25 – 24 years old = 0.6%</li> <li>• 35 – 49 years old = 0.6%</li> <li>• 50 – 64 years old = 0.5%</li> <li>• 65+ years old = 0.6%</li> </ul> <p>Males – (don't know or refuse)</p>	<p>Office for National Statistics 2021: <a href="https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/culturalidentity/sexuality/datasets/sexualidentityuk/2012to2020/finalsexualorientationtable.xlsx">https://www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/culturalidentity/sexuality/datasets/sexualidentityuk/2012to2020/finalsexualorientationtable.xlsx</a></p>	<p>Data gathered from the Annual Population Survey provides representative estimates of household populations and is considered robust evidence. The majority of data collection is also obtained on an annual basis.</p> <p>However, we acknowledge that there are limitations with data collection in relation to the sample size being capped at 120,000 individual responses. In addition, the Annual Population Survey does not collect gender identity, nor does it collect further information on those classified as 'other'; therefore, no assumptions can be made about the sexual orientation of this group.</p>
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	<ul style="list-style-type: none"> <li>• 16 – 24 years old = 4.2%</li> <li>• 25 – 24 years old = 2.5%</li> <li>• 35 – 49 years old = 2.9%</li> <li>• 50 – 64 years old = 3.0%</li> <li>• 65+ years old = 1.9%</li> </ul> <p>Females – (heterosexual or straight)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 86.2%</li> <li>• 25 – 24 years old = 93.1%</li> <li>• 35 – 49 years old = 94.7%</li> <li>• 50 – 64 years old = 95.6%</li> <li>• 65+ years old = 96.7%</li> </ul> <p>Females – (gay or lesbian)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 2.2%</li> <li>• 25 – 24 years old = 1.6%</li> <li>• 35 – 49 years old = 1.2%</li> <li>• 50 – 64 years old = 1.0%</li> <li>• 65+ years old = 0.3%</li> </ul> <p>Females – (bisexual)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 7.6%</li> <li>• 25 – 24 years old = 2.0%</li> <li>• 35 – 49 years old = 0.8%</li> <li>• 50 – 64 years old = 0.4%</li> <li>• 65+ years old = 0.4%</li> </ul> <p>Females – (other)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 1.6%</li> <li>• 25 – 24 years old = 0.8%</li> <li>• 35 – 49 years old = 0.6%</li> <li>• 50 – 64 years old = 0.5%</li> <li>• 65+ years old = 0.4%</li> </ul> <p>Females – (don't know or refuse)</p> <ul style="list-style-type: none"> <li>• 16 – 24 years old = 2.5%</li> </ul>		
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	<ul style="list-style-type: none"> <li>• 25 – 24 years old = 2.5%</li> <li>• 35 – 49 years old = 2.6%</li> <li>• 50 – 64 years old = 2.4%</li> <li>• 65+ years old = 2.2%</li> </ul>		
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## Stage 3: Assessing the impacts and identifying opportunities to promote equality

Do you think our new Subject Access Request guidance impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to age.
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are potential positive and negative impacts on very young people who may be more likely to require additional help from a parent or carer with accessing the guidance. However, we will continue to encourage the use of a nominated person to handle subject access requests on their behalf.
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Whilst publishing the subject access request guidance online may be beneficial to some, it may also create issues for the elderly who might not have internet access at home. Therefore, making resources available to download in schools or community centres for people without internet access could help with mitigating potential negative impacts. In addition, the ability to make a verbal Subject Access request via the telephone will help mitigate against this as our enquiries number is available to all.

Do you think our new Subject Access Request guidance impacts on people because of their disability?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to disability.
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There could be potential positive and negative impacts on people with disabilities. Disabled people in Scotland are more likely to require additional support with navigating the webpage where the subject access request guidance is outlined. However, we will continue to encourage the use of a nominated person to handle subject access requests on their behalf.
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our new Subject Access Request guidance impacts on people proposing to undergo, undergoing, or who have undergone a guidance for reassigning their sex?

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to gender reassignment.
Advancing equality of opportunity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There could be potential positive and negative impacts on people who are proposing to undergo, undergoing, or who have undergone gender reassignment. Gender reassigned people in Scotland are more likely to have changed their title and/or name and/or pronouns. It is therefore important to note that our guidance includes questions asking if people have been known by any other names.
Promoting good relations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

				Furthermore, when responding to a subject access request we also do not refer to specific titles and/or use pronouns.
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Do you think our new Subject Access Request guidance impacts on people because of their marriage or civil partnership?

Marriage and Civil Partnership <sup>2</sup>	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment, and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This protected characteristic does not apply.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our new Subject Access Request guidance impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment, and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to sex.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<sup>2</sup> In respect of this protected characteristic, a body subject to the Public Sector Equality Duty (which includes Scottish Government) only needs to comply with the first need of the duty (to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010) and only in relation to work. Equality impact assessment within the Scottish Government does not require assessment against the protected characteristic of Marriage and Civil Partnership unless the policy or practice relates to work, for example HR policies and practices.

Do you think our new Subject Access Request guidance impacts on women, who are proposing to take maternity leave, are currently taking maternity leave, and are returning from maternity leave or who are pregnant?

<b>Pregnancy and Maternity</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to pregnancy and maternity.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our new Subject Access Request guidance impacts on people on the grounds of their race?

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to race.
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There could be potential positive and negative impacts on people with different racial identities. People with different racial identities in Scotland may be more likely to require translation services to read and understand the guidance fully. However, we will continue to encourage the use of a nominated person to handle subject access requests on their behalf.  Whilst publishing the subject access request guidance online may be beneficial to some, it may also create issues for people with English as their second language. It is therefore important to note that our guidance enables us to accept subject access requests and respond verbally.
Promoting good relations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



Do you think our new Subject Access Request guidance on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to religion or belief.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Do you think our new Subject Access Request guidance impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The guidance to support people with submitting subject access requests should be developed in such a way that it will not create unlawful discrimination related to sexual orientation.
Advancing equality of opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Promoting good relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

## Stage 4: Decision making and monitoring

### Identifying and establishing any required mitigating action

Are there any positive or negative impacts identified for any of the equality groups?	The guidance for subject access requests can have both positive and negative impacts to varying degrees for some protected characteristic groups. These have been identified and mitigated against as part of the process of this EQIA and refining the guidance accordingly.
Is the policy directly or indirectly discriminatory under the Equality Act 2010?	There is no evidence that this guidance is discriminatory under the Equality Act 2010. This will be reviewed following any significant changes to legislation on equalities or data/information processing.
If the policy is indirectly discriminatory, how is it justified under the relevant legislation?	Not applicable
If not justified, what mitigating action will be undertaken?	Not applicable

### Monitoring and Review

This EQIA will be reviewed on a triannual basis or following a significant change to data/information holding processes or legislative changes to the Equalities Act.

## Stage 5 - Authorisation of EQIA

Please confirm that:

This Equality Impact Assessment has informed the development of the Subject Access Request guidance:

Yes  No

Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life);
- Fostering good relations, tackling prejudice and promoting understanding

Yes  No

If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not Applicable

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken and give my authorisation for the results of this assessment to be published on the Education Scotland website.**

**Name:** Gillian Hamilton

**Position:** Depute Chief Executive and Strategic Director of Corporate Services and Governance

**Authorisation date:** 10/02/2023

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