

PRIVATE AND CONFIDENTIAL

Mrs Mary Mcfadyean
c/o MMA Legal,
Stok, Princes Street
Stockport, SK1 1RY

04/06/2026

Sent by email to evidence@mmalegal.co.uk

Dear Investigations Team,

Subject Access Request – MMA Legal on behalf of Mrs Mary Mcfadyean, date of birth – 02/08/1969

Thank you for your recent email, received on 1st June 2026, requesting access to personal information that we may hold about your client. The Inquiry must be satisfied that you have the authority of Mary Mcfadyean before we take any steps to comply with the request.

As we advised your Case Manager, James Taylor during a telephone call on 19th May 2026, we require to be provided with a mandate which gives MMA Legal specific authority to approach the Scottish Child Abuse Inquiry (SCAI) for access to the data which is being requested.

You will appreciate that SCAI, as a responsible Data Controller, has very significant legal obligations under the UK GDPR and the DPA 2018 to ensure that all the personal data we process is kept secure at all times, and you will also appreciate that because of our statutory functions and remit, the nature of the data we process - personal, special category and criminal offence data - is particularly sensitive. The ICO guidance on the matter makes clear that it is essential that the Data Controller is satisfied that any third party making a Subject Access Request is entitled to act on the person's behalf, and although we understand the ease and convenience of using one generic mandate of authority to send to all the various Data Controllers you might make enquiry of via Subject Access Requests on behalf of your clients, we do not consider that in each case we can be satisfied that the Data Subject has given MMA Legal specific authority to approach SCAI for access to the data requested, on the basis of the mandate provided to us.

Without express authority of this sort, there is a clear risk that a Data Subject could misunderstand what they are giving authority to access and may be unaware that the generic mandate might be used to seek any data that SCAI might hold. We note that SCAI, being a statutory public inquiry whose powers are prescribed and limited by our statutory framework and Terms of Reference ('TOR'), is a body of a very different nature to the other organisations listed in the examples of the public and private bodies

to which the mandate purports to apply. We note also that the mandate was signed some months before the covering letter, which we accept does mention SCAI, was prepared.

In addition, there is a specific statutory limitation which applies to SCAI, namely that persons who were 'children in care' within the definition set down in our TOR have their identities protected by an order made by the Chair of the Inquiry, the Rt Hon Lady Smith, under section 19 of the Inquiries Act 2005. This is her [General Restriction Order](#) ('GRO'), and you will note that it provides that documents which identify 'protected persons' must not be disclosed to or by any person without the express written permission of the Chair. Section 36 of the 2005 Act sets out the possible consequences of breaching the Chair's restriction order.

In practice, the Chair gives the necessary permission for disclosure of identifying information to allow SCAI to meet its UK GDPR and DPA 2018 obligations. However, a mandate which provides specific authority for the release of personal data by SCAI is required to help ensure that there are no inadvertent breaches of the Chair's GRO.

We should perhaps also take this opportunity to advise you that it is not our practice to routinely recover records of persons who are not involved in providing evidence to the Inquiry. In the event that your clients are not applicants, i.e. persons giving evidence to the Inquiry about abuse they experienced, the likelihood is that SCAI will not have recovered records relating to them.

We look forward to receipt of an appropriately framed mandate, at which time your client's Subject Access Request will be actioned.

I can confirm that we have reviewed and are satisfied with the supporting documents which provide proof of identification (ID) and proof of address (POA), on behalf of your client.

Should there be no response within three months we will require updated documentation, or the request will be closed.

Your information is processed as laid down in SCAI's Privacy Notice, which you can review here [Scottish Child Abuse Inquiry | Privacy notice](#).

We look forward to hearing from you.

Yours sincerely

Data Protection Team
Scottish Child Abuse Inquiry