

Data Protection Officer  
Hackney Service Centre  
1 Hillman Street  
London  
E8 1DY

By email only to: [REDACTED]

Cc: [REDACTED]

21 September 2022

Dear [REDACTED],

**Case Reference Number INV/0717/2021**

I write to inform you that the ICO has now completed its investigation into London Borough of Hackney's (LBoH) Subject Access Request (SAR) compliance.

This case has been considered under the United Kingdom General Data Protection Regulation (the UK GDPR) due to the nature of the processing involved.

For more information about our powers under the data protection legislation please see the attached leaflet.

- ICO Enforcement leaflet - UK GDPR and DPA 2018

**Our consideration of this case**

I have investigated whether London Borough of Hackney has complied with the requirements of the data protection legislation. As you will be aware, the ICO has sought numerous pieces of information from London Borough of Hackney to assess the extent to which it has complied with the requirements of UK GDPR in respect of Subject Access Request's across the period 01 April 2020 to 15 February 2021, including the:

- extent to which responses have been issued to requesters
- timeliness of responses
- policies and procedures in place to process requests
- resourcing and staff training dedicated to the handling of requests

As you will be aware, organisations must comply with a SAR without undue delay, and at the latest within one month of receipt of the request or within one month of receipt of:

- any information requested to confirm the requester's identity
- a fee (only in certain circumstances)

After careful consideration and based on the information provided, we have decided to issue London Borough of Hackney with a reprimand in accordance with Article 58 of the UK GDPR. This is because we are not satisfied that the London Borough of Hackney has processed requests across the period 01 April 2020 to 15 February 2021 in such a way as to avoid undue delay, or in any event to deal with requests within one month of receipt (or within two months for more complex requests).

We note that the London Borough of Hackney has implemented a Subject Access Request improvement plan. Whilst this is welcome, we note that some aspects of that plan, for example the ownership for actions, contingencies and timeframes are lacking.

As explained at the conclusion of this reprimand, the ICO would like to see the plan further developed to address these matters and wishes to continue to receive regular updates about the progress made in relation to this plan over the coming six-month period.

### **Details of reprimand**

The reprimand has been issued in respect of the following processing operations that have infringed the UK GDPR:

- **Article 12(3)**

This states that 'The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject'.

- **Article 15(1)**

This states that 'the data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data'.

- **Article 15(3)**

This states that 'The controller shall provide a copy of the personal data undergoing processing.'

Based on the findings of this investigation, the ICO deems that London Borough of Hackney has only responded to 37.66% of the SARs it has received within the statutory timescales allowed during the period from 01 April 2020 to 15 February 2021. This meant that 298 of requests made to the Council did not receive a response in accordance with the requirements of the UK GDPR. This could have significant impacts on the data subjects affected and we expect the London Borough of Hackney to take steps to improve its compliance in this area. London Borough of Hackney has also failed to improve its SAR compliance during the period of our investigation and has a moderate backlog of SAR cases.

### **Further Action Recommended**

The Commissioner recommends that London Borough of Hackney could take certain steps to improve its compliance with UK GDPR. In particular:

1. We expect London Borough of Hackney to ensure that it meets the requirements of all information rights legislation to which it is subject.
2. London Borough of Hackney should take steps to ensure that Subject Access Requests are responded to within statutory deadlines line with Articles 12(3),15(1) and 15(3) of the UK GDPR;
3. London Borough of Hackney should complete a review of policies or procedures in relation to SARs to ensure these are up to date and adequate;
4. London Borough of Hackney should ensure that it has adequate staff resource is in place to process and respond to SARs;

5. London Borough of Hackney should improve how SARs are recorded and monitored;
6. The SAR improvement plan is lacking detail. London Borough of Hackney should produce a detailed improvement plan that shows how it is going to tackle the SAR backlog and improve its SAR response rate.

London Borough of Hackney should provide the ICO with an update on its SAR compliance and the progress/results of its SAR improvement plan after three months from the date of this letter which is 21 December 2022. A further update should also be provided to the ICO also after six months from the date of this letter which is 21 March 2023.

I would like to point out that if further information relating to this subject comes to light, or if any further incidents or complaints are reported to us, we will revisit this matter and further formal regulatory action may be considered as a result.

Further information about compliance with the data protection legislation which is relevant to this case can be found at the following link:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

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Therefore, we may publish the outcome of this investigation to publicise our regulatory authority and new powers under the UK GDPR. We will publish information in accordance with our Communicating Regulatory and Enforcement Activity Policy, which is available online at the following link:

[https://ico.org.uk/media/about-the-ico/policiesandprocedures/1890/ico\\_enforcement\\_communications\\_policy.pdf](https://ico.org.uk/media/about-the-ico/policiesandprocedures/1890/ico_enforcement_communications_policy.pdf)

Please let us know if you have any concerns about this.

Thank you for your co-operation and assistance during the course of our investigation.

We now consider the matter closed.

Yours sincerely

[REDACTED]

Lead Case Officer  
Civil Investigations  
Regulatory Supervision Service  
The Information Commissioner's Office  
[REDACTED]

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Information Commissioner's Office