

ID. Date of interview  
date 10/02/20

ID. Time interview started  
start 14:00:09

ID.end Completion date of interview  
Date 10/02/20

ID.end Time interview ended  
14:42:41

ID. Duration of interview  
time 42.53

new case

# ICO consultation on the draft right of access guidance

Q1 Does the draft guidance cover the relevant issues about the right of access?

Yes

No

Unsure / don't know

If no or unsure/don't know, what other issues would you like to be covered in it?

Issues not covered or require clarification include: - Whether/when draft documents should be included in SAR returns - Whether entirely redacted pages should always be printed out and sent to requesters - Whether internal correspondence relating to processing of SAR returns themselves or complaints relating to SAR handling should be disclosed on receipt of subsequent requests - More clarification on when data held is considered to be 'about' the individual and where information that includes data subject's names but isn't 'about' them can be excluded - More clarity on complaint escalation - whilst organisations try to resolve issues without recourse to the ICO, data subjects have a right to contact the ICO with their concerns (which is outlined in the guidance). ICO case officers are contacting organisations to ask them not to involve the ICO where possible. - More clarity on when organisations can deal with requests in the course of normal business rather than treating them as formal SARs - We often get requests for 'everything the organisation holds about me' and on asking for clarification, get no further information from the requester - in a large and disparate organisation this is sometimes near impossible - can these be treated as complex?, can the organisation take a pragmatic approach and just check key personal data repositories rather than making enquiries with hundreds of services to see if the requester is known to them?

Q2 Does the draft guidance contain the right level of detail?

Yes

No

Unsure / don't know

If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?

Yes

No

Unsure / don't know

If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

Examples of where the different types of Legal Professional Privelege are applicable and clarity on the use of the exemption over time. We would welcome relevant examples of the social work data exemption and in particular the expected workflow in carrying out the 'serious harm test'.

Q4 We have found that data protection professionals often struggle with applying and defining 'manifestly unfounded or excessive' subject access requests. We would like to include a wide range of examples from a variety of sectors to help you. Please provide some examples of manifestly unfounded and excessive requests below (if applicable).

We sometimes get SAR requests for data held that relate to the processing of SARs themselves. We sometimes get repeat SARs covering the same or similar time periods. We sometimes get SAR requests seemingly motivated purely for the purpose of disrupting daily business/time wasting - it would be good to align organisational 'unreasonable behaviour policy' with the 'manifestly unfounded' exemption

Q5 On a scale of 1-5 how useful is the draft guidance?

1 - Not at all useful	2 – Slightly useful	3 – Moderately useful	4 – Very useful	5 – Extremely useful
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q6 Why have you given this score?

The guidance helps clarify current practice in the event of scrutiny. It will be of even more use if those areas identified, currently not included, are addressed.

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?

Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

We have always found the 3 step process very useful and a good workflow to follow – however we would welcome if it could be improved to be more flexible in its use such as the production of a flow chart or template form. Information sharing and integrated working across the public sector and now the third sector is one of the most challenging and fastest growing areas of information governance – in particular we would find it most helpful if the ICO could have inserted a section on third party reports and the rights of access - particularly in relation to the adults and children’s social care sectors. We would very much to like to see the inclusion of third party data as a separate section on professional reports.

Q9 Are you answering as:

- An individual acting in a private capacity (eg someone providing their views as a member of the public)
- An individual acting in a professional capacity
- On behalf of an organisation
- Other

Please specify the name of your organisation:

Multiple Local Authorities

What sector are you from:

public

Q10 How did you find out about this survey?

- ICO Twitter account
- ICO Facebook account
- ICO LinkedIn account
- ICO website
- ICO newsletter
- ICO staff member
- Colleague
- Personal/work Twitter account
- Personal/work Facebook account
- Personal/work LinkedIn account
- Other

If other please specify: