ID.date	Date of interview 10/02/20
ID.start	Time interview started 10:53:35
ID.endDate	Completion date of interview 10/02/20
ID.end	Time interview ended 10:58:14
ID.time	Duration of interview 4.65

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Q1 Does the draft guidance cover the relevant issues about the right of access?

- [x] Yes
- [ ] No
- [ ] Unsure / don't know

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

Q2 Does the draft guidance contain the right level of detail?

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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?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If no or unsure/don’t know, please provide any examples that think should be included in the draft guidance.

For the most part, examples are clear in the circumstances. In relation to exemptions, further clarity could be more helpful for example, in the exemption “the individual is targeting a particular employee against whom they have a personal grudge” – would this include an employee’s manager or colleague? Furthermore, more clarity on the scope /example of management forecasting information in companies would be helpful. The example is clear, but there are other management forecasts where there is less clarity of the scope and applicability – e.g headcount forecasting of the number of employees and their effectiveness in role due to restrictions and the business ability to support the increased numbers of employees with such restrictions and availability of suitable roles

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).

DSAR requests from employees broadly fall into 3 categories: 1 they just want a copy for personal record, 2 they need information to pursue a legal claim not associated with the company (eg car accident) or 3 they are in conflict with the company – grievance/disciplinary/ dismissal. In cases where a data subject submits a DSAR for option 3, they often are dissatisfied with the data supplied to them in good faith. There is a lack of clarity of understanding of DPA and the "right of access" to their own personal data only. This can often lead to a situation where the data subject continues to submit more and more requests, to find information that they might not even be entitled to under DPA / where there is a justification /exemption for withholding the personal data – eg it could impact the person who wrote the date such as in a grievance. Where possible we try to respond to all DSAR in good faith, but the balance of privacy for all data subjects can be difficult to satisfy a specific individual when they are in such difficult and stressful situations.

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
○	○	○	○	☑

Q6 Why have you given this score?

The guidance is detailed and tries to address varied scenarios, and application and expectation of DPA expectations and the ICO. It is written clearly and working in a transnational EU team, the ICO guidance is often referred to as way to communicate the company standards / guidelines as good practise.

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
○	○	○	○	☑

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

The calendar month of 28 days is clear although this reduces the time further to response to DSAR as stipulated in the DPA /GDPR. Most organisations make genuine effort to respond to DSAR as soon as possible, however, relying sometimes on other functions to supply the data, and then to scrutinise it in the 28-calendar timeframe will be challenging. On implementation of GDPR I worked to 30 days (on the basis of 365/12) which, given weekends and bank holidays allows additional time and enables compliance to the calendar month requirement stipulated in the DPA/GDPR without the need to notify data subjects of a potential extension and possibly frustrate them. (Note: this is only for complicated DSAR and average response time in 2019 was 20 days)

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:

Airbus

What sector are you from:

Aerospace

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: