

ID. Date of interview  
date 12/02/20

ID. Time interview started  
start 08:38:25

ID.end Completion date of interview  
Date 12/02/20

ID.end Time interview ended  
09:21:34

ID. Duration of interview  
time 43.15

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Q1 Does the draft guidance cover the relevant issues about the right of access?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

Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

P17 – where do we stand with a complex request that's been extended and then e.g. 6 weeks in, they put in another SAR/change the scope of the request. Is that a new request, can we start the clock again on the whole SAR starting that date? P23 - Request timescale doesn't stop when clarification is being sought – what happens if the individual doesn't provide clarification promptly (or at all)? Undertaking a full disclosure of any possible records across an organisation with a wide variety of services is disproportionate if the individual is not willing to provide clarification to assist in identifying relevant records. P31 – Commonly used format - what would be considered "commonly used" when releasing audio files? P50 – Functions designed to protect the public – needs to be absolutely clear which controllers can rely on the first four functions, as it's not clear. P51 – Expand on the legislation to make it clearer which organisations might be affected and what processes these are. P59 - Unstructured files – does this include general notebooks belonging to staff that are used for rough notes but do not form part of a formal record? Can this include emails that aren't associated with a particular case?

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

P50 - Functions designed to protect the public - Examples of these points would be helpful.

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).

o Member of staff example – request from an employee or ex-employee requesting all records relating to them from the time they started working at the organisation, including all emails that reference their name, initials or job title. The member of staff used email everyday in their role and many of the emails do not relate to them, but to work they were completing for the organisation. o Customer example – request for “all information you hold on me” that does not identify a particular service and the customer has asked for everything from their date of birth to present. The organisation has a large range of services across multiple systems.

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 examples given are very good, and the clarification on validating identities is helpful. However, some of the changes will negatively impact organisations, and is likely to make the subject access process more frustrating for members of the public.

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.

There is a conflict between the limited definition of "excessive", clarification requests not stopping the timescale, and not able to ask the requester to narrow their scope. This will place disproportionate demands on organisations, particularly those with various services across different systems.

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:

Hampshire County Council

What sector are you from:

Local Government

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: