

ICO consultation on the draft right of access guidance

The right of access (known as subject access) is a fundamental right of the General Data Protection Regulation (GDPR). It allows individuals to find out what personal data is held about them and to obtain a copy of that data. Following on from our initial GDPR guidance on this right (published in April 2018), the ICO has now drafted more detailed guidance which explains in greater detail the rights that individuals have to access their personal data and the obligations on controllers. The draft guidance also explores the special rules involving certain categories of personal data, how to deal with requests involving the personal data of others, and the exemptions that are most likely to apply in practice when handling a request.

We are running a consultation on the draft guidance to gather the views of stakeholders and the public. These views will inform the published version of the guidance by helping us to understand the areas where organisations are seeking further clarity, in particular taking into account their experiences in dealing with subject access requests since May 2018.

If you would like further information about the consultation, please email SARguidance@ico.org.uk.

Please send us your response by 17:00 on **Wednesday 12 February 2020**.

Privacy statement

For this consultation, we will publish all responses received from organisations but we will remove any personal data before publication. We will not publish responses received from respondents who have indicated that they are an individual acting in a private capacity (e.g. a member of the public). For more information about what we do with personal data [see our privacy notice](#).

Please note, your responses to this survey will be used to help us with our work on the right of access only. The information will not be used to

consider any regulatory action, and you may respond anonymously should you wish.

Please note that we are using the platform Snap Surveys to gather this information. Any data collected by Snap Surveys for ICO is stored on UK servers. [You can read their Privacy Policy.](#)

Q1 Does the draft guidance cover the relevant issues about the right of access?



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Q2 Does the draft guidance contain the right level of detail?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



Unsure / don't know

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

Overall the guidance is good however the examples are top level. A challenge we come across as a business is that those making a DSAR have an expectation that they will receive a copy of every email that they have sent or received regardless of whether or not the detail in the email is anything to with them. As they are provided with a business email in order to do their job I do not provide them unless the content specifically relates to them by name. More guidance on email content would be valued.

Q3 Does the draft guidance contain enough examples?

Yes



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 focus a lot on public sector, there needs to be more examples for SME's and draw a specific conclusion, i.e. the examples say what the DSAR is but not what the response should be.

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).

As above, manifestly unfounded or excessive would be a request to see every single email that they have ever sent or received regardless of whether or not the email contains their personal data. (we receive this request a lot)

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

1 - Not at all useful 2 – Slightly useful 3 – Moderately useful 5 – Extremely useful

Q6 Why have you given this score?

It is easy to understand and fairly clear, more examples that reflect private organisations or SME's would be beneficial.

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

Strongly disagree Disagree Neither agree nor disagree Strongly agree

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

This document is not formatted as a form and therefore I have highlighted my answers in yellow.

Q9 Are you answering as:

An individual acting in a private capacity (eg someone providing their views as a member of the public)

[REDACTED]

On behalf of an organisation

Other

Please specify the name of your organisation:

Institute of Directors

What sector are you from:

Education/training/professional body

Q10 How did you find out about this survey?

ICO Twitter account

ICO Facebook account

ICO LinkedIn account

ICO website

[REDACTED]

ICO staff member

Colleague

Personal/work Twitter account

Personal/work Facebook account

Personal/work LinkedIn account

Other

If other please specify:

[REDACTED]

Thank you for taking the time to complete the survey.