

ID. Date of interview
date 09/02/20

ID. Time interview started
start 16:35:23

ID.end Completion date of interview
Date 09/02/20

ID.end Time interview ended
16:42:44

ID. Duration of interview
time 7.35

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Q1 Does the draft guidance cover the relevant issues about the right of access?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

Yes, but it is not an "easy read" the answers are contained in many sections. A flow chart of the process may help, as would an index or FAQ.

Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Yes, but it would be more helpful to include examples of what is included in the response to a SAR and also to what extent should the subject have access to confidential information eg such as safeguarding, which in their possession could cause harm to another but is not quite covered by an education exemption.

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

No, we struggle to find the answers concisely to what data should be given as part of a request. Your draft guidance covers unstructured manual records and pupils' educational records but does not include whether data supplied by the subject is included, such as emails that have responses etc which would be included. We have been using a combination of resources including the ICO "Access to Information held in complaint files" documentation to navigate our way through these types of SARs.

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).

Repeated requests for the same information which was either excluded or redacted under an exemption. Some schools have been inundated by unrestricted requests, received multiple times (eg "I want everything you have"). The time spent collating, checking and then redacting other pupils names makes this very onerous, as is the cost. In most cases there is known pre-existing issue such as a decision has not gone the way of the parent and they think that by exercising this right (under Article 15) they can obtain access to data not previously available (eg on another child). Whilst the parent has a right to access this makes it difficult to contain the request to a 'reasonable' amount of data, in most of these cases the whole episode is distressing for the child. Interestingly most of these requests have been received by primary schools rather than secondary schools. We have only experienced such requests since May 2018. I would be happy to discuss this further and provide specific examples.

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?

We welcome the updated guidance which builds on the old guidance related to the DPA 1998 and links the articles and recitals of the GDPR with the extension to cover unstructured records in the DPA 2018. I think a flow chart and more example, or a link to a bank of sector specific examples would help.

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.

A flow chart (or similar diagram) may make it easier to navigate, as would an index and a FAQ type section. Is it possible to provide an additional guide just for schools? There seem to be many complex elements for schools to cope with and a large amount of data provided in response to a SAR, one particular question is how and what to share regarding safeguarding information that is not covered by an exemption and what constitutes manifestly unfounded or excessive when related to school data following a complain about a complex issue. We would be happy for you to contact us to discuss this further.

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:

Integra, the trading arm of South Gloucestershire Council

What sector are you from:

Education

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: