

ID. Date of interview  
date 12/02/20

ID. Time interview started  
start 12:27:29

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

ID.end Time interview ended  
12:33:14

ID. Duration of interview  
time 5.75

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Q1 Does the draft guidance cover the relevant issues about the right of access?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

- Practical steps for ensuring the privacy and security of individuals in dealings with organisations around requests - Effective triaging of requests and standardised, accessible messaging so the majority can get serviced quickly - Creating a culture of respect and 'customer service' around individuals' data rights which goes beyond regulatory obligations and the privacy office

Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

- There is a focus in the guidance on centralized teams, processes and responses. How does the ICO recommend dealing with a 'market event' which could overload these? - How can the ICO empower people across organisations to enter in dialogue with citizens as part of 'business as usual' rather than a paralegal process? - How can organisations enter data dialogue with subjects and answer the most common question "why do you have my data" question as quickly and simply as possible?

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.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 should be provided to guide organisations to: - move beyond obligations and proactively provide basic information as response to requests which requires lower levels of ID verification and data discovery. - Use data points and templated responses to provide information over and beyond regulatory obligations, in a clear and accessible way. - Share and surface details and volumes of requests received, processed and fulfilled to move beyond assumptions around SARs being 'tools of the aggrieved' and having a recognized, wider social benefit in the same way as FOI requests

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).

It would help for balance to solicit and include examples of excessive or unfounded demands from controllers for personal id, particularly around timescales and reasons for making the request. We can provide these on request.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6 Why have you given this score?

The guidance focuses on obligations, gives the data subject little or no convenience, agency or discretion beyond the lowest common denominator in terms of technology, channels and communications within organisations. This risks discouraging, if not prohibiting innovation in 'PrivTech' which support a customer-centric, scalable approach to access and other rights which could create much needed consistency and transparency to this area of GDPR. It also seems at odds with the stated aims of the UK government's Privacy & Consumer Advisory Group, to ensure:

- users are in control of their information
- information isn't centralised
- users have a choice of who provides services on their behalf

Creating arbitrary 'toll booths' around rights is not acceptable but there needs to be an updated understanding of how technology can empower and mediate for citizens in an area which is unfamiliar to them, beyond contractual and power-of-attorney relationships and where they are in control.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

The guidance is helpful in documenting the current 'state of play' for fulfilment of regulatory obligations under GDPR. This shows requests being the preserve of a centralized privacy function, with use of existing analogue channels and basic technology such as emails and web forms. What this guidance lacks is a structure by which there can be effective external oversight and benchmarking, just as the subject is given no choice or agency beyond what is at each organisation's discretion. Are complaints to the ICO to be the only lever available to individual citizens to effect positive change? Particularly, the lack of recognition for new channels which require "proactive" engagement from organisations (which is required to provide privacy and security to the subject who has chosen these tools) seems shortsighted. Given the terms of service of social media platforms (plus well-founded concerns around their security and privacy) what is the logic behind their inclusion as a valid channel here? We would like to suggest the addition of a step in the process where an organisation sends a templated response to confirm if they hold a record on the subject and describe the general basis of their processing activities. This goes beyond regulatory obligations and treats data rights as an element of customer service. Where this is in place with our clients, they have received very positive feedback and a reduction in 'problem' requests. We are happy to provide evidence of this from our own experience and bring in case studies from third parties who take the same approach.

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:

Tapmydata

What sector are you from:

Privacy Technology

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: