

ID. Date of interview
date 12/02/20

ID. Time interview started
start 16:02:33

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

ID.end Time interview ended
16:59:42

ID. Duration of interview
time 57.15

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Q1 Does the draft guidance cover the relevant issues about the right of access?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Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

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).

Article 12 refers to requests from a data subject that are manifestly unfounded or excessive, in particular because of their repetitive character. The examples should not relate exclusively to repetitive requests. The term "excessive" in its common usage could apply to a request that is unreasonable in terms of its proportionality, taking into account the nature of the processing, the scope of the searches involved and the burden of locating, extracting, reviewing and redacting the data. Elsewhere in this guidance it is stated that "You should keep a record of the date you responded and what information you provided." There seems to be little reason to refuse a request on the grounds the information has previously been provided, if the previous response can simply be sent again. The reasoning behind allowing refusal of repetitive requests might be due to the cumulative burden of locating and extracting the personal data where the requests do not overlap, which would also link to the reference in Recital 63 that the controller should be able to request clarification before the information is delivered. If a request (or the search required) may be so burdensome as to require a clarification, then it seems unreasonable for such a request to be split into multiple separate requests if the burden imposed by the original request remains excessive. An example might involve a long term employee, whose name could appear in many disparate records and emails connected with the business, which in isolation have little to do with the employee personally. These records would not be stored or easily searched for by reference to the employee, as the employee is not their primary focus. If the employee sought every piece of data that related to them in some way, and refused to meaningfully narrow or focus the request, the burden of sifting, sorting and redacting may be quite disproportionate to the intention of Article 15. Recital 63 gives the purpose of the right of access as being in order to be aware of, and verify, the lawfulness of the processing. It may be appropriate to balance this against any decision as to whether the request is excessive. Another example might be where an individual already has the means to access the personal data themselves. This might include copies of correspondence between the data subject and the controller.

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

Q6 Why have you given this score?

It is very helpful to have a document set out the ICO's position on interpretation of the law and the practical elements involved in answering a request. The document is also useful to data subjects, because the data controller can quote relevant sections and include a link to the guidance when explaining its decisions to the data subject, and the data subject can use the guidance to assess whether the data controller has acted fairly and lawfully.

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

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

One example of a complex request might be where the data controller identifies a need to carry out further searches that were not apparent when the request was first assessed. For example, a resident may have made a broad SAR to their local authority. It may only become apparent when the initial data has been extracted and reviewed that a complaint was escalated to the Ombudsman and subsequently became the subject of a compensation claim.

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:

Transport for London

What sector are you from:

Public Sector Transport

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: