

ID. Date of interview
date 09/02/20

ID. Time interview started
start 21:28:51

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

ID.end Time interview ended
21:52:50

ID. Duration of interview
time 23.98

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Q1 Does the draft guidance cover the relevant issues about the right of access?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Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Around the security of information provided to an individual, it states that you should not expect an individual to download software in order to access the information sent, however in my experience in order to encrypt data sent to an individual, in some circumstances, they may not have the necessary software in order to unencrypt the contents, so need to download additional software. Without this some companies struggle knowing how to send the data securely, without an expectation for customers to download the software to unencrypt. This could lead to companies sending information in an insecure manner to allow relevant access by the recipient. Guidance on sending securely and some examples of the sorts of provisions companies should use would therefore help companies understand how to share securely and leave no ambiguity. I have also seen instances whereby context of data is enough for an individual to work out who that data originated from (particularly if an opinion on that individual). Therefore although that opinion belongs to the person who submitted the SAR, the outcome is that the individual is able to identify who the opinion originally came from based on the context which could lead to risk to that 3rd party's well being. I appreciate there are exemptions regarding functions designed to protect the public, but guidance on risks to 3rd parties (particularly in the above circumstances) would be good.

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

In the most part, but an example for extra clarity around a SAR being sent to a Processor would be good (page 5).

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).

Main thing that I see are ex-employees who are fired or leave an organisation on bad terms. The individual then puts in a SAR and although they have not explicitly stated that they intend to cause disruption, it is quite clear in some cases that is the reason for the SAR. Or that they are just fishing for anything that could lead to a compensation claim. An example in relation to this scenario would be good, as to whether or not a company could make their own determinations that the request is manifestly unfounded, or if this is never ok as it is not explicitly stated. This occurs 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 | 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 guidance is very useful, but is such a broad topic, that it is extremely difficult to cover everything, as a lot of it is case by case scenarios.

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.

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:

Beacon Consultant Services

What sector are you from:

Business Consultancy

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: