

ID. Date of interview
date 12/02/20

ID. Time interview started
start 08:17:34

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

ID.end Time interview ended
08:25:13

ID. Duration of interview
time 7.65

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Q1 Does the draft guidance cover the relevant issues about the right of access?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

Further guidance on the capacity of a requestor to understand the implications of right of access would be considered as beneficial. Whilst we recognise the need for a legal authority to request data, more information on the basis of the ICO guidance for children's requests would assist. For example: • the nature of the personal data; • any court orders relating to responsibility that may apply; • any duty of confidence owed to the data subject; • any consequences of allowing those access to the information (this is particularly important if there have been allegations of abuse or ill treatment); • any detriment to the data subject if individuals cannot access this information; and • any views the data subject on whether they requestor(s) should have access to information about them.

Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.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

Q5 On a scale of 1-5 how useful is the draft guidance?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 feel that it is a very useful document and would be enhanced even further if the guidance clarified the types of issues highlighted in our response to Q's 1 and 8.

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

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

The guidance states : If you process a large amount of information about an individual, you may ask them to specify the information or processing activities their request relates to before responding to the request. However, this does not affect the timescale for responding - you must still respond to their request within one month. Comments: If the clock does not stop when clarification is requested there is the potential for the Local Authority to respond based on what it believes is required which could result in: • A large amount of information being provided that the data subject did not want or need or the request being declared manifestly unfounded or excessive – note people often want ‘everything’ until they realise what everything is. • Time and expense in providing data that the data subject did not actually want, of charging the data subject for it • Environmental costs in providing unwanted information in paper form • The potential for a further request being received and the associated further costs • A delay in the data subject receiving the information initially requested as a result of having to make a new request It is most likely that this will result in a flat refusal to process on the grounds of manifestly unfounded or excessive. There are some instances where a request cannot proceed in any way until clarification is received. The guidance states that ‘ If you receive a request where it is genuinely unclear whether a SAR is being made, then the time limit does not begin until you have clarified whether the individual is making a SAR, and what personal data they are requesting. In such cases, you are expected to contact the individual as quickly as possible (e.g. by phone or email where this is appropriate).’ There appears to be a direct conflict with this and the above section where the clock continues ticking, or the guidance may need

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:

Cornwall Council

What sector are you from:

Local Government

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: