

## ICO consultation on the draft right of access guidance

The right of access (known as subject access) is a fundamental right of the General Data Protection Regulation (GDPR). It allows individuals to find out what personal data is held about them and to obtain a copy of that data. Following on from our initial GDPR guidance on this right (published in April 2018), the ICO has now drafted more detailed guidance which explains in greater detail the rights that individuals have to access their personal data and the obligations on controllers. The draft guidance also explores the special rules involving certain categories of personal data, how to deal with requests involving the personal data of others, and the exemptions that are most likely to apply in practice when handling a request.

We are running a consultation on the draft guidance to gather the views of stakeholders and the public. These views will inform the published version of the guidance by helping us to understand the areas where organisations are seeking further clarity, in particular taking into account their experiences in dealing with subject access requests since May 2018.

If you would like further information about the consultation, please email [SARguidance@ico.org.uk](mailto:SARguidance@ico.org.uk).

Please send us your response by 17:00 on **Wednesday 12 February 2020**.

### Privacy statement

For this consultation, we will publish all responses received from organisations but we will remove any personal data before publication. We will not publish responses received from respondents who have indicated that they are an individual acting in a private capacity (e.g. a member of the public). For more information about what we do with personal data [see our privacy notice](#).

Please note, your responses to this survey will be used to help us with our work on the right of access only. The information will not be used to consider any regulatory action, and you may respond anonymously should you wish.

Please note that we are using the platform Snap Surveys to gather

this information. Any data collected by Snap Surveys for ICO is stored on UK servers. [You can read their Privacy Policy.](#)

Q1 Does the draft guidance cover the relevant issues about the right of access?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Q2 Does the draft guidance contain the right level of detail?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 you think should be included in the draft guidance.

It would be helpful to have further examples of what the ICO deems "manifestly unfounded or excessive".

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).

The voice recordings between our agents and consumers are recorded. Equifax has received requests for transcription of voice calls as part of a DSAR requests. There were two occasions where we believe the requests to be complex and /or potentially excessive. The requests were fulfilled nonetheless but we would be keen to hear ICO's views.

On one occasion, there was a request which involved 73 voice calls totaling 1,200 hours of talk time. It took our agents 160 hours to transcribe the calls. The estimate costs of fulfilling this request was £2,500.80

On another occasion which also involved a large number of voice calls. We had up to 6 agents working on this request. We asked the data subject if we could provide the transcribed information via our DSARs fulfillment portal by electronic means. The data subject insisted on receiving paper copies. The estimate cost of fulfilling this request was £3,353.

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

Q6 Why have you given this score?

The draft guidance provides much needed clarifications and helpful examples to data controllers who are involved in the handling and processing of DSARs. This will be a useful reference against which organisations can review their existing processes.

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.

Equifax has found the draft guidance to be informative. The many examples have provided clarification to a number of areas to DSARs handling. In particular, we have found the clarifications on "commonly used electronic format" and the requirement to provide remote access to be helpful. Equifax intends to develop further training for the operational teams handling and processing DSARs based on the contents of the refreshed 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:

Equifax Ltd

What sector are you from:

Financial Services

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

Thank you for taking the time to complete the survey.

