

ID. date	Date of interview 11/02/20
ID. start	Time interview started 09:36:12
ID.end Date	Completion date of interview 11/02/20
ID.end	Time interview ended 09:59:13
ID. time	Duration of interview 23.02

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Q1 Does the draft guidance cover the relevant issues about the right of access?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Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Detail is generally comprehensive. However, clarification is needed in the following areas: - Page 25 - 'What about archived information...' - It states that 'you should use the same effort to find information to respond to a SAR as you would to find archived or backed-up data for your own purposes'. However, nowhere is the expected level of effort defined for either searching electronic or paper-based data. The paragraph implies that once reasonable effort has been expended, an organisation can justifiably stop a search. Perhaps an example could be included, or some scenarios when halting a search is permissible. - Page 27 - Quote - Ambiguous wording. Which 'specific criteria' are being referred to? How exactly can data be made accessible by a set of criteria? Suggest rewording. - Page 41 - 'What about confidentiality?' - Suggest including an additional bullet: 'Trade union (trade union representative and member)' - Page 48 - 'Legal professional privilege' - We are concerned that this entire section could be interpreted as only applying to those overtly working in the legal profession (ie. solicitors and barristers). However, there are many other industries and organisations who are not overtly 'law' but have legal functions. For example, trade unions. As such, we suggest adding clarification that legal privilege might be applicable in a range of scenarios and perhaps list some suitable examples. - Trade unions work in a very specific environment and deal with a number of very specific issues with regards data management. With 6.5 million UK employees being a member of a trade union, we feel that there is a strong justification for addressing the intricacies of how trade unions manage right of access requests, as has been done in the later sections on health, education and social work data. - There's not a great deal of information about the redaction of data. A small example among many missing issues is 'when is it permissible to not share a document when it has been redacted beyond any real use?'. As an organisation, we are particularly au fait with a lot of this, but we appreciate that there are many others who are not in the same state of readiness and would appreciate some hands of support.

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.

- Page 25 - 'What about archived information...' - It states that 'you should use the same effort to find information to respond to a SAR as you would to find archived or backed-up data for your own purposes'. However, nowhere is the expected level of effort defined for either searching electronic or paper-based data. The paragraph implies that once reasonable effort has been expended, an organisation can justifiably stop a search. Perhaps an example could be included, or some scenarios when halting a search is permissible. - An example of when it is permissible to withhold information, but not under the basis of legal privilege, A good example would be a trade union conflict case, where an employer in dispute with a member submits a SAR, hoping to get some information on the case, but that we would be unable to provide without the member's consent.

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).

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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?

It seems to be pitched at the right level of practical without being too restrictive.

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.

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:

NAHT

What sector are you from:

Trade union - education

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:

Informed at a meeting of a trade union DPO group which I, and around 15 other trade unions, attend.