

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 The draft guidance also explores the special rules involving certain categories of personal data, how to deal with requests involving the personal data of others, and the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We are running a consultation on the draft guidance to gather the views of stakeholders and the public.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.

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Q1 Does the draft guidance cover the relevant issues about the right of access?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Q2 Does the draft guidance contain the right level of detail?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

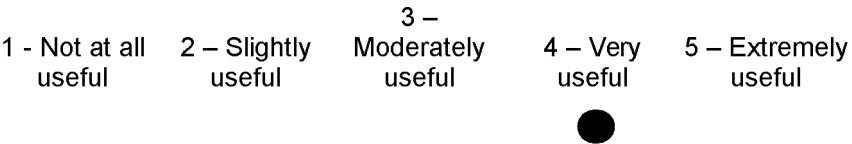
If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

It would be good if there were additional examples in relation to Claims Management Activity. On excessive use – it would be good to call out if possible for a Letter of Authority to 'expire' [primarily in relation to Claims Management Companies] – had experience towards end of PPI, where SARs submitted that upon investigation had been dealt with years previous, but firm using same LOA dated several years previous. Two years may not be unreasonable period between SARs, but it also feels long time for a LOA to maintain in force in these circumstances See also Q4

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).

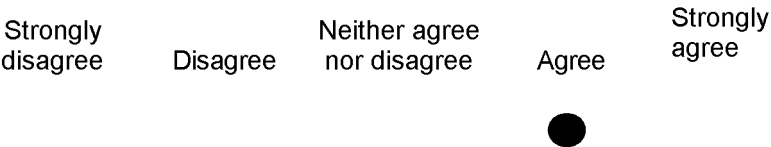
Claims Management Companies - Their standard 'Letters of Authority' often provide ability to supply 'all information'. In reality, it would appear that information is for a particular purpose (eg in the past numerous SARs from a CMCs where intention was PPI reclaim, asking for all information. In 98% of SARs customers did not have PPI, but yet we had to provide all information as requested. Tried to clarify with CMCs if they just wanted to know if customer had PPI or not, but generally no response so had to fully comply)

Q5 On a scale of 1-5 how useful is the draft guidance?



Q6 Why have you given this score?

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?



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

I believe there should be guidance in relation to Business to Business commercial arrangements, and the right or not of Data Subject to be provided with this information. For example, customer has arranged a holiday via a travel agents. The holiday is for a cruise. The customer submits a Subject Access Request to the Travel Agent and specifically requests that included in the information are details of the remuneration received by the Travel Agent from the Cruise Operator as a result of the sale, and how this was calculated. Does this constitute personal data?

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:

NIIB Group Ltd trading as Northridge Finance

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

If other please specify:

Finance & Leasing Association

Thank you for taking the time to complete the survey.