

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 04 December 2019 20:08  
**To:** SARguidance  
**Subject:** Survey  
**Attachments:** Your Tweets re Major vs Darren, Jackson & Ors (2019)

Dear ICO,

I have filled in your survey.

As regards the provision of health data under a SAR:

- 1) I would reiterate that – as the ICO *clearly* states on page 3 of its guidance – this is a right of access for *individuals*, not for third parties  
Third parties do not “become” data subjects, or inherit those rights, simply because they have assisted the data subject in making their request
- 2) I would remind the ICO that the obligation of the controller is to the data subject (the individual), not the third party  
As long as the SAR has been provided/supplied to the data subject then he controller has complied with Article 15  
Supplying the SAR to a third party does *not* fulfil the requirements of Article 15, and **data controllers are under no obligation to disclose a SAR to a third party**  
(except, perhaps, where disclosure to the data subject is impossible – e.g. they are in prison, where the clear alternative would be a failure to uphold the right of access entirely)  
Data subjects are free to disclose their SAR to whomsoever they like, once provided with it by the data controller
- 3) The phrase “*If the individual agrees, you may send the response directly to the individual rather than to the third party*” is utterly nonsensical.  
Data controllers cannot be “told” or “instructed” to disclose data to anyone, unless they are under a legal obligation to process data in that way.  
We GPs don’t take “orders” from our patients.  
The right of access does not compel the controller to disclose personal data to anyone but the data subject – the individual.  
I am under no obligation to disclose the SAR to a solicitor, or upload it to Facebook, or send it to a newspaper, or post it half way round the world to Australia – just because the data subject says so, or disagrees otherwise.

I attach the email that was sent to the ICO recently, as signed by myself and very many other IG leads, Caldicott Guardians, and DPOs in General Practice, and which makes clear the approach that we take, and why – we believe – the ICO is fundamentally wrong in its opinion on this matter. The law is clear.

Kind regards,

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