

ID. Date of interview  
date 12/02/20

ID. Time interview started  
start 14:59:56

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

ID.end Time interview ended  
15:30:37

ID. Duration of interview  
time 30.68

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Q1 Does the draft guidance cover the relevant issues about the right of access?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Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.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Q5 On a scale of 1-5 how useful is the draft guidance?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?

Clear language and the examples provided are very helpful

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?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 type="radio"/>	<input checked="" type="radio"/>

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

We are concerned about the passage in the draft guidance at page 23, which states that clarifying a request no longer affects the timescale for responding for the following:

- Proportionality – if controllers are not able to make reasonable enquiries of the requester and await their response, in order to attempt to narrow the scope, this limits their ability to respond in a way which is proportionate (and allocates a proportionate amount of their resources), to the nature and scope of the request;
- Encourages data controllers not to request clarification – if a data controller still has to comply with the original timescale if they request clarification, they may decide not to waste time waiting for clarification. This may result in data subjects receiving lots of unnecessary data which was not what they actually wanted and would be contrary to the principles of access to personal data;
- Errors due to reduced timeframe – if a data controller does request clarification, and the data subject does not respond immediately, the data controller may find themselves with a very limited timeframe to respond to the request after clarification is given. This is likely to result in an increase in mistakes being made due to increased time pressures, which could either be failing to redact third party personal data, or not providing the data subject with all the data they have requested, and so leading to complaints from data subjects and elongation of the SAR process; and
- Vexatious/litigious motives – this may motivate requesters with vexatious/litigious motives to make broad and sweeping requests for all of their personal data, even if they only want one or two specific documents, for tactical reasons (and to create an expensive and difficult task for the data controller). The data subject's motive for making a request is not a relevant consideration for the controller in deciding

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:

Trowers & Hamblins LLP

What sector are you from:

Legal 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: