ID.date	Date of interview 10/02/20
ID.start	Time interview started 09:47:15
ID.endDate	Completion date of interview 10/02/20
ID.end	Time interview ended 09:49:14
ID.time	Duration of interview 1.98

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Q1 Does the draft guidance cover the relevant issues about the right of access?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?

It would be useful to clarify whether this guidance is solely for the right of access or also for the right to data portability. At various points the guidance refers to Article 20 in conjunction with Article 15. Will you be providing separate guidance for Article 20 in the future? If so perhaps you could reference this in this guidance, e.g. on p32 where you discuss Art 20 requests. Similarly on p14 you discuss FOI requests but it might also be useful to mention other data protection requests in this same section (i.e., a section on "What should we do if a request mentions other data protection rights?"

Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

p19/20 - we believe that the section on asking for ID could do with more detail. In our study (Wong and Henderson, The right to data portability in practice: Exploring the implications of the technologically neutral GDPR. International Data Privacy Law, 9(3):173–191, August 2019) we found a number of unwarranted requests for identification, such as requests for unredacted copies of passports where the data controller held no information that could be verified using a passport (e.g. an account where no real name was provided). There are further privacy and data protection implications if additional ID is requested, and it should be made clear that any such additional personal data requests are also subject to the GDPR and as such need to meet the data protection principles. p30 - we found this page somewhat hard to understand. In the first instance you suggest that electronic SARs must be fulfilled electronically, but that other types of SAR can be fulfilled in other forms. But later you suggest that transcripts or printouts are acceptable. Does this also apply to electronic SARs? In our study we found that some data controllers provided paper copies even for Article 20 requests, so we believe that clarity here is important. p67 - it might be useful to mention exam results (referencing p57) when discussing education data.

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.

p18 - it would be good to see some examples of "specialist work involved in redacting information or communicating it in an intelligible form". p20 - as per our answer above, it would be good to see more examples of identification verification requests that support the data minimisation and storage limitation principles. The GP example is positive, but you could perhaps point out that it would, for instance, be inappropriate to ask for a photo ID if the data controller does not hold a photo of the data subject.

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
○	○	○	☑	○

Q6 Why have you given this score?

It provides a good level of detail and some examples, although we would suggest providing some more.

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.

See comments previous - we found some areas confusing.

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:

University of St Andrews

What sector are you from:

Higher Education

Q10 How did you find out about this survey?

- [x] 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: