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Q1 Does the draft guidance cover the relevant issues about the right of access?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Q2   Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

It would be helpful to have further detail around the pause / stop the clock function for ID/Consent. You have dealt with the matter of clarifying content of the SAR and not pausing well but we feel further detail around when to stop the clock in the above situation would lead to correct counting and tracking of processing time frames at both individual SAR and Organisational level.

Q3   Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

We welcome the examples around counting the calendar month, particularly short months and if the end of month falls on a bank holiday and weekend. It would be very helpful if we could have similar examples to cover the start / stop of the clock when we have to request ID/Consent from requesters. Best practice is followed and staff Standard Operating Procedures and Training advise staff processing such requests to acknowledge the request and ask for missing ID/Consent within 48 hours and this happens in the majority of cases. Occasionally, circumstances may change whilst processing a SAR and consent may no longer be valid, particularly for mental health patients, and part way through the month staff need to request ID/Consent. It would be helpful if this type of scenario were covered as an example of how to calculate the calendar month date as presently we have read the new guidance to indicate we count the calendar month from the later date at which we request the information around consent / ID. Currently we have interpreted guidance to indicate we should stop the clock only for the period that we are awaiting the ID/Consent from the requester so for example, if we were waiting for 7 days the calendar month date would move on by 7 days. Clarity would be helpful.

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).

It would be helpful if you could provide more advice around complex requests to avoid confusion around this. We do receive a small number of SAR's relating to employees requesting copies of emails containing their personal data. It would be helpful if we could receive guidance on how to undertake this information gathering and screening to ensure equity and consistency.

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?

The examples are very helpful as is documenting the relevant parts of the GDPR that apply as this helps with understanding of this new legislation.

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.

It would be helpful to include something about the impact of leaving the EU and whether any local amendments to GDPR are planned going forward for the UK.

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:

Worcestershire Health and Care NHS Trust

What sector are you from:

Medical records Company Secretary Office

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: