

Date: 15 July 2024

Case Reference IC-306693-F5Y7

Review of response to information request

I write further to your email of 28 June 2024 in which you requested a review of the handling of your request dealt with under the reference number IC-306693-F5Y7

As a result, we have conducted an internal review of our response to your information request which was handled under the above reference number. I am a Group Manager in the Information Access Team, and I can confirm that I have had no prior involvement in the handling of this request.

Request and response

On 15 May 2024 we received a request from you which said: *"Your website... states: Individuals can make SARs verbally or in writing, including via social media."* Conversely, a Lead Case Officer at your organisation has told me: *"... using chat communication is often not the most appropriate or effective way to make a subject access request."* Please provide me all information that corroborates the above statement.

On 23 May 2024 we issued a response which we interpreted as *"all information that corroborates the above statement"* as referring to the quote from the Lead Case Officer. You were pointed to the website and the specific guidance on Making a SAR - <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/right-of-access/how-do-we-recognise-a-subject-access-request-sar/#socialmedia> As this information is reasonably accessible to the public, we applied Section 21 of the FOIA.

Review

On receipt of the response, you requested an Internal Review as follows: *I am writing to request an internal review of Information Commissioner's Office's handling of my FOI request 'Making a Subject Access Request using chat communication'. Your response states: 'On our website we provide guidance for individuals on making a SAR. The guidance states:*

"Although this might not be the most effective way to deliver the request, there is nothing to prevent an individual doing so."

Note that the above quoted section does not CORROBORATE with the statement "... using chat communication is often not the most appropriate or effective way to make a subject access request.". The 'most effective way..' part in your quote refers to DELIVERY OF THE REQUEST and not the MAKING OF THE REQUEST. In any case, the publicly available information you quote is specific to social media and not a chat channel operated by a business when offering their customers support and advice. As for MAKING a request, your website at:

[https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Ffor-organisations%2Fuk-gdpr-guidance-and-resources%2Femployment%2Fsubject-access-request-q-and-as-for-employers%2F%23%3A~%3Atext%3Dacross%2520social%2520media%253F-%2CYes.%2Ca%2520commercial%2520or%2520professional%2520context&data=05%7C02%7Cicoaccessinformation%40ico.org.uk%7C76eead71955045fdd67d08dc979effc0%7C501293238fab4000adc1c4cfefba21e6%7C0%7C0%7C638551956361660297%7CUknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=95h%2Bgtj1jRbLg9kPsdXW4CZWQ8FJxflcLA7BBuOGts8%3D&reserved=0\]](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Ffor-organisations%2Fuk-gdpr-guidance-and-resources%2Femployment%2Fsubject-access-request-q-and-as-for-employers%2F%23%3A~%3Atext%3Dacross%2520social%2520media%253F-%2CYes.%2Ca%2520commercial%2520or%2520professional%2520context&data=05%7C02%7Cicoaccessinformation%40ico.org.uk%7C76eead71955045fdd67d08dc979effc0%7C501293238fab4000adc1c4cfefba21e6%7C0%7C0%7C638551956361660297%7CUknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=95h%2Bgtj1jRbLg9kPsdXW4CZWQ8FJxflcLA7BBuOGts8%3D&reserved=0)

(<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fico.org.uk%2Ffor-organisations%2Fuk-gdpr-guidance-and-resources%2Femployment%2Fsubject-access-request-q-and-as-for-employers%2F%23%3A~%3Atext%3Dacross%2520social%2520media%253F-%2CYes.%2Ca%2520commercial%2520or%2520professional%2520context&data=05%7C02%7Cicoaccessinformation%40ico.org.uk%7C76eead71955045fdd67d08dc979effc0%7C501293238fab4000adc1c4cfefba21e6%7C0%7C0%7C638551956361674157%7CUknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=0NxfH15QKh6I2ilUM6pfd1ZRgIzg98xIWiiq7KETOPM%3D&reserved=0> States: "Do people have to submit a request in a certain format?

No. The UK GDPR does not set out formal requirements for a valid request. Therefore, a worker can make a SAR verbally or in writing, including by social media. Workers can make requests to any part of your organisation, and they do not have to direct it to a specific person or contact point. However, you should have a designated person, team, and email address for SARs.

You should ensure that your staff are aware of what to do if they receive a SAR.

It's important to note that a request does not have to include the phrases 'subject access request,' 'right of access' or 'Article 15 of the UK GDPR'. It just needs to be clear that they are asking for their own personal information."

Although, the above information is specifically for employers, I cannot see how it can differ when it comes to a relationship between a business and a customer. If you hold information specifically about the latter, kindly supply this information as part of this request/internal review response.

Review Response and Decision

The purpose of this review is to look again at your request and the response that was provided to you, to ensure it was correct and that any exemptions applied were appropriate.

I have noted your comments that the information obtained via the link provided in the original response does not corroborate what the Lead Case Officer advised. I disagree as the advice clearly states that "*Although this might not be the most effective way to deliver the request, there is nothing to prevent an individual doing so.*" This statement does not contradict what you were told over the phone. It is up to you whether you choose to follow the advice or not.

I can further advise you that the following webpage specifically provides information to the general public about how to go about the best way of obtaining their own personal information: [Getting copies of your information \(SAR\) | ICO](#) Online forms and email are described as the easiest way to go about making Subject Access Requests (SARs). Therefore this does not contradict the Case Officer's statement that the Chat App may not be the best way to make a SAR.

Ultimately, it is up to individuals whether they choose to follow the advice or not. Though the Chat App is not the recommended way in which to make a request – it would still be valid.

As this information is published on the ICO's website, Section 21 also applies to this information as it is easily accessible to you. For these reasons, your review is not upheld.

Complaint procedure

If you are dissatisfied with the outcome of this review, you can make a formal complaint with the ICO in its capacity as the regulator of the Freedom of Information Act 2000. Please follow the link below to submit your complaint:

<https://ico.org.uk/make-a-complaint/>

Information Access Team

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