

**DATA PROTECTION ACT 2018
(PART 6, SECTION 149)**

ENFORCEMENT POWERS OF THE INFORMATION COMMISSIONER

ENFORCEMENT NOTICE

DATED: 9 October 2025

To: The Chief Constable of South Wales Police ("**SWP**")

OF: Cowbridge Road
Bridgend
Mid Glamorgan
CF31 3SU

I. INTRODUCTION AND SUMMARY

1. The Chief Constable of South Wales Police ("**SWP**") is a "controller" as variously defined in sections 3(6), 5 and 6 of the Data Protection Act 2018 ("**DPA 2018**") and Article 4(7) of the UK General Data Protection Regulation ("**UK GDPR**").
2. SWP is also a competent authority as defined in s.30(1)(a) and Schedule 7 of the DPA 2018.¹ Accordingly, by virtue of s.29 DPA

¹ Section 30(1)(a) provides that a person specified or described in Schedule 7 meets the definition of 'competent authority' for the purposes of the DPA 2018. This includes, under Schedule 7, paragraph 5, the "chief constable of a police force maintained under section 2 of the Police Act 1996". Section 2(1) of the Police Act 1996 provides for a police force to be "maintained for every police area for the time being listed in Schedule 1". Schedule 1 includes 'South Wales' as one of four police areas in Wales.

2018, Part III of the DPA 2018 applies to any processing undertaken by SWP for the law enforcement purposes as defined in s.31 DPA 2018.

3. The Information Commissioner (the "**Commissioner**") issues SWP with this Enforcement Notice ("**EN**") pursuant to section 149(2)(b) DPA 2018. This EN is in relation to contraventions by SWP of Articles 12(3), 15(1) and 15(3) UK GDPR, and s45(1), (2) and (3) DPA 2018.
4. The Commissioner has found that SWP has failed and is failing to comply with Articles 12(3), 15(1) and 15(3) UK GDPR. Furthermore, in respect of personal data SWP is processing for the law enforcement purposes, SWP has failed and is failing to comply with s45(1), (2) and (3) DPA 2018.
5. The Commissioner requires SWP to take specified steps to comply with the DPA 2018 and UK GDPR. The terms of the EN are set out in Annex 1.
6. The Commissioner has previously served SWP with a Preliminary Enforcement Notice ("**PEN**") dated 24 April 2025. SWP provided written representations in response to the PEN on 30 April 2025 and provided clarifications in relation to those representations (following requests by the Commissioner) on 13 May, 30 May, 2 August and 20 August 2025 (the "**Written Representations**"). SWP also made oral representations to the Commissioner on 13 May 2025 (the "**Oral Representations**"). This EN will refer to SWP's Written Representations and Oral Representations as the "**Representations**". The Commissioner has taken the Representations into account when deciding to issue this EN, and

under what terms, and refers to the Representations below where appropriate.

II. LEGAL FRAMEWORK

7. Article 12(3) of the UK GDPR requires that controllers *"shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request"*, adding that this period *"may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay"*.
8. The information a data subject is entitled to be provided with under Article 15(1) of the UK GDPR is *"confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:*
 - a. *the purposes of the processing;*
 - b. *the categories of personal data concerned;*
 - c. *the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;*
 - d. *where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;*
 - e. *the existence of the right to request from the controller rectification or erasure of personal data or restriction of*

processing of personal data concerning the data subject or to object to such processing;

- f. the right to lodge a complaint with the Commissioner;*
- g. where the personal data are not collected from the data subject, any available information as to their source;*
- h. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject."*

9. Article 15(3) provides that controllers "*shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form*".

10. Similarly, Part 3 of the DPA 2018 places obligations on competent authorities in respect of processing of personal data which is carried out for law enforcement purposes, including a requirement to facilitate data subjects' right of access under s.45. In the context of such processing, a data subject is entitled, under s.45(1), to obtain from the controller both "*confirmation as to whether or not personal data concerning him or her is being processed*" and "*where that is the case, access to the personal data and the information set out in subsection (2)*". The information set out in subsection (2) is:

- a. the purposes of and legal basis for the processing;*
- b. the categories of personal data concerned;*

- c. *the recipients or categories of recipients to whom the personal data has been disclosed (including recipients or categories of recipients in third countries or international organisations);*
 - d. *the period for which it is envisaged that the personal data will be stored or, where that is not possible, the criteria used to determine that period;*
 - e. *the existence of the data subject's rights to request from the controller—*
 - i. *rectification of personal data (see section 46), and*
 - ii. *erasure of personal data or the restriction of its processing (see section 47);*
 - f. *the existence of the data subject's right to lodge a complaint with the Commissioner and the contact details of the Commissioner;*
 - g. *communication of the personal data undergoing processing and of any available information as to its origin.*
11. The controller must provide the information set out above *"without undue delay"* in accordance with s45(3) of the DPA 2018 and, in any event, before the end of the *"applicable time period"* of *"1 month, or such longer period as may be specified in regulations, beginning with the relevant time"* as provided by s54(2). The *"relevant time"* is defined in s54(3) as the latest of either *"when the controller receives the request in question"*, *"when the controller receives the information (if any) requested in connection*

with a request under s52(4)",² or "when the fee (if any) charged in connection with the request under s53 is paid".³

III. FACTUAL BACKGROUND

12. SWP is the largest police force in Wales, providing a policing service to 1.3 million people (equivalent to approximately 42% of the Welsh population). SWP employs almost 3,000 police officers and over 2,200 additional police staff, and its police area includes the two largest cities in Wales: Cardiff and Swansea.⁴
13. SWP has explained to the Commissioner that, as a police force, the majority of subject access requests ("**SARs**") it receives fall under Part 3 DPA 2018 (law enforcement processing), although it does receive some SARs under the UK GDPR.⁵
14. In early 2024 the Commissioner conducted a proactive assessment of SAR completion statistics published on the National Police Chiefs' Council's ("**NPCC**") website. The NPCC publishes monthly statistics on the number of SARs 'received', 'closed' and 'closed in time' for police forces in England and Wales. The NPCC calculates the 'compliance rate' by determining how many SARs a police force has 'closed in time' out of the total number of SARs that it 'closed' for that month. The assessment identified that SWP's 'compliance rate'

² Section 52(4) of the DPA 2018 provides as follows: "Where the controller has reasonable doubts about the identity of an individual making a request under section 45, 46 or 47, the controller may—
(a) request the provision of additional information to enable the controller to confirm the identity, and
(b) delay dealing with the request until the identity is confirmed"

³ Section 53(1) of the DPA 2018 provides as follows: "Where a request from a data subject under section 45, 46, 47 or 50 is manifestly unfounded or excessive, the controller may— (a) charge a reasonable fee for dealing with the request..."

⁴ See '[Overview](#)' in the 'About us' section of the SWP website

⁵ Letter SWP to ICO dated 24 May 2024

was 32% in January 2024, with a subsequent assessment identifying a compliance rate of 42% in March 2024.⁶

15. The Commissioner made initial enquiries of SWP on 2 May 2024 to raise concerns in relation to SWP's SAR compliance.⁷ The Commissioner requested:
 - a. statistics regarding SWP's SAR compliance from 1 April 2023 to 31 March 2024;
 - b. information on SWP's organisational approach in dealing with SARs; and
 - c. a description of the information SWP provides to data subjects about their rights of access.
16. SWP responded on 24 May 2024, providing statistics on its monthly SAR compliance rates, stating that it had received 689 SARs during this period, but confirming that it had only provided a response to 201 (29%) within the statutory timeframe.⁸
17. On 6 June 2024, the Commissioner wrote to inform SWP that a formal investigation had been opened. The Commissioner sought clarification regarding the SAR statistics SWP had previously provided to the Commissioner, and requested monthly SAR statistics for six months (between May and November 2024), as well as copies of relevant SAR documents (including current training, guidance and SAR related policies).⁹
18. On 19 June 2024, SWP informed the Commissioner that the number of SARs that had not been responded to within the

⁶ January 2024, NPCC SAR Spreadsheet; March 2024, NPCC SAR Spreadsheet

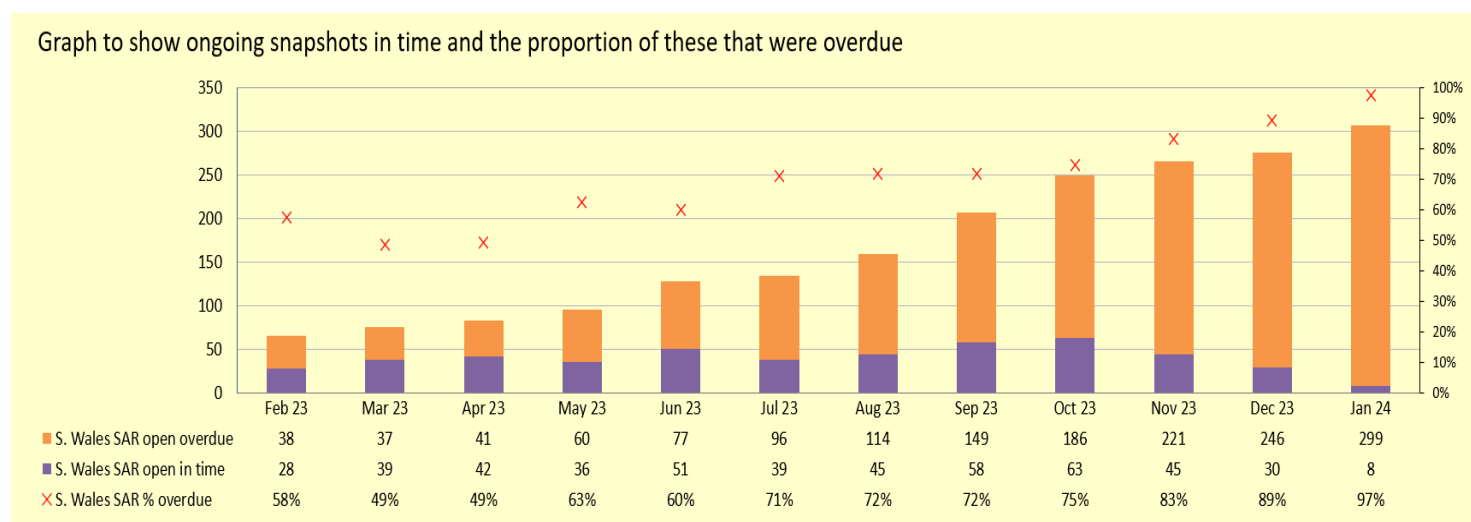
⁷ Letter ICO to SWP dated 2 May 2024

⁸ SWP Spreadsheet of SAR compliance 1 April 2023 – 31 March 2024

⁹ Letter ICO to SWP dated 6 June 2024

statutory timeframe stood at 376. The oldest SAR at this time was 13 months old and the delay in responding to this request was explained by SWP as being due to “*Resource v Demand. There are other SARs and Data protection requests that have taken priority and not enough staff to allocate the backlogs to*”.¹⁰

19. SWP has continued to provide monthly updates, as requested by the Commissioner, regarding the level of its SAR ‘backlog’ (i.e. SARs which remain outstanding after the statutory timeframe for responding has expired).
20. SWP has also provided the Commissioner with a 12 month ‘snapshot’ which visually demonstrates the concerning increase in its SAR backlog from February 2023 to January 2024¹¹:



21. As of March 2025, the oldest SAR was close to two years old, significantly in excess of the statutory timeframe for response.¹²
As of 20 August 2025, the SWP’s SAR backlog stands at 352.¹³

¹⁰ SWP Spreadsheet of SAR compliance for April and May 2024

¹¹ ‘Backlog reduction report’ dated 23 May 2024

¹² SWP Spreadsheet of SAR compliance for January and February 2025, provided on 6 March 2025

¹³ Updated compliance statistics were provided as part of SWP’s Representations. Email SWP to ICO dated 22 August 2025

22. SWP has informed the Commissioner that, as a police force, it receives complex SARs which involve large volumes of data or sensitive information.¹⁴ SWP provided the example of body-worn footage which can be burdensome to redact. SWP explained to the Commissioner that, depending on the length of the video, redactions of body-worn video footage can take anywhere from 1 hour to 4-5 weeks.¹⁵ SWP has also made the Commissioner aware of the difficulties that it has faced in terms of resourcing, with insufficient staff in place to tackle the SAR backlog, and a number of staff being trained in dealing with and responding to SARs who require support from more experienced staff.¹⁶
23. The Commissioner acknowledges these difficulties, however, the substantial proportion of SARs which remain outstanding and which have not been responded to within the statutory timeframe is a cause of significant concern for the Commissioner. This demonstrates that SWP has failed and is failing to comply with its obligations to data subjects, in relation to the right of access under the UK GDPR and / or DPA 2018.
24. During the course of this investigation, SWP accepted that it has “*continuously infringed*” its obligations to respond to SARs within the statutory timeframe “*for a while*”.¹⁷
25. Data subjects have lodged complaints with the Commissioner in relation to SWP’s SAR compliance, with some expressing distress

¹⁴ ‘Report on Staffing Resources and Compliance Summary’ provided to the ICO on 19 June 2024

¹⁵ Letter SWP to ICO dated 7 August 2024

¹⁶ ‘Report on Staffing Resources and Compliance Summary’ provided to the ICO on 19 June 2024

¹⁷ Backlog reduction report dated 23 May 2024

and detriment as a result of the delay in receiving a copy of their personal data requested, for example:

- a. *"We have submitted a DSAR and SWP have failed to respond or send the information for almost 6 months this is causing us unnecessary distress...";* and
- b. *"I contacted South Wales Police... asking for information held on myself... I do need to understand what information is held on myself... This is having a detrimental effect on my life..."*

26. The SWP has not provided the Commissioner with complaints figures, but has stated that it received 241 SAR "chasers" between November 2023 and March 2024.¹⁸
27. The Commissioner notes that SWP provided him with a recovery plan on 19 June 2024 which focuses on improvements to resource (such as recruiting additional team members), technology (using collaborative platforms to streamline workflows) and demand prioritisation (including using capacity planning tools to adjust resource allocation).¹⁹ A further action plan received on 5 March 2025 details a number of measures aimed at improving SWP's SAR backlog.²⁰ It is reassuring that SWP appears to be taking steps to remedy the current delays with its SAR compliance. However, the Commissioner notes that a prior audit of the SWP's SAR compliance in August 2019 resulted in a recommendation that *"SWP need to ensure that it has the necessary resource and resilience to handle the volume of SARs, to include those which are overdue and the requests that continue to be received, within the statutory*

¹⁸ Letter SWP to ICO dated 24 May 2024

¹⁹ 'Baseline recovery plan assessment' dated 15 March 2024

²⁰ Letter SWP to ICO dated 5 March 2025

timescales”²¹. The Commissioner is concerned that SWP is continuing to demonstrate continued and large-scale non-compliance following this clear recommendation which was issued by the Commissioner over six years ago.

IV. FINDINGS OF INFRINGEMENT

28. In light of the above, the Commissioner concludes that SWP has failed and continues to fail to meet its data protection obligations in responding to SARs.
29. The Commissioner finds that SWP has contravened the following provisions of the UK GDPR:
 - a. Article 15(1) as SWP has failed to provide data subjects with confirmation as to whether or not personal data concerning them is being processed, and has failed to provide access to the personal data and to the information as set out in Article 15(1)(a) to (h).
 - b. Article 15(3) as SWP has failed to provide data subjects with a copy of the personal data undergoing processing.
 - c. Article 12(3) as SWP has failed to provide information on action taken on a request under Article 15 to data subjects without undue delay, and in any event within one month of receipt of the request.

²¹ ICO Audit Action Plan – August 2020

30. To the extent that the processing involves law enforcement processing, the Commissioner finds that SWP has contravened the following provisions of the DPA 2018:

- a. Section 45(1) and (2) as SWP has failed to provide data subjects with confirmation as to whether or not personal data concerning them is being processed, and has not provided access to the personal data requested or the information set out in s45(2)(a) to (g).
- b. Section 45(3) as, following a request under s45(1), SWP has failed to provide the relevant information without undue delay and in any event within one month as specified at s54 DPA 2018.

V. ISSUE OF THE ENFORCEMENT NOTICE

31. An enforcement notice may be issued where a controller is failing to comply with a provision of Articles 12 to 22 of the UK GDPR or Part 3 of the DPA 2018 conferring rights on a data subject, per section 149(2)(b) DPA 2018. An enforcement notice issued in reliance on such a failure may only impose requirements which the Commissioner considers appropriate for the purpose of remedying the failure identified by the Commissioner (section 149(6) DPA 2018). Pursuant to section 150(1) DPA 2018, *"an enforcement notice must state what the person has failed or is failing to do, and give the Commissioner's reasons for reaching that opinion."*
32. The Commissioner has considered, as he is required to under section 150(2) DPA 2018 when deciding whether to serve an enforcement notice, whether the contravention addressed herein

has caused or is likely to cause any person damage or distress. The Commissioner's considers that, for at least some data subjects, distress has been caused. As detailed at paragraph 25, the Commissioner has received complaints from data subjects, some of which have expressed distress experienced as a result of SWP's alleged non-compliance. Even if a failure to comply with these provisions has not caused, or is not likely to cause, any person damage or distress, the issue of this enforcement notice to compel compliance would nonetheless be an appropriate exercise of the Commissioner's enforcement powers.

33. Having regard to the specific infringements and the level of the contravention, the Commissioner considers that an enforcement notice would be a proportionate regulatory step to bring SWP into compliance.

VI. TERMS OF THE NOTICE

34. In light of the above, the Commissioner considers it an appropriate exercise of his powers under section 149(2)(b) to serve an Enforcement Notice requiring SWP to take the specified steps to comply with the legislation. The terms of this EN are set out in Annex 1.
35. In considering the exercise of his powers, the Commissioner has taken into account SWP's Representations. The Representations concerned the proposed terms of the EN, as set out in the PEN, specifically the deadlines for compliance. Due to internal challenges (including issues with resourcing and delays in procuring software to assist with the logging of SARs), SWP requested a 6 month

extension to terms 1 and 2. The Commissioner carefully considered the Representations and justification for the extension, requesting further information from SWP as required (including month-by-month forecasting to clear the SAR backlog). The Commissioner concluded, considering all relevant circumstances (including SWP's internal challenges and its detailed plan to address the remaining backlog) that it would be appropriate and proportionate to allow the 6 month extension.

36. In accordance with section 149(6) DPA, the Commissioner considers these requirements are appropriate for the purposes of remedying the alleged infringements identified in this EN. These steps are appropriate because they are necessary to ensure compliance. They are not prescriptive as to the technical means by which compliance is achieved.

VII. APPEAL

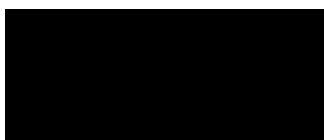
37. SWP is entitled to appeal against this EN to the First-tier Tribunal (Information Rights) by virtue of Section 162(1)(c) DPA. If an appeal is brought against this EN, the EN need not be complied with pending determination or withdrawal of that appeal.
38. Information about the appeals process may be obtained from:

General Regulatory Chamber
HM Courts & Tribunals Service
PO Box 9300
Leicester LE1 8DJ
Telephone: 020 3936 8963
Email: grc@justice.gov.uk

39. Any Notice of Appeal should be served on the First-tier Tribunal within 28 calendar days of the date on which this Enforcement Notice is sent.

Dated: 9 October 2025

Signed:



Sally Anne Poole

Head of Investigations

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

ANNEX 1

PROPOSED TERMS OF THE ENFORCEMENT NOTICE

SWP is required:

1. By 1 June 2026 to provide the 352 data subjects referred to in paragraph 21 who have made a SAR with:
 - a. confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, provide these data subjects with a copy of their personal data and the information as set out in Article 15(1)(a)-(h) (for SARs under the UK GDPR); or
 - b. confirmation as to whether or not personal data concerning him or her is being processed, and where that is the case, access to the personal data and the information set out in s45(2) (for SARs under the DPA 2018)subject only to the proper application of any exemption from, or restriction of the right of subject access provided by the UK GDPR or DPA 2018.
2. By 1 June 2026 to have fully implemented the outstanding recommendations identified in SWP's Action Plan (set out in letter to the Commissioner dated 5 March 2025).
3. By 24 April 2026 to have carried out such changes to its internal systems, procedures and policies as are necessary to ensure that future subject access requests received by SWP are identified and complied with in accordance with Articles 12 and 15 UK GDPR, and section 45 DPA 2018.