

ID. Date of interview  
date 09/02/20

ID. Time interview started  
start 21:56:17

ID.end Completion date of interview  
Date 09/02/20

ID.end Time interview ended  
22:27:12

ID. Duration of interview  
time 30.92

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Q1 Does the draft guidance cover the relevant issues about the right of access?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

There is not enough advice on how to process certain kinds of information (ie. information sent on instant messenger like WhatsApp). Further detail is required of what happens should the ICO investigate - this would help organisations structure their information collection and storage in a way that could reduce workloads later. greater information on how much an individual can contact a organisation about a SAR while it is being processed and what the obligation of the organisation is to respond continuously or just once as part of the release of the data.

Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

The guidance on exemptions is better than it was. Previously it discussed exemptions too casually when the reality was that they could only be applied in strict circumstances . Greater detail on what support is available when a SAR request comes in would be helpful - particularly for small charities and businesses with limited capacity.

Q3 Does the draft guidance contain enough examples?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If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

Better guidance and examples of what is 'reasonable' when not providing information or using an exemption is needed. The accountability principle is a good one but small organisations with limited experience and resource are carrying substantial risks in applying exemptions etc without a proper idea of what way an ICO judgement would fall.

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).

One charity we advised had an employee submit a request for all the information that pertained to a grievance process they were involved in. We considered the request to be border-line excessive but not enough to reject it. The kind of data that was requested was very process heavy - I am not confident in advising clients that the definition of 'excessive' includes the costs of staff time processing and collecting information which exists but is not normally held together - rather than just the amount of information.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q6 Why have you given this score?

it helpfully lays out the issues that an organisation may face when managing a SAR process however it does not always then answer the question or address the issue. Saying 'you may consider doing X or you may judge it to be Y' isn't enough, you should provide guidance which stipulate what conditions an organisation would do x or y, e.g. if the information has a,b or c characteristic you should consider doing Y.

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

Greater attention needs to be given by the ICO about how a SAR can be used to border-line harass small organisations. While all organisations must comply with the law, the potential impact of a large SAR on small charities and businesses can be all consuming. Small organisation's limited capacity also means they carry greater risk of poor compliance. The ease of submitting a SAR vs the time, stress and risk of trying to comply creates a power dynamic between small organisations and those who have border line malicious intentions.

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:

-

What sector are you from:

Charity Sector

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: