

ID. Date of interview
date 11/02/20

ID. Time interview started
start 16:17:18

ID.end Completion date of interview
Date 11/02/20

ID.end Time interview ended
16:39:50

ID. Duration of interview
time 22.53

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Q1 Does the draft guidance cover the relevant issues about the right of access?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

1) It ought to clarify whether if someone makes a SAR requesting their personal data and doesn't specifically ask for supplementary information should we provide 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Q2 Does the draft guidance contain the right level of detail?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If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

1) The guidance makes reference to the supplementary information being on the controller's privacy notice however article 13 does not require a controller to state what information it is processing - probably because a subject knows what information they have provided. 2) Page 7 – The bullet point on Records Retention might go a step further and say that good practice in terms of transparency of record keeping practices would be to publish the organisation's Records Retention Schedule (RRS) on an external facing webpage. 3) Page 8 – Personal data can exist in business systems (e.g. finance, HR etc.) that might not be designed to deliver 'a well structured file plan' but rather contain structured data fields. This bullet point should perhaps still advocate a well-developed taxonomy/business classification/file plan as being relevant to certain systems (e.g. a file share) but it needs to be expanded out to include something that also covers specialist systems which store personal data in a different way so that in any business systems its authorised users should be able to search for, and identify, the personal data held within it. 4) Page 18 – states requests that involve a large volume of information may add to the complexity of a request. However, a request is not complex solely because the individual has requested a large amount of information – further clarity is needed here re when the volume of makes it complex and when it does not. 5) Page 18 – Last sentence appears to have a typo – 'Alternatively, you can refuse to comply with a manifestly unfounded or reasonable request' – surely it should read unreasonable request – but I'm not sure what unreasonable means? They only provide examples of manifestly unfounded or excessive. 6) Where do a number of average size but constantly consecutive requests with lots of overlap from the same requester fall – excessive or manifestly unfounded or both or neither? 7) Pages 18-19 – Re requesting fees as soon as possible – surely this won't be possible until after the SAR has been completed as an organisation won't be in a position to assess whether it can charge a fee until it has already began working on the request and also won't be able to assess what it can charge until the request is completed (in terms of printing, photocopying etc.) 8) Page 23 – Re clarifying a request – this appears to suggest the clock doesn't stop when you seek clarification from the requester. We believe this to be wrong as we tend to seek clarification if a request is unclear, or little information has been provided. The time should not start until that clarification has been received. Requesting for a request to be refined, when an organisation believes, at first appearance, it could be excessive or manifestly unfounded should also enable the clock to stop. 9) Page 32 – talks about SAR and data portability – but what about when a requester appears to exercise multiple DSR at the same time – e.g. a SAR and right to erasure request – the guidance is silent on this topic. Common sense should prevail and an SAR should be carried out first, but then how much time would lapse before exercising their right to erasure as the requester might want to review the information disclosed under the SAR and challenge it/ask for further information. I think some guidance needs to be provided on request submitted at the same time, exercising different DSRs. 10) Pages 43-44 - Guidance on third party data and consent – should consent always activity be sought from staff members when, regardless of their answer, ultimately the organisation would decide that it would be reasonable in all the circumstances to disclose as they were simply acting in the course of the duties – why give the option, as people are likely to say no. 11) Page 55 – Management information exemption – could this cover ongoing investigations into

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.

All of the ones where examples aren't given - suggest 2 examples for each exemption

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).

Where an employee asks for their personal data and a search reveals circa 15,000 emails where they have received or sent or been bcc'd in to the same. There is a need to go through the body of the email to see if it is their personal data i.e. about them. This will take days if not weeks to go through.

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?

For the reason outlined in this response

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

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

May be useful if you give guidance to say that names of senders / recipients of emails should not be removed from emails about data subjects just because the name is the person's personal data - showing who sent/ received adds context and aids understanding

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 Warwick

What sector are you from:

Information and Data Compliance

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: