Information Access Templates – UK General Data Protection Regulation (UK GDPR) & Data Protection Act 2018 (DPA)

Table of Contents

DPA - Part 3 SAR – Law Enforcement s45 Response NCND

[We process personal data for 'law enforcement purposes' when we process it for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

This would therefore include information relating to criminal investigations.

When we are processing information for the purposes but revealing this as part of a SAR would undermine a criminal investigation, we are able to restrict the right to access and to confirmation of information being held.

Any such restriction is temporary. If utilising it, you will still need to account for decision making taken. **Use this template as a file note for such scenarios**.]

Accountability note

Section 45(4) of part 3 of the DPA allows a data controller to restrict the right to confirmation of processing:

"to the extent that and for so long as the restriction is, having regard to the fundamental rights and legitimate interests of the data subject, a necessary and proportionate measure to—

(a) avoid obstructing an official or legal inquiry, investigation or procedure;
(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
(c) protect public security;
(d) protect national security;
(e) protect the rights and freedoms of others."

In this instance we found that providing **[Name of Data Subject]** with confirmation that we were processing their personal data in relation to a criminal investigation would have been likely to prejudice our investigation by **[...]**

[NOTE: provide further information about the prejudice.]

Furthermore, section 45(6) makes clear that a data controller does not have to inform the data subject of this restriction if doing so would undermine the purpose of the restriction. Informing the data subject of the restriction would reveal **[...]**

[NOTE: provide further information about this.]

DPA - Part 3 SAR – s45 Law Enforcement

[Remember that DPA section 45(6) means we are entitled to not explain which exemption is relied on or to confirm that personal data is processed for law enforcement purposes if doing so would itself be prejudicial, for example in instances where we are investigating someone and it would harm the investigation of they were to know of this.]

Request for Information

Further to our acknowledgement of **[acknowledgement date]** we can now respond to your information request of **[request date]**.

Request

You asked us for:

[Request wording]

As you know from our acknowledgement we have dealt with your request for information as a subject access request, in accordance with the 'right of access by the data subject' as provided by Article 15 of the General Data Protection Regulation (GDPR).

As some of the information that we hold relating to you is processed for law enforcement purposes, we have also handled your request in line with section 45 of part 3 of the Data Protection Act 2018 (DPA).

Our response

OPTION 1: FULL DISCLOSURE

I have searched our systems and records based on the information you provided. My searches focused on **[relevant systems and records]**.

After conducting these searches I was able to locate some personal data relating to you. I can therefore confirm that the ICO is processing personal data about you.

Please find attached a copy of the personal data you requested. No information has been withheld from this response. The attached therefore constitutes all the information that we hold and which fell within the scope of your request.

[OR]

OPTION 2: INFORMATION WITHHELD

Please find attached copies of the personal data falling under the scope of your request to which you are entitled. Some of the information has been **[withheld/redacted]** in accordance with part 3 Data Protection Act 2018.

Section 45(4)(a) allows a data controller to withhold information in response to a subject access request when to do so is a necessary and proportionate measure to avoid obstructing an official or legal inquiry, investigation or procedure.

Section 45(4)(b) allows a data controller to withhold information in response to a subject access request when to do so is a necessary and proportionate measure to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties.

Section 45(4)(c) allows a data controller to withhold information in response to a subject access request when to do so is a necessary and proportionate measure to protect public security.

Section 45(4)(d) allows a data controller to withhold information in response to a subject access request when to do so is a necessary and proportionate measure to protect national security.

Section 45(4)(e) allows a data controller to withhold information in response to a subject access request when to do so is a necessary and proportionate measure to protect the rights and freedoms of others.

DPA Part 3 – Law enforcement – s46-48 – Rights of restriction, rectification and erasure

[Under the Data Protection Act 2018 the ICO is a 'competent authority' for *criminal law enforcement* purposes. If the request is for personal data that would fall within the law enforcement part of the legislation - processing for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, you will need to select from the options below – right of restriction, right of rectification, or right of erasure.]

[Please remember that you need to check that all the parts in square brackets have been removed.]

DPA Part 3 s46-48 - Law enforcement – right of restriction

[For use when handling requests to restrict processing of data we handle for law enforcement purposes.]

OPTION 1: Information restricted

We confirm we hold information in scope of your request. I **[have restricted/will restrict]** the personal data held on you from **[date]**.

[NOTE: include the following if appropriate:]

As we have disclosed to another organisation the personal data we are now restricting we will notify them of this fact.

If we decide to lift this restriction on the processing of your personal data we will let you know before we do so.

[NOTE: If we do not intend to restrict, use one of the following:]

OPTION 2: Not inaccurate as to a matter of fact

We confirm that we hold information in scope of your request. I have looked at the accuracy of your personal data and do not consider it to be inaccurate as to a matter of fact. I therefore do not intend to restrict its processing.

OPTION 3: No information to be restricted

[Note: Use this if providing an explanation of this decision would undermine the reason(s) why it has been taken].

There is no information that we are required to restrict.

OPTION 4: Manifestly [unfounded/excessive]

We confirm that we hold information in scope of your request. However, in accordance with paragraph 53 of part 3 of the DPA I am refusing your request to restrict your personal data. I consider the request to be manifestly **[unfounded/excessive]**. This is because **[explain**

reasons].

[NOTE: Data Protection Act Part 3, Chapter 3, paragraph 53]

OPTION 5: Partial restriction

We confirm that we hold information in scope of your request. However, in accordance with paragraph 45(5)(a) and (b) I am partly refusing your right to restrict the processing of your personal data for the following reasons: **[reasons - they need to be necessary and proportionate]**.

This means that the ICO will restrict some of its processing of your personal data but not all.

DPA Part 3 - s46-48 - Law enforcement processing – right of rectification

I **[have rectified/will rectify]** the personal data held on you from **[date]**.

[NOTE: include the following if appropriate:]

As we have disclosed to another organisation the personal data we are now rectifying we will notify them of this fact.

[NOTE: If we are refusing to rectify, select one of the following:]

OPTION 1: Not inaccurate or incomplete

I do not intend to rectify your personal data as I have decided that it is not inaccurate or incomplete. This is because **[explain reasons]**.

OPTION 2: Restriction of processing

[NOTE: Use this if the information is needed for evidence]

I do not intend to rectify your personal data. However, the processing will be restricted instead.

OPTION 3: No information to be rectified

[NOTE: use this if providing an explanation of this decision would undermine the reason(s) why it has been taken]

There is no information that we are required to rectify.

OPTION 4: Partial rectification

I am partly refusing your right to rectify the processing of your personal data. This means that the ICO will rectify some of its processing of your personal data but not all.

OPTION 3: Manifestly [unfounded/excessive]

I am refusing your request to rectify your personal data as I consider it to be manifestly **[unfounded/excessive]**. This is because **[explain reasons]**.

[NOTE: Data Protection Act Part 3, Chapter 3, paragraph 53]

DPA Part 3 - s46-48 - Law enforcement processing – right of erasure

OPTION 1: Information erased

I **[have erased/will erase]** the personal data held on you from **[date]**.

[include the following, if appropriate:]

As we have disclosed the personal data that we are now erasing to another organisation, we will notify them of this fact.

We will let you know if we decide to lift this restriction on the processing of your personal data.

OPTION 2: No information to be erased

[if providing an explanation of this decision would undermine the reason/s why the decision has been taken:]

There is no information that we are required to erase.

OPTION 3: Partial erasure

I am partly refusing your right to the erasure of your personal data. This means that the ICO will erase some of your personal data but not all.

OPTION 4: Restriction of processing

I do not intend to erase your personal data. However, the processing will be restricted instead.
OPTION 5: Manifestly [unfounded/excessive]

I am refusing your request to erase your personal data as I consider it to be manifestly **[unfounded/excessive]**. This is because **[explain reasons]**.

[NOTE: Data Protection Act Part 3, Chapter 3, paragraph 53]

DPA Sch 2 Part 4 (Exemptions) - Information withheld – Confidential references exemption

Please note that where your personal data appears in references provided in confidence by third parties, this has not been provided. This information has been withheld in accordance with Schedule 2, Part 4, Paragraph 24 of the Data Protection Act (2018), which states that:

"The listed GDPR provisions do not apply to personal data consisting of a reference given (or to be given) in confidence for the purposes of—

(a)   the education, training or employment (or prospective education, training or employment) of the data subject,
(b)   the placement (or prospective placement) of the data subject as a volunteer,
(c) the appointment (or prospective appointment) of the data subject to any office, or
(d)   the provision (or prospective provision) by the data subject of any service."

DPA Sch 2 Part 4 (Exemptions) - Information withheld – LPP exemption

I can confirm that we hold some information which is subject to legal professional privilege (LPP). The concept of LPP is that it protects the confidentiality of communications between a lawyer and client. This information is therefore withheld from our response in accordance with Part 4 of Schedule 2 of the Data Protection Act 2018.

This part of the Schedule states:

"The listed GDPR provisions do not apply to personal data that consists of—

(a)   information in respect of which a claim to legal professional privilege or, in Scotland, confidentiality of communications, could be maintained in legal proceedings, or

(b)   information in respect of which a duty of confidentiality is owed by a professional legal adviser to a client of the adviser."

In this situation, the GDPR provisions are those provided by Article 15(1) to (3).

We find that some of the information in scope of your request is subject to litigation privilege and legal advice privilege. This is because the information consists of confidential communications between:

[DELETE OR RETAIN AS APPROPRIATE:]

- a client and professional legal advisor
- the ICO's professional legal advisors
- a professional legal advisor and third parties

that were made for the dominant purpose of seeking or giving legal advice **[and/or]** for the purposes of litigation. This information is therefore exempt from disclosure under the above provisions.

We confirm that we hold information in scope of your request. However, this information has been withheld as it is exempt from disclosure.

DPA Sch 2 Part 4 (Exemptions) - Information withheld – Management forecasts / planning exemption

The information has been withheld in accordance with Schedule 2 Part 4 Paragraph 22 of the Data Protection Act (2018).

This part of the Act states that:

"The listed GDPR provisions do not apply to personal data processed for the purposes of management forecasting or management planning in relation to a business or other activity to the extent that the application of those provisions would be likely to prejudice the conduct of the business or activity concerned."

This includes the GDPR provisions for both the right of access and the right to be informed.

We consider management planning activities to encompass **[provide relevant example, such as: correspondence and other information held for the purpose of managing staff performance and conduct]**.

We have therefore concluded in this instance that disclosure of the requested information **[at this time]** could prejudice **[ongoing]** activities relating to management planning. We are unable to provide any further details about this as to do so would indicate the contents of the withheld items.

If you are dissatisfied with our decision on this or in relation to any of the other withheld information, then you can pursue this further by following the next steps given below.

UK GDPR Acknowledgement – Clarifiation Received

Request for personal data

Thank you for your email of **[date]** in which you have provided the clarification we sought regarding the scope of your request for information.

As we have already advised, your request will now be dealt with as a subject access request within the rights provided by data protection legislation and under the reference number shown above.

Following receipt of your latest email we will now respond to your request by **[date]**. This date is a month from the day that we received clarification of your request, in accordance with the requirements of the legislation and our guidance on the matter.

[NOTE for request handlers:

The guidance says:

"If you process a large amount of information about an individual, you may ask them to specify the information or processing activities their request relates to before responding to the request. However, <u>this does not affect the timescale for responding</u> […]

If an individual refuses to provide any additional information or does not respond to you, you must still comply with their request by making reasonable searches for the information covered by the request. <u>The time limit is not paused whilst you wait for a response</u>, so you should begin searching for information as soon as possible.

[…] If you receive a request where it is <u>genuinely unclear</u> whether a SAR is being made, then the time limit does not begin until you have clarified whether the individual is making a SAR, and what personal data they are requesting."]

Should you wish to reply to this email please quote the reference number

cited above within the subject line to this email.

UK GDPR Acknowledgement – Misdirected – Personal Data Requested via WDTK

Request for personal data

Please note that the request you are making appears to be for information relating to you **[and/or]** your complaint.

Because any information we may hold and consider for disclosure may contain your personal data, it will not be appropriate to disclose it to you via a public website such as WhatDoTheyKnow.com.

Please submit your request directly to us via our email address, a link to which is provided below.

We will then be able to handle your request under the provisions of both the Freedom of Information Act and the right of subject access in data protection legislation, which entitles you to copies of information relating to you (unless an exemption applies).

We can be contacted directly at icocasework@ico.org.uk.

UK GDPR Acknowledgment – Misguided or no information Held

[MISDIRECTED]

[Date]

Case Reference:

Dear

Thank for your enquiry regarding personal information held about yourself. Unfortunately, it appears that this has been sent to the Information Commissioner's Office in error.

The Information Commissioner is a UK independent supervisory authority reporting directly to the UK Parliament. The Commissioner enforces and oversees data protection legislation within the United Kingdom and the Freedom of Information Act 2000 within England, Wales and Northern Ireland.

The right to access personal information is known as 'subject access'. We have placed information regarding this right on a dedicated page on our website at: [Getting copies of your information (SAR) | ICO](#)

Although we enforce the legislation, we do not hold any personal information about individuals unless they have been in direct correspondence with us previously.

If you believe information is held about you by other organisations, you should write to them directly.

I hope that this is of some assistance to you. There is further information through our website which can be located at [ico.org.uk](#).

[ALTERNATIVE – SAR BUT NOTHING HELD]

Date: [Date]

Case Reference: [Case reference]

Dear [Name]

Thank you for your subject access request, which we received on [date].

You have asked for a copy of [request wording].

However, as of the date we received your request no personal data of which you are the data subject are being processed by or on behalf of the Information Commissioner.

If you wish to obtain a copy of information which is held about you by organisations other than the Commissioner, you will need to write to those organisations directly. The Commissioner has no specific knowledge as to which organisations may hold information about you.

Yours sincerely

[CREDIT REFERENCE AGENCY OPTION]

Date: [Date]

Case Reference: [Case reference]

Dear [Name]

Thank for your enquiry regarding personal information held about yourself.

Unfortunately it appears that this has been sent to the Information Commissioner's Office in error.

The Information Commissioner is a UK independent supervisory authority reporting directly to the UK Parliament. The Commissioner enforces and oversees data protection legislation within the United Kingdom and the Freedom of Information Act 2000 within England, Wales and Northern

Ireland.

Although we enforce the information rights legislation, we do not hold any personal information about individuals unless they have been in direct correspondence with us previously.

The organisations that do hold credit information are the credit reference agencies (or "CRAs"). The most commonly used agencies are Experian, Equifax and TransUnion.

You can find more information about this, including CRA contact information, on the Credit page of the ICO website. You can find this page here: [Credit](#)

You can also find a more in-depth guide on credit and data protection here: [Credit Explained](#)

More information regarding the right of subject access and how to make a subject access request can be found at [Getting copies of your information (SAR) | ICO](#)

Thank you for your enquiry.

Yours sincerely

UK GDPR - SAR – Basic Template (email)

[Date]

[Name]
[Email address]

Dear **[Name]**

Case Reference [case reference]

Response to request for information

Further to our acknowledgement of **[acknowledgement date]** we can now respond to your information request of **[request date]**.

Request

You asked us for:

[Request wording]

We received your request on **[date of receipt]**.

We have handled this as a subject access request (SAR).

[NOTE: If necessary, include this further information]

The right of access is provided by Article 15 of the UK General Data Protection Regulation (UK GDPR). Where any of the information we have provided to you falls outside the definition of your personal data, we are providing it to you on a discretionary basis.

Our response

We have searched our records based on the information you provided.

OPTION 1: No information held

We are unable to locate the personal data you have requested.

[NOTE: provide further clarification – why not? Did we ever hold it?]

OPTION 2: Full disclosure

We confirm that we hold information in scope of your request. Please find attached a copy of the information you requested.

OPTION 3: Third party personal data

We confirm that we hold information in scope of your request. Please find attached a copy of the personal data you requested. We have **[withheld/redacted]** some information because it relates to a third party.

[NOTE: If necessary, include this further information]

The Data Protection Act 2018 makes it clear that we are not required to provide copies of your personal data when doing so would also disclose data about someone else. Therefore we have **[withheld/redacted]** some information in accordance with paragraph 16 of Schedule 2 of the DPA.

Paragraph 16(1) of Schedule 2 of the Data Protection Act 2018 (DPA) states that the individual rights provided by GDPR, such as subject access:

"do not oblige a controller to disclose information to the data subject to the extent that doing so would involve disclosing information relating to another individual who can be identified from the information."

Paragraphs 16(2) explains that personal data of a third party can be disclosed if the other individual has consented to the disclosure of the information to the data subject, or when it is reasonable to disclose the information to the data subject without consent.

Paragraphs 16(3) provides examples of relevant circumstances for considering whether disclosure would be reasonable without consent. In this instance it would not be reasonable to disclose the third party information without consent.

[NOTE: For the following options – we usually end up using Option 4 and Option 5 together, when another organisation has told us they don't want us to disclose info they provided to us. Disclosure would prejudice our function AND go against the prohibitions on disclosure]

OPTION 4: Regulatory function of the Commissioner

Some information has been **[withheld/redacted]** because providing it would be likely to prejudice our function as the regulator.

The disclosure of this information would prejudice our function because **[explain prejudice to our functions]**.

[NOTE: If you have withheld entire documents, and if it is possible to do so without causing prejudice, it's useful to give a brief description of the type of information withheld, ie "we have withheld some emails between the ICO and the Controller regarding their handling of your personal data"]

[NOTE: If necessary, include this further information]

Paragraph 11 of Schedule 2 of the Data Protection Act 2018 (the DPA) lists the Commissioner as a body that carries out regulatory functions and can refuse an individual access in the event that disclosure would be likely to prejudice those functions.

OPTION 5: Prohibitions on disclosure

Some information has been **[withheld/redacted]** because it was provided to us by another individual or business for the purposes of us carrying out our regulatory functions, and we do not have lawful authority to disclose it.

[NOTE: If necessary, include this further information]

Section 132 of the Data Protection Act imposes criminal liability on ICO staff if we disclose information related to an identifiable individual or business which was provided to the ICO for the purposes of carrying out our regulatory functions, unless we have the lawful authority to do so, or it has already been made public from another source.

Next steps

Please let us know if you have questions about the way we've handled your request.

If we can't answer in a way that satisfies you, or we took too long to respond to your request, you can make a complaint to the ICO as regulator for data protection. This complaint will be handled just like a complaint made to the ICO about any other controller. You can [raise a complaint](#) through our website.

You also have the right to apply to a court if you believe that there has been a contravention of your rights.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely

[Name]

UK GDPR - SAR – Basic Template (Post)

[Name]
[Postal Address 1]
[Postal Address 2]
[Postal Address 3]
[Town/ City/ County]
[Postcode]

03 September 2025

<div align="center">

ICO Case Reference [case reference]

</div>

Dear **[Name]**

Request for information

In your **[request method]** of **[date]** you asked us for:

[Request wording]

We have dealt with your request for information as a subject access request, in accordance with the 'right of access by the data subject' as provided by Article 15 of the UK General Data Protection Regulation (UK GDPR).

[NOTE: If necessary, include this further information]

Where any of the information we have provided to you falls outside the definition of your personal data, we are providing it to you on a discretionary basis.

Having considered the documentation we hold which falls within the scope of your request we are satisfied that all the information held is personal data about you, and therefore none of it is subject to the provisions of section 1 of the Freedom of Information Act 2000 (the FOIA).

Our response

Next steps

Please let us know if you have questions about how we have handled your request.

If we can't answer in a way that satisfies you, or we took too long to respond to your request, you can make a complaint to the ICO as regulator for data protection. This complaint will be handled just like a complaint made to the ICO about any other controller. You can raise a complaint through our website at https://ico.org.uk/make-a-complaint/.

You also have the right to apply to a court if you believe that there has been a contravention of your rights.

Your information

Our Privacy Notice at https://ico.org.uk/global/privacy-notice/ explains what we do with the personal data you provide to us and what your rights are. Our Retention and Disposal Policy details for how long we keep information. You can view this at https://ico.org.uk/media/about-the-ico/policies-and-procedures/.

Yours sincerely

UK GDPR Art 16 – Right to Rectification

Response to request for rectification of personal data

In your email of **[request date]** you told us that some personal data we hold about you is inaccurate. You said:

[Request wording]

We have handled this as a request that we rectify the personal data you've identified.

[NOTE: If necessary, include this further information]

Article 16 of the UK General Data Protection Regulation (UK GDPR) gives you the right to have your personal data rectified if it is inaccurate.

Our response

We confirm that we hold information in scope of your request. We have taken into account your arguments about the accuracy of your personal data.

OPTION 1: DATA IS ACCURATE

The UK GDPR does not define accuracy. However, the Data Protection Act 2018 (DPA) states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact.

We do not agree that the personal data you have contacted us about is factually inaccurate.

[NOTE: If necessary, include this further information]

The personal data that we hold about you is an accurate version of the information that was originally **[provided to us / created by us]**. It is important that we hold a correct and accurate version of that record.

However, we have added a note to your case file explaining that you disagree with the accuracy of the personal data, for the reasons you explained to us.

OPTION 2: WILL RECTIFY

We agree that the information we hold is inaccurate. We have taken the following steps to rectify it: **[NOTE: Provide steps taken]**

OPTION 3: WILL NOT RECTIFY DUE TO PREJUDICE TO REGULATORY FUNCTIONS

We agree that the information we hold is inaccurate. However, we do not intend to alter the record which we hold. We will place a note in the relevant case file that details your concerns about the accuracy of the data. However, our position is that altering the records we hold by rectifying your personal data would prejudice our regulatory function.

[NOTE: Provide prejudice arguments here]

UK GDPR Art 17 – Right to Erasure

Response to request for erasure of personal data

In your email of **[request date]** you said:

[Request wording]

We have handled this as a request that we erase your personal data.

[NOTE: If necessary, include this further information]

Article 17 of the UK General Data Protection Regulation (UK GDPR) gives you the right to have personal data erased in certain circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected or processed;
- When the data subject withdraws consent, where consent is the lawful basis for processing the personal data;
- When the data subject objects to the processing and there is no overriding legitimate interest for continuing the processing;
- The personal data was unlawfully processed (ie otherwise in breach of the UK GDPR);
- The personal data has to be erased in order to comply with a legal obligation;
- The personal data is processed in relation to the offer of information society services to a child.

In this case, your grounds for requesting erasure are **[state request reasons]**.

Our Response

OPTION 1: NOTHING HELD

We searched our systems using the information you provided. We didn't find any records relating to you.

If you are certain we hold your data, we can look again. Please tell us what contact you had with us in the past that you think has led to us holding your data.

OPTION 2: WE AGREE TO ERASURE

We confirm that we hold information in scope of your request. We have **deleted/will delete** the personal data we hold on you by **[date of deletion]**. When your personal data has been deleted it will not be accessible, and so will be considered to be beyond use.

[NOTE: If we have passed information to other organisations we need to inform them that it has been erased from our systems. You need to include one of the options below]

We have disclosed some of your personal data to **[organisation(s)]**. We have informed them that we have erased your personal data.

[or]

Although we have disclosed some of your personal data to **[organisation(s)]**, it has not been possible to inform them that we have agreed to erase your data. This is because **[provide reasons]**.

[or]

Although we have disclosed some of your personal data to **[organisation(s)]**, we haven't informed them that we have agreed to erase your data. Contacting them would put an unreasonable burden on our limited resources because **[provide reasons]**.

OPTION 3: REFUSAL DUE TO OVERRIDING LEGITIMATE INTEREST

We confirm that we hold information in scope of your request. However, having carefully considered your request, we have decided that our need to carry out our public task overrides your right to request erasure.

This is because **[provide overriding legitimate interests]**.

Over time our need to hold your personal data will decrease. We will delete it in line with our retention schedule, which you can view here: Retention and disposal schedule.

OPTION 4: REFUSING DUE TO PREJUDICE TO REGULATORY FUNCTION

We confirm that we hold information in scope of your request. However, we are able to refuse an erasure request if we consider that complying with it would be likely to prejudice our regulatory function.

Erasing your personal data would **[describe prejudice of erasure]**. We are therefore refusing your erasure request.

Over time our need to hold your personal data will decrease. We will delete it in line with our retention schedule, which you can view here: [Retention and disposal schedule.](#)

UK GDPR Art 18 – Right to Restriction

Response to request for restriction of processing of personal data

In your email of **[request date]** you said:

[Request wording]

We've handled this as a request that we restrict our processing of your personal data.

[NOTE: If necessary, include this further information]

Article 18 of the UK General Data Protection Regulation (UK GDPR) provides you with the right to instruct a data controller to stop using your data. This is called restriction of processing. It means that a data controller can hold your data, but can't use it.

This right only applies in the following circumstances:

- Where an individual contests the accuracy of the personal data held, the controller will restrict that processing until its accuracy has been verified;
- When processing is unlawful and an individual opposes erasure and requests restriction instead;
- If the controller no longer needs your personal data but you need it to establish, exercise or defend a legal claim;
- You have objected to the controller processing your data, and the controller is considering whether their legitimate grounds override your rights.

In this case you have asked us to restrict the processing of your personal data because **[state request reasons]**.

Our Response

OPTION 1: RESTRICTION APPROVED

We confirm that we hold information in scope of your request, and we have restricted your personal data. We need to retain some of your

personal data to make sure that we can maintain the restriction of your personal data in future.

If we need to lift the restriction on your personal data, we will let you know.

[NOTE: If we have passed information to other organisations, we will need to inform them that it has been restricted. Include one of the following]

We have disclosed some of your personal data to **[organisation(s)]**. We have informed them that we have restricted your personal data.

[or]

Although we have disclosed some of your personal data to **[organisation(s)]**, it has not been possible to inform them that we have agreed to restrict your data, for the following reasons **[provide reasons]**.

[or]

Although we have disclosed some of your personal data to **[organisation(s)]**, we haven't informed them that we have agreed to restrict your data. Contacting them would put an unreasonable burden on our limited resources. This is because **[provide reasons]**.

OPTION 2: RESTRICTION REQUEST DENIED

We confirm that we hold information in scope of your request. We restricted use of your data while we considered its accuracy **[and/or]** our grounds for processing it.

However, I consider that it is accurate **[and/or]** we do have legitimate grounds for processing your data **[give reasons]**. This means that we will continue to process it.

OPTION 3: NO RESTRICTION AS EXEMPTION APPLIES

We confirm that we hold information in scope of your request. We are refusing your request for restriction of your personal data. If we restrict

our processing of your data, it will prejudice the performance of our regulatory functions.

This is because **[provide prejudice reasoning]**.

[NOTE: If necessary, include this further information]

Paragraph 11 of Schedule 2 of the Data Protection Act 2018 lists the Commissioner as a body that carries out regulatory functions. We can refuse a request to restrict the processing of personal data if the restriction would be likely to prejudice those functions.

UK GDPR Art 18 Restriction – Notify ICO Group Managers

Email to Group Manager

We have been contacted by **[data subject]** who has requested that we restrict the processing of their data.

We need to restrict processing while we consider its accuracy **[and/or]** our legitimate grounds for continuing to process it.

Please arrange for the restriction to be clearly noted in the titles of the following cases:

[List of cases]

We will let you know if we decide to lift this restriction.

Please let us know if you have any questions.

Thanks

UK GDPR Art 20 – Right to Data Portability

Responding to data portability request

[The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services.

The right only applies to information that an individual has provided to us. It also only applies when we process the information electronically and our lawful basis for processing it is consent or for the performance of, or talks regarding, a contract.

An example may be health information that individuals have provided to us as part of arranging a reasonable adjustment. Our processing of the special category information is partly based on consent.

The law enforcement processing provisions do not apply to data portability. Other forms of non-law enforcement processing where our legal basis is consent includes:

- Optional cookies
- Arrangements of an event, seminar, workshop etc, including dietary or access requirements, including the DPPC
- Registering for a webinar
- Subscription to e-newsletter
- Addresses for requests for publications

If the information a requester wishes to be ported is processed under a different lawful basis then there is no right to portability. In such instances we would simply look to provide the requester with their information and allow then to use as they see fit, unless an exemption applies.]

Response to data portability request

Further to our acknowledgement of **[acknowledgement date]** we can now respond to your information request of **[request date]**.

Request

You asked us:

[Request wording]

We have handled this as a request under your right to data portability.

Our response

We confirm that we hold information in scope of your request.

Article 20 of the General Data Protection Regulation (GDPR) provides the right to data portability. This means that you can make a request of a data controller (such as the ICO) to transmit data of the kind specified by Article 20 to another data controller.

However, this right only applies to your own personal data:

- where it is electronically-based information;
- where you have provided the information to us; and
- where the lawful basis of our processing is either consent or the performance of a contract.

OPTION 1: REQUIREMENTS NOT MET

I must confirm that the requirements for our agreeing to portability in Article 20 are not met here. The lawful basis we rely on to process the information you have provided is **[provide lawful basis]**.

This means that we will not be complying with your request.

OPTION 2: INFORMATION TRANSMITTED

I have arranged for the personal data that we hold and which comes within the scope of your request to be sent electronically to **[you/the recipient you have named]** by **[date]**.

OPTION 3: Third party personal data

The data you have requested to be transmitted to **[the recipient you have named]** contains information relating to third parties.

Article 20(4) makes clear that the portability right shall not adversely affect the rights and freedoms of others. We consider that transmitting this information without evidence of the consent of the third party would not be in accordance with this provision.

We attach the relevant files for your further use.

UK GDPR Art 21 – Objection to Processing

Response to objection of processing request

In your email of **[request date]** you said:

[Request wording]

We've handled this as an objection to our processing of your data.

[NOTE: If necessary, include this further information]

Article 21 of the General Data Protection Regulation (GDPR) gives you the right to object to the processing of your personal data.

It only applies when our basis for processing your data is that:

- it is in our legitimate interests;
- it is necessary for the performance of a task in the public interest; or
- for the exercise of official authority.

We can continue processing your personal data if there are compelling grounds for doing so, or during the process of a legal claim.

Our response

We confirm that we hold information in scope of your request.

OPTION 1: WE AGREE TO STOP PROCESSING

We will stop processing your personal data from **[date]**.

OPTION 2: REFUSAL DUE TO PROCESSING BEING NECESSARY FOR PUBLIC TASK

We need to continue processing your personal data. Our need to perform our public task as a regulator overrides your right to object.

OPTION 3: REFUSAL DUE TO PREJUDICE TO REGULATORY FUNCTION

In this case, we need to continue processing your personal data. If we stopped, it would prejudice our ability to perform our regulatory function.

This is because **[provide prejudice reasoning]**.

[NOTE: If necessary, include this further information]

Paragraph 11 of Schedule 2 of the Data Protection Act 2018 lists the Commissioner as a body that carries out regulatory functions. We can refuse your objection to our processing of your data if we consider that this would be likely to prejudice those functions.

UK GDPR Clarification – Authorisation Required

Request for Information

Thank you for your **[letter/e-mail]** of **[date]** in which you have made a request for information held by the Information Commissioner's Office (ICO) on behalf of **[your client / other]**, **[client name]**. Your request has been passed to the ICO's Information Access Team to deal with.

In your request, you asked us for:

[Request wording]

Further authorisation required

However, before we are able to consider this request for information, we need written authorisation from **[client name]** confirming that they have instructed you to act on their behalf in respect of the request.

Unfortunately, the authorisation they provided for you to act on their behalf in their complaint to the ICO about **[organisation]** cannot now be applied to the separate matter of making a request for information.

As you will appreciate, the statutory timescale for our response to your request will not begin until we are supplied with the further information which we require. If we do not hear from you within 30 days, we will assume that **[client name]** does not wish to proceed with their request.

Otherwise, please reply to this email with the authorisation from your client, making sure to include the above reference number **[case reference]** cited in the subject line of your email.

As an example, this can take the form of a signed, dated letter from **[client name]** authorising you to act on their behalf in this matter.

UK GDPR – SAR - Template for external consultation following a SAR

[DATE]

Case Reference: **[Case reference]**

Dear **[Name]**

Information request to the ICO

The Information Commissioner's Office (ICO) has received a request for information from **[data subject's name]** which is being dealt with by the ICO's Information Access Team.

[Optional:]

[For clarity, the Information Access Team does not handle or review complaints casework. We are contacting you under this case reference only to consult with you about an information request made to the ICO, rather than to pursue a complaint further.]

[Data subject's name] has asked that we provide them with **[briefly describe the information that has been requested]**.

We are therefore handling their request under the right of subject access in data protection legislation. We can also consider providing the requester with information which is not their personal data on a discretionary basis, given their association with this matter.

As you are probably aware, the data protection legislation provides individuals with the right of access to information held about them. Although we are exempt from disclosing certain types of information, it is in the public interest that we are open, transparent and accountable for the work that we do.

I have attached a copy of the information in scope of the request for your convenience. It includes **[brief summary of consultation bundle]**.

We would therefore be grateful for your assistance in dealing with this

request. Having considered the information attached please confirm:

1. If you have any objections to any of the information being disclosed to the requester. If you have objections, please indicate clearly the information you would wish to be withheld, and why, so that your views can be taken into account.

2. If you have any concerns about your own information and that of your colleagues, such as names and contact details, being disclosed.

If you have no concerns, please make this clear in your response.

Due to the statutory deadlines for complying with this information request please reply by the end of the day on **[date response required]**. If there are any difficulties meeting this deadline do let us know.

I hope the purpose of this email is clear, but do contact me directly if you wish to discuss any aspect of this request.

In the meantime, it would be helpful if you could acknowledge receipt of this email.

I look forward to hearing from you shortly.

Yours sincerely

[Name]
[Role]
Information Commissioner's Office
ico.org.uk twitter.com/iconews
Please consider the environment before printing this email

For information about what we do with personal data see our privacy notice

You should be aware that the Information Commissioner's Office often receives requests for copies of the letters we send and receive when dealing with complaints and information requests. Please indicate whether any of the information you provide in connection with this matter is confidential, or for any other reason should not be disclosed to anyone

who requests it. You should provide a good reason why this information should not be disclosed to anyone else and explain this clearly and fully.

UK GDPR – Art 12(5) Manifestly excessive request

We are refusing to comply with your request pursuant to Article 12(5)(b) of the UK GDPR, as we consider your request to be manifestly excessive.

Article 12(5)(b) says:

"Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:

> *(a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or*

> *(b) refuse to act on the request.*

The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request."

PLEASE SEE BELOW FOR FURTHER CONSIDERATIONS

[NEED TO EXPLAIN YOUR REFUSAL?]

If needed, structure your detailed response like this:

1. Argument

Set out your <u>specific</u> area of concern.

> Eg, *"This request is excessive, because the <u>scope</u> of your request is unreasonable*.

2. Facts/Evidence

Give <u>relevant</u> facts and evidence to support your argument.

> Eg, *"There are hundreds of items of complex correspondence dating back several years which are held on your cases and in other locations."*

3. Explain

Explain why the facts/evidence matter.

> (What's the issue? What's the effect? Why does this mean the request's "excessive"?)

> Eg, *"Complying with your request would require particularly extensive searches, checks and consultations which we do not have the capacity for."*

4. Summary (optional)

Wrap everything up if you need to, particularly if it's complex.

> Eg, *"The request places disproportionate demands on the ICO, so we are refusing to comply with your request."*

GUIDANCE

- ICO Guidance: [When can we refuse to comply with a request? | ICO](#)

PREVIOUS EXAMPLES

See the below factors which we've relied on in previous 'excessive' cases. Do they apply to your case?:

- o Repeat requests
- o Short time elapsed between previous response
- o Disregarding/ignoring previous response/refusal
- o Frequency/volume of requests
- o Multiple consultations required
- o Disproportionate use of resources
- o Issues/complaints already addressed/closed
- o Significant manual searches required
- o Welfare concerns for request handlers (exposure to upsetting material)

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SEE BELOW FOR DPA 2018 REF TEMPLATE

Manifestly excessive request – Data Protection Act 2018

We are refusing to comply with your request pursuant to Part 3, Chapter 3, Section 53 of the Data Protection Act 2018 (DPA), as we consider your request to be manifestly excessive.

The DPA Part 3, Chapter 3, Section 53 states:

"(1) 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, or*

>   *(b) refuse to act on the request.*

(2) An example of a request that may be excessive is one that merely repeats the substance of previous requests."

[NEED TO EXPLAIN YOUR REFUSAL?]

If needed, structure your detailed response like this:

1. Argument

>   Set out your <u>specific</u> area of concern.

>>   Eg, *"This request is excessive, because the <u>scope</u> of your request is unreasonable*.

2. Facts/Evidence

>   Give <u>relevant</u> facts and evidence to support your argument.

>>   Eg, *"There are hundreds of log entries and case notes dating back several years which are held on your cases and in other locations."*

3. Explain

>   Explain why the facts/evidence matter.

>>   (What's the issue? What's the effect? Why does this mean the request's "excessive"?)

>>   Eg, *"Complying with your request would require particularly extensive searches, checks and consultations which we do not have the capacity for."*

4. Summary (optional)

Wrap everything up if you need to, particularly if it's complex.

Eg, *"The request places disproportionate demands on the ICO, so we are refusing to comply with your request."*

GUIDANCE

- ICO Guidance: [Manifestly unfounded and excessive requests | ICO](#)

PREVIOUS EXAMPLES

See the below factors which we've relied on in previous 'excessive' cases. Do they apply to your case?:

- o Repeat requests
- o Short time elapsed between previous response
- o Disregarding/ignoring previous response/refusal
- o Frequency/volume of requests
- o Multiple consultations required
- o Disproportionate use of resources
- o Issues/complaints already addressed/closed
- o Significant manual searches required
- o Welfare concerns for request handlers (exposure to upsetting material)

UK GDPR – Art 12(5) Manifestly unfounded request

We are refusing to comply with your request pursuant to Article 12(5)(b) of the UK GDPR, as we consider your request to be manifestly unfounded.

Article 12(5)(b) says:

"Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:

> *(a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or*

> *(b) refuse to act on the request.*

The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request."

PLEASE SEE BELOW FOR FURTHER CONSIDERATIONS

[NEED TO EXPLAIN YOUR REFUSAL?]

If needed, structure your detailed response like this:

1. Argument

> Set out your <u>specific</u> area of concern.

>> Eg, *"This request is unfounded, because we believe your request is <u>intended to re-open</u> the issues set out in your complaint case."*

2. Facts/Evidence

> Give <u>relevant</u> facts and evidence to support your argument.

>> Eg, *"You have received an outcome for your data protection complaint which you are dissatisfied with. You have sent numerous emails requesting reviews and criticising the competency of ICO staff. Your phone call with [MANAGER] was terminated last week due to unacceptable language."*

3. Explain

> Explain why the facts/evidence matter.

>> (What's the issue? What's the effect? Why does this mean the request's "unfounded"?)

Eg, *"Complying with your request would involve giving you access to case information which has been recorded by staff involved with your case. We believe it is likely you would use the information to continue to target and harass them staff members."*

4. Summary (optional)

Wrap everything up if you need to, particularly if it's complex.

Eg, *"We believe you are abusing your right of access to personally challenge and target individual staff, so we are refusing to comply with your request."*

GUIDANCE

- ICO Guidance: [When can we refuse to comply with a request? | ICO](#)

- The themes relating to a manifestly unfounded request are similar to [vexatious requests](#) under FOIA. Consider these if useful:

  - **burden** of the request
  - **motive** of the request
  - serious **value or purpose** of the request
  - potential **harassment/distress** of staff

PREVIOUS EXAMPLES

See the below factors which we've relied on in previous 'unfounded' cases. Do they apply to your case?:

Personal factors

- Personal grudges/grievances
- Campaign of harassment
- Evidence of malintent
- History of behaviour
- Language/tone (derogatory, accusative, threatening, inflammatory)
- Allegations
- Intention to use material to harass ICO staff

Procedural/other factors

- Circumventing official channels

- o Targetting restricted/exempt/closed material
- o Challenging/attempting to change a case decision
- o Re-opening closed issues
- o Attempting to continue dialogue/discussion with us about a complaint/issue
- o No discernible value in requested information
- o Obsessive/unreasonably persistent behaviour
- o Conditional requests
- o Using requests as a bargaining tool
- o Triggering response from organisation
- o Repeat requests
- o Disregarding/ignoring previous responses/refusals

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SEE BELOW FOR DPA 2018 REF TEMPLATE

Manifestly unfounded request – Data Protection Act 2018

We are refusing to comply with your request pursuant to Part 3, Chapter 3, Section 53 of the Data Protection Act 2018 (DPA), as we consider your request to be manifestly unfounded.

The DPA Part 3, Chapter 3, Section 53 states:

"(1) 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, or*

> *(b) refuse to act on the request.*

(2) An example of a request that may be excessive is one that merely repeats the substance of previous requests."

[NEED TO EXPLAIN YOUR REFUSAL?]

If needed, structure your detailed response like this:

1. Argument

> Set out your <u>specific</u> area of concern.

>> Eg, *"This request is unfounded, because we believe your request is primarily <u>intended to challenge the outcome</u> of an investigation involving yourself."*

2. Facts/Evidence

> Give <u>relevant</u> facts and evidence to support your argument.

>> Eg, *"The investigation [REF] was closed on [DATE]. This is a repeated request following that closure which seems to be part of a persistent campaign to challenge the investigation and to expose the conduct of [OFFICER] who led it."*

3. Explain

> Explain why the facts/evidence matter.

>> (What's the issue? What's the effect? Why does this mean the request's "unfounded"?)

>> Eg, *"Complying with your request would involve giving you access to case information which has been recorded by staff involved with your case. We believe it is likely you would use the information to continue to target and harass [OFFICER]."*

4. Summary (optional)

Wrap everything up if you need to, particularly if it's complex.

> Eg, *"We believe you are abusing your right of access to challenge and overturn a criminal case, so we are refusing to comply with your request."*

GUIDANCE

- ICO Guidance: [Manifestly unfounded and excessive requests | ICO](#)

- The themes relating to a manifestly unfounded request are similar to [vexatious requests](#) under FOIA. Consider these if useful:

  - **burden** of the request
  - **motive** of the request
  - serious **value or purpose** of the request
  - potential **harassment/distress** of staff

PREVIOUS EXAMPLES

See the below factors which we've relied on in previous 'unfounded' cases. Do they apply to your case?:

Personal factors

- Personal grudges/grievances
- Campaign of harassment
- Evidence of malintent
- History of behaviour
- Language/tone (derogatory, accusative, threatening, inflammatory)
- Allegations
- Intention to use information to harass ICO staff

Procedural/other factors

- Circumventing official channels
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- Obsessive/unreasonably persistent behaviour

- o Conditional requests
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- o Disregarding/ignoring previous responses/refusals