

DATA PROTECTION ACT 2018 AND UK GENERAL DATA PROTECTION REGULATION

REPRIMAND

TO: Chief Constable Greater Manchester Police

**OF: GMP Headquarters
Central Park
Northampton Road
Manchester
M40 5BP**

1.1 The Information Commissioner (the Commissioner) issues a reprimand to Greater Manchester Police (GMP) in accordance with Article 58(2)(b) of the UK General Data Protection Regulation (UK GDPR) and Schedule 13(2)(c) of the Data Protection Act 2018 (DPA 2018) in respect of certain alleged infringements of the UK GDPR and DPA 2018.

The reprimand

1.2 The Commissioner decided to issue a reprimand to GMP in respect of the following alleged infringements of the UK GDPR/DPA 2018:

- **Article 12(3) of the UK GDPR** which states:

‘The controller 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. That 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.’

- **Article 15 of the UK GDPR** which states:

‘The data subject shall have the right to obtain from the controller 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.’

- **Section 45, Part 3 of the DPA 2018** which states:

'A data subject is entitled to obtain from the controller –

- (a) Confirmation as to whether or not personal data concerning him or her is being processed, and
- (b) Where that is the case, access to the personal data.

- **Section 54, Part 3 of the DPA 2018** which states:

'(1) This section defines "the applicable time period" for the purposes of sections 45(3)(b) and 48(2)(b).

(2) "The applicable time period" means the period of 1 month, or such longer period as may be specified in regulations, beginning with the relevant time.

(5) Regulations under subsection (2) may not specify a period which is longer than 3 months.

1.3 The reasons for the Commissioner's findings are set out below.

GMP is the territorial police force responsible for law enforcement within the metropolitan county of Greater Manchester in Northwest England. As of March 2022, GMP employed 6,866 police officers, 3,524 members of police staff and 560 police community support officers. Greater Manchester is one of the largest policing areas within England and Wales covering an area of 500 square miles. It is home to 2.8 million people, forming 1.2 million homes.

GMP's fundamental purpose is law enforcement and as such it routinely captures and processes personal data of individuals whilst carrying out those duties. GMP determines the purpose and means of that processing, therefore, GMP is the data controller responsible for these infringements.

Article 12(3) and Article 15 of the UK GDPR and Section 45 and Section 54 Part 3 of the DPA 2018

From the information provided by GMP it was found that due to historic outstanding requests it had continually failed to meet its data protection obligations when responding to subject access requests (SARs) infringing Article 12(3) of UK GDPR, Article 15 of UK GDPR and Section 45, Part 3 of DPA 2018 and Section 54, Part 3 of DPA 2018.

Due to an increase in requests for copies of digital material ie SARs involving body worn video or CCTV footage, SARs were becoming increasingly more complex and voluminous requiring a higher level of quality assurance which resulted in increased preparation times.

GMP advised that they began experiencing difficulties responding to SAR requests in March 2020 when the number of SARs received (averaging 152 per month) significantly increased to around 300 per month. This increase in requests outweighed GMP's available resource to process SARs which in turn caused a backlog of unanswered SARs.

This was further impacted when the covid pandemic began. A strategic decision was made by senior officers at GMP to temporarily prioritise front line policing duties and to deprioritise some back office administrative functions. Due to this decision, staff within the Information Access team were unable to access the information required to respond to SARs. This decision was consistent with many other organisations at the time in response to the pandemic.

The creation of the backlog was caused by the increased number of received SARs combined with the decision to temporarily deprioritise services away from SARs. GMP struggled to keep on top of the requests, this led to GMP creating and implementing an action plan to address the backlog.

The SAR statistics provided by GMP show that between October 2022 and September 2023 its compliance rate ranged from 46% to 76%. During this period, GMP also received 180 complaints in relation to their handling of SARs with 137 of these specifically concerning the delay in receiving a response.

In October 2022 GMP reported the age of the oldest overdue SAR was recorded as 548 days old with this increasing to 1047 days old in September 2023.

The SAR statistics provided by GMP showed that in October 2023 there were 1277 overdue SARs. Figures provided for the period of March 2024 to August 2024 recorded that in March 2024 there were 1112 overdue SARs with the oldest request dating back to 2021. However, it has been noted that the compliance rate had shown significant

improvement with GMP demonstrating 85%, 79%, 82%, 85%, and 83% SAR compliance within this time period.

On 13 September 2024 GMP reported that the backlog of SARs had significantly reduced, and they had reached a compliance rate of 97%, but there were still 39 overdue SARs awaiting a response.

This evidences that GMP continually failed to respond to subject access requests in accordance infringing Article 12(3) of UK GDPR, Article 15 of UK GDPR and Section 45, Part 3 of DPA 2018 and Section 54, Part 3 of DPA 2018 for the period 1 October 2022 to 13 September 2024. Due to this failure a reprimand is proposed due to GMPs failure to respond to SARs within the appropriate timeframes during this period.

Mitigating factors

1.4 It is recognised that:

- The covid pandemic had an impact on GMP's ability to process SARs.
- GMP has had difficulty attracting and retaining staff for the SAR role which is compounded by a lengthy vetting process and the specialist training that is required to be completed.
- Significant improvements have been made by GMP and on 13 September 2024 GMP reported to the ICO that of the 1277 overdue SARs only 39 remained overdue. GMP's compliance rate for responding to new SARs within the required timeframe has steadily increased from March 2024 until September 2024 and has consistently achieved a compliance rate of around 80%. In September 2024 it achieved 97% SAR compliance rate, which has remained above 90% to date, exceeding the national average for the police forces compliance with subject access provisions.

Remedial steps taken by GMP

1.5 The Commissioner has also considered and welcomes the remedial steps which were initiated and taken voluntarily by GMP in the light of GMPs repeated failure to meet its information rights obligations in particular:

- On 16 October 2023 GMP reported that previous attempts had been made to clear the SAR backlog when a pilot was trialled targeting the oldest SARs. Whilst this had some success GMP were unable to maintain this temporary solution due to limited resources, those resources were then reallocated to other duties within the force.
- Improved staff retention and staff performance which has led to GMP's overall improved SAR compliance.
- The creation and completion of a SAR recovery action plan, which contained measures to both clear the existing backlog by July 2024 and the implementation of changes to existing processes to ensure improved future SAR compliance.
- The appointment of a dedicated Complaints Officer in September 2022 whose role has been to manage SAR complaints and free up resources to process SARs
- Improvements in the way GMP interacts with its customers and the introduction of changes as to how requestors are kept informed when it cannot respond to a SAR within the required timeframe.
- Reviewing the functions of Information Management which included analysing how SARs were handled, reviewing workload allocation and what level of managerial support was required. GMP identified that improvements were needed. As a result of implementing changes, GMP has better strategic oversight of the SAR process, enabling trends to be monitored and better-quality assurance checks to be implemented and the appointment of an Information Access Unit manager.
- In November 2023, the Data Protection Officer role which had previously been outsourced, was brought in house resulting in improved data protection support to the team.
- Increased staffing levels which ensured there was a full complement of permanent staff to commit to long term sustainability of SAR compliance and temporary staff were engaged to tackle the historic backlog of SARs.

Decision to issue a reprimand

1.6 Taking into account all the circumstances of this case, including the mitigating factors and remedial steps, the Commissioner has decided to issue a reprimand to GMP in relation to the alleged infringements of Article 12(3) and Article 15 of UK GDPR and Section 45 and Section 54, Part 3 of DPA 2018 set out above.

GMP were invited to provide representations. GMP provided representations on 13 March 2025 and 8 May 2025.

Further Action Recommended

1.7 The Commissioner has set out below certain recommendations which may assist GMP in rectifying the infringements outlined in this reprimand and ensuring GMP future compliance with the UK GDPR and the DPA 2018. Please note that these recommendations do not form part of the reprimand and are not legally binding directions. As such, any decision by GMP to follow these recommendations is voluntary and a commercial decision for GMP. For the avoidance of doubt, GMP is of course required to comply with its obligations under the law.

1.8 If in the future the ICO has grounds to suspect that GMP is not complying with data protection law, any failure by GMP to rectify the infringements set out in this reprimand (which could be done by following the Commissioner's recommendations or taking alternative appropriate steps) may be taken into account as an aggravating factor in deciding whether to take enforcement action - see page 11 of the Regulatory Action Policy [Regulatory Action Policy \(ico.org.uk\)](https://ico.org.uk/regulatory-action-policy) and Article 83(2)(i) of the UK GDPR and section 155(3)(e) DPA 2018.

1.9 The Commissioner recommends that GMP should consider taking certain steps to improve its compliance with UK GDPR and DPA 2018. With particular reference to Article 12 (3) and Article 15 of the UK GDPR and Section 45 and 54 Part 3, Chapter 3, of the DPA 2018, the following steps are recommended:

1. In order to ensure continuing compliance with Article 12 (3) and Article 15 of the UK GDPR and Section 45 and 54 Part 3, Chapter 3, of the DPA 2018 GMP should ensure that there is a sufficient

allocation of resources and staff to enable GMP to continue to respond to SARs within the required legal timeframe.

2. In the event that there are outstanding actions within GMP's action plan, GMP should ensure all actions are completed as soon as practicable to assure its continued improved compliance with Article 12 (3) and Article 15 of the UK GDPR and Section 45 and 54 Part 3, Chapter 3, of the DPA 2018

Dated 15 May 2025