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| Title        | SAR Handling repeated requests  |
| Body         | <p><b>Preparation</b></p> <p>Responses to all SARs should be comprehensively documented. Where there has been a previous SAR, the DC is required to disclose information it has previously disclosed, if it falls within the scope of the new request. However, in practice we accept that DCs may want to negotiate with the requester to get them to restrict the scope of their request to any personal data that has been added or updated since, and many individuals will be happy with this. But if the requester insists on a full response, then the DC should supply it.</p> <p>It is also good practice to record when any exemptions which have been relied upon to redact information from the response together with a brief note showing why the data controller believes these exemptions apply.</p> <p><b>Is it a new SAR?</b></p> <p>Where a data controller believes it has already given an individual all of the information they are entitled to see it will not be unreasonable to ask the requester why they have made a repeat SAR. It may be that the requester believes some information has been incorrectly redacted from the original response. At this point any notes made for the original SAR will be useful. Alternatively a requester may believe that documents which should have been included in the response are missing. In this case the data controller is entitled to ask for a description of the documents, the date the requester believes they were created, information about where the requester thinks they might be stored and any other information which might assist in locating the document. S7(3) of the Act is clear that where a data controller "reasonably requires" further information in order to locate the information the requester is seeking then, where the requestor has been informed of this, the data controller is not obliged to deal with the SAR until that information has been received.</p> <p><b>Reasonable interval</b></p> <p>It may be that an individual submits a repeat request very soon after their original request. Under s8 (3) and (4) of the Act a data controller is not obliged to comply with a repeat SAR unless a "reasonable interval" has elapsed since compliance with the previous request. Data controllers might want to consider how this is covered in their policies and procedures.</p> <p>In determining a reasonable interval a data controller must consider "the nature of the data, the purpose for which the data are processed and the frequency with which the data are altered." With this in mind a data controller may wish to consider applying different intervals to particular files rather than simply setting one blanket interval to cover all files and all repeat SARs.</p> <p><b>Fees</b></p> <p>Data controllers should also bear in mind that all repeat SARs will be subject to the fee as outlined in S7(2)(b) and they are not obliged to deal with any request unless they have received the fee. The fee may be claimed even if there is no information to be forwarded in response to an SAR.</p> <p><b>Managing</b></p> <p>In cases where a single individual is sending numerous or frequent repeat SARs to different departments or members of staff the data controller may wish to appoint someone to be a single point of contact for the requester in order to co-ordinate any necessary searches of the data controller's files, the collection of any necessary further information and fees from the requester and the responses to the repeat SARs.</p> <p><b>Protracted correspondence</b></p> <p>In some cases individuals may continue to send repeat SARs even when all the relevant files have been disclosed. Complaint files are a good example. These may be updated and added to at regular intervals while the complaint is ongoing, but at some point the data controller will feel that the complaint has been dealt with and will close the file. Once this happens, if repeat SARs continue to be made, then the only information being added to the file may be correspondence from the requester. In these cases, where the data controller has reason to believe that the requester has copies of this correspondence, it may comply with the SAR by sending the requester a letter explaining that there is no new information on file that the requester does not already have. It is not necessary, in these circumstances, to send copies of the requester's latest correspondence. The Act does not insist on the provision of documents to a requester, only on the disclosure of information which the requester is entitled to see but does not have in his possession.</p> <p><b>End of the process</b></p> <p>In some cases individuals may make repeat SARs because it is their view that information is being withheld from them in breach of the Act. If this is the case data controllers can refer them to the ICO once they have exhausted your own complaints procedure.</p> |
| Legislation  | DPA   |
| Subject area | Other   |
| ICO area     | Advice services   |

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