

[REDACTED]  
Data Protection Officer  
Chief Constable of Kent Police

By email only to: [REDACTED]

23 September 2022

Dear [REDACTED]

**Case Reference Number INV/0603/2021**

I write to inform you that the ICO has now completed its investigation into the Chief Constable of Kent Police (Kent Police) Subject Access Request (SAR) compliance.

This case has been considered under the United Kingdom General Data Protection Regulation (the UK GDPR) and Data Protection Act 2018 (DPA18); Part 3 due to the nature of the processing involved.

For more information about our powers under the data protection legislation please see the attached leaflet.

- ICO Enforcement leaflet - UK GDPR and DPA 2018

**Our consideration of this case**

I have investigated whether Kent Police has complied with the requirements of the data protection legislation. As you will be aware, the ICO has sought numerous pieces of information from the Kent Police to assess the extent to which it has complied with the requirements of Article 15 of UK GDPR / Section 45 of (3)(a) and (b) of Chapter 3, Part 3 of DPA 18 across the period 01 April 2020 to 29 April 2021, including the:

- extent to which responses have been issued to requesters
- timeliness of responses
- policies and procedures in place to process requests
- resourcing and staff training dedicated to the handling of requests

As you will be aware, organisations must comply with a SAR without undue delay, and at the latest within one month of receipt of the request or within one month of receipt of:

- any information requested to confirm the requester's identity
- a fee (only in certain circumstances)

After careful consideration and based on the information provided, it is considered appropriate to issue Kent Police with a reprimand in accordance with Article 58 of the UKGDPR for infringements of Section 45 Part 3 of the DPA 2018 / Article 12 (3) and 15 of the UK GDPR. This is because we are not satisfied that Kent Police has processed requests across the period 01 April 2020 to 29 April 2021 in such a way as to avoid undue delay, or in any event to deal with requests within one month of receipt (or within two months for more complex requests).

## **Details of reprimand**

The reprimand has been issued in respect of the following processing operations that have infringed the UK GDPR / DPA18:

- **Article 12(3) UK GDPR**

This states that '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. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject'.

- **Article 15(1) UK GDPR**

This states that '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'.

- **Article 15(3) UK GDPR**

This states that 'The controller shall provide a copy of the personal data undergoing processing.'

- **Section 45, Part 3, DPA18**

This states that 'A data subject is entitled to obtain from the controller...access to the personal data and the information set out in subsection (2) [Section 45 (2)]...without undue delay and in any event, before the end of the applicable time period'. [Section 54].

Based on the findings of this investigation, Kent Police has only responded to 60% of the SARs it has received within the statutory timescales during the period from 01 April 2020 to 29 April 2021. Kent Police continues to have a backlog of SAR cases and, based on the SAR statistics published on its website, appears to be worsening. From January-June 2022, only 22% of SARs were responded to within the statutory deadline. This could have a significant impact on the data subjects affected and we expect Kent Police to take steps to improve its compliance in this area.

### **Further Action Recommended**

The Commissioner recommends that Kent Police could take certain steps to improve its compliance with UK GDPR / DPA18. In particular:

1. Kent Police should take steps to ensure that Subject Access Requests are responded to within statutory deadlines in line with Articles 12(3), 15(1) and 15(3) of the UK GDPR and Section 45, Part 3, DPA18.
2. Kent Police should ensure that it has adequate staff resource in place to process and respond to SARs, including verbal SARs.
3. Kent Police may wish to review the practice of relying on the Digital Forensics Unit to redact footage and consider whether there is an appropriate alternative.
4. Kent Police should provide data subjects with the relevant information on how to make a SAR, including verbal SARs.
5. Kent Police should produce a detailed improvement plan that shows how it is going to tackle the SAR backlog and improve its SAR response rate.

Kent Police should provide the ICO with an update on its SAR compliance and the progress/results of its SAR improvement plan after three months from the date of this letter which is 23 December 2022. A further update should also be



Information Commissioner's Office

provided to the ICO also after six months from the date of this letter which is 23 March 2023.

I would like to point out that if further information relating to this subject comes to light, or if any further incidents or complaints are reported to us, we will revisit this matter and further formal regulatory action may be considered as a result.

Further information about compliance with the data protection legislation which is relevant to this case can be found at the following link:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

We actively publicise our regulatory activity and outcomes, as this helps us to achieve our strategic aims in upholding information rights in the public interest. We may publish information about cases reported to us, for example where we think there is an opportunity for other organisations to learn or where the case highlights a risk or novel issue.

Therefore, we may publish the outcome of this investigation to publicise our regulatory authority and new powers under the UK GDPR. We will publish information in accordance with our Communicating Regulatory and Enforcement Activity Policy, which is available online at the following link:

[https://ico.org.uk/media/about-the-ico/policiesandprocedures/1890/ico\\_enforcement\\_communications\\_policy.pdf](https://ico.org.uk/media/about-the-ico/policiesandprocedures/1890/ico_enforcement_communications_policy.pdf)

Please let us know if you have any concerns about this.

Thank you for your co-operation and assistance during the course of our investigation.

We now consider the matter closed.

Yours sincerely

  
Lead Case Officer  
Civil Investigations  
Regulatory Supervision Service  
The Information Commissioner's Office  




Information Commissioner's Office

Please note that we are often asked for copies of the correspondence we exchange with third parties. We are subject to all of the laws we deal with, including the United Kingdom General Data Protection Regulation, the Data Protection Act 2018 and the Freedom of Information Act 2000. You can read about these on our website ([www.ico.org.uk](http://www.ico.org.uk)).

The ICO publishes basic details about the complaints, investigations and self-reported data breaches it handles. These details include the name of the organisation concerned, the dates that we opened and closed the case, and the outcome. Examples of published data sets can be found at this link (<https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-data-sets/>).

We do not include personal data in the published datasets and will anonymise the names of sole traders etc prior to publication. We also do not publish cases concerning domestic CCTV complaints and may not publish certain other cases if we feel it is not appropriate to do so in the circumstances.

If you wish to raise an objection to us publishing a case in the datasets, whether or not we have published it yet, please contact us explaining your reasons for this at [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk).

Please say whether you consider any of the information you send us is confidential. You should also say why so that we can take that into consideration. However, please note that we will only withhold information where there is good reason to do so.

For information about what we do with personal data see our privacy notice at [www.ico.org.uk/privacy-notice](http://www.ico.org.uk/privacy-notice)