

[REDACTED]
Chief Executive
Chief Executive's Office
London Borough of Lambeth

By email only to: [REDACTED]
[REDACTED]

23 September 2022

Dear [REDACTED]

Case Reference Number INV/0729/2021

I write to inform you that the ICO has now completed its investigation into the London Borough of Lambeth (LBoL) Subject Access Request (SAR) compliance.

This case has been considered under the United Kingdom General Data Protection Regulation (the UK GDPR) 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 LBoL has complied with the requirements of the data protection legislation. As you will be aware, the ICO has sought numerous pieces of information from LBoL to assess the extent to which it has complied with the requirements of Article 15 (Right of Access) of UK GDPR across the period 01 August 2020 to 11 August 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, we have decided to issue LBoL with a reprimand in accordance with Article 58 of the UK GDPR. This is because we are not satisfied that LBoL has processed requests across the period 01 August 2020 to 11 August 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:

- **Article 12(3)**

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)**

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)**

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

Based on the findings of this investigation, LBoL has only responded to 74% of the SARs it has received within the statutory timescales during the period from

01 August 2020 to 11 August 2021, this equates to 268 SARs. LBoL continues to have a backlog of SAR cases and, based on the updated figures, does not appear to be improving. From March-August 2022, only 75% of SARs were responded to within the statutory deadline. This could have a significant impact on the data subjects affected and we expect LBoL to take steps to improve its compliance in this area.

Further Action Recommended

The Commissioner recommends that LBoL could take certain steps to improve its compliance with UK GDPR. In particular:

1. LBoL 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;
2. LBoL should ensure that it has adequate staff resource in place to process and respond to SARs.
3. It has been noted that during our investigation, and throughout LBoL's dealings with the ICO's Public Advice and Data Protection Complaints Service (PADPCS), there have been some communication problems. The responses from LBoL are inconsistent, and the data protection officer (DPO) frequently does not respond to emails. Whilst a central inbox has been set up, there are often delays in getting a response. This needs to be addressed.

It is also recommended that LBoL review their obligations under Article 37, 38 and 39 of the UK GDPR in relation to the DPO. In particular, Article 39 (e) which states that the DPO shall 'act as the contact point for the supervisory authority on issues relating to processing'.

LBoL 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 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/>

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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

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
Investigations
Information Commissioner's Office


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Information Commissioner's Office

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