

Virgin Media Limited
500 Brook Drive
Green Park
Reading
Berkshire
RG2 6UU

By email only to: [REDACTED]

20 September 2022

Dear [REDACTED],

ICO Case Reference Number INV/0719/2021

I write to inform you that the ICO has now completed its investigation into Virgin Media Limited's (Virgin Media's) 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 Virgin Media has complied with the requirements of the data protection legislation. As you will be aware, the ICO has sought numerous pieces of information from Virgin Media to assess the extent to which it has complied with the requirements of Article 15 (Right of Access) and Article 12(3) (Rights of Data Subjects) of the UK GDPR for the period 01 July 2021 to 28 April 2022, including the:

- extent to which responses have been issued to requesters
- timeliness of responses
- number of complaints received regarding SARs
- policies and procedures in place to process SARs
- resourcing and staff training dedicated to the handling of SARs

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 Virgin Media with a reprimand in accordance with Article 58 of the UK GDPR. This is because we are not satisfied that Virgin Media has processed requests across the period 01 July 2021 to 28 April 2022 in such a way as to avoid undue delay, or in any event to deal with requests within one month of receipt.

Details of reprimand

The reprimand has been issued to Virgin Media in respect of the following infringements of 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 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, Virgin Media did not respond to 14% (1,316) of the SARs it received during the period of 1 July 2021 to 31 December 2021 within the statutory timeframe of one calendar month. A large number of complaints (493) have been received by Virgin Media concerning its SAR compliance for the period of 01 July 2021 to 31 December 2021 with 95% of these complaints relating to delays in responding to SARs. For the period of 1 January 2021 to 31 December 2021, the ICO received 125 complaints concerning VM's SAR compliance which equates to 51% of all of the complaints the ICO received about Virgin Media for the year 2021.

Further Action Recommended

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

1. Virgin Media should take further steps to ensure that SARs are responded to within statutory deadlines in line with Articles 12(3), 15(1) and 15(3) of the UK GDPR;
2. Virgin Media should ensure that it has adequate staff resource in place to process and respond to SARs.

Virgin Media 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 20 December 2022. A further update should also be provided to the ICO also after six months from the date of this letter which is 20 March 2023.

Whilst the above measures are suggestions, 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

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,

[REDACTED]
Lead Case Officer – Civil Investigations
Regulatory Supervision Service
Information Commissioner's Office
[REDACTED]

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).

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



Information Commissioner's Office

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 icoaccessinformation@ico.org.uk .

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