

Data Protection Officer
Croydon Council,
Bernard Weatherhill House,
8 Mint Walk,
Croydon,
CR0 1EA

By email only to: [REDACTED]
Cc: [REDACTED]

26 July 2022

Dear [REDACTED] and [REDACTED],

Case Reference Number INV/0577/2021

I write to inform you that the ICO has now completed its investigation into London Borough of Croydon's (LBoC) 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 London Borough of Croydon has complied with the requirements of the data protection legislation. As you will be aware, the ICO has sought numerous pieces of information from London Borough of Croydon to assess the extent to which it has complied with the requirements of UK GDPR in respect of Subject Access Request's across the period 01 April 2020 to 15 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
- the improvement plan implemented by London Borough of Croydon

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 London Borough of Croydon with a reprimand in accordance with Article 58 of the UK GDPR. This is because we are not satisfied that the London Borough of Croydon has processed requests across the period 01 April 2020 to 15 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).

We note that the London Borough of Croydon has implemented a Subject Access Request improvement plan. Whilst this is welcome, we note that it has not been possible for London Borough of Croydon to implement all aspects of the plan to full effect and that some aspects of that plan, for example the ownership for actions, contingencies and timeframes are lacking.

As explained at the conclusion of this reprimand, the ICO would like to see the plan further developed to address these matters and wishes to continue to receive regular updates about the progress made in relation to this plan over the coming six-month period.

Details of reprimand

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

- **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, the ICO deems that London Borough of Croydon has only responded to 49.85% of the SARs it has received within the statutory timescales allowed during the period from 01 April 2020 to 15 April 2021. This meant that 155 of requests made to the Council did not receive a response in accordance with the requirements of the UKGDPR. This could have significant impacts on the data subjects affected and we expect the London Borough of Croydon to take steps to improve its compliance in this area. London Borough of Croydon has also failed to improve its SAR compliance during the period of our investigation and has a moderate backlog of SAR cases.

Further Action Recommended

The Commissioner recommends that London Borough of Croydon could take certain steps to improve its compliance with UK GDPR. In particular:

1. We expect London Borough of Croydon to ensure that it meets the requirements of all information rights legislation to which it is subject;
2. London Borough of Croydon should take steps to ensure that Subject Access Requests are responded to within statutory deadlines;
3. London Borough of Croydon should complete a review of policies or procedures in relation to SARs to ensure these are up to date and adequate;
4. London Borough of Croydon should ensure that it has adequate staff resource is in place to process and respond to SARs;
5. London Borough of Croydon should improve how SARs are recorded and monitored;
6. The SAR improvement plan is lacking detail. London Borough of Croydon should produce a detailed improvement plan that shows how it is going to tackle the SAR backlog and improve its SAR response rate.

London Borough of Croydon 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 26 October 2022. A further update should also be provide to the ICO also after six months from the date of this letter which is 26 January 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

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
The 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



Information Commissioner's Office

(<https://ico.org.uk/about-the-ico/our-information/complaints-and-concerns-datasets/>).

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 .

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