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**Initial Post**

Review on Case Study (8)   Failure to respond fully to an access request.

In accordance with the UK General Data Protection Regulation (UKGDPR) Act 1998 and 2003, employees have the right to request copies of the employer's data about them.

This case study of Failure to respond fully to an access request establishes that the complainant has made a subject access request for CCTV footage from the educational organisation's premises for four hours. During this time, the complainant was assaulted by another employee. The educational organisation accepted it as a valid request but failed or intentionally withheld the access request, as delaying tactics were employed to avoid eventually having to release the CCTV footage because it was lost or was no longer retained.

One of the fundamental rights in data protection regulations worldwide is the right of access, often known as the right to access or subject access. It is essential to understand this when reviewing the broader task of the GDPR Act of 1998 and 2003.

However, failing to provide the complainant with all of their data within the statutory 40-day period, the educational organisation contravened Section 4 of the Data Protection Acts 1988 and 2003. And Data Protection Act 1998 and 2003, 21 subsection (2) Any person who fails to comply with the duty imposed by notification regulations made under section 20(1) is guilty of an offence. Instead of unilaterally deciding what CCTV footage to keep, the educational institution should have sought clarification from the complainant as to the CCTV footage the complainant was seeking.

According to Article 5 of the GDPR, the new regulations that govern the processing of personal data provide six core principles. Personal data must be:

1.       handled fairly, lawfully, and transparently;

2.       Gathered for an explicit, legitimate, and specified purpose.

3.       It must be sufficient, relevant, and limited only to what is necessary for the purposes for which it is processed;

4.       it must be accurate and up-to-date where necessary;

5.       For no longer than is necessary for the purposes for which the personal data are processed; and maintained in a format which permits identification of data subjects (people from whom personal data are collected, processed, and stored);

Reference

Clay, Angela. “GDPR - Employee Rights in the Workplace - HR:4UK.” *Www.hr4uk.com*, 28 Apr. 2018, www.hr4uk.com/news/40/gdpr\_\_employee\_rights\_in\_the\_workplace. Accessed 1 May 2022.

Solicitors, Forbes. “Mishandling of Subject Access Requests - Civil Claims on the Rise 02 Sep 2020 - Article from Forbes Solicitors.” *Www.forbessolicitors.co.uk*, 2022, www.forbessolicitors.co.uk/news/47181/mishandling-of-subject-access-requests-civil-claims-on-the-rise. Accessed 2 Sept. 2020.

UK Public General Acts. “Data Protection Act 1998.” *Legislation.gov.uk*, 2020, [www.legislation.gov.uk/ukpga/1998/29/enacted](http://www.legislation.gov.uk/ukpga/1998/29/enacted).

**My Reply**

Thank you for sharing such informative article,

justice delayed is justice denied

Yes not providing valid evidence on time is also a crime or should be a crime.

Hopefully 5 points mentioned will help to make evidence available on time and on the request of any related complainant

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4.       it must be accurate and up-to-date where necessary;

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