

COVID-19 and Subject Access Requests

Whilst the Coronavirus Act 2020 does not alter the timescales for compliance with subject access requests, there is helpful guidance on the Information Commissioner's Office (ICO) website about their attitude towards enforcement and the guidance they will be issuing towards people making requests.

They acknowledge that resources may be diverted away from usual compliance or information governance work in light of the public health emergency. They state the following on their website:

1. That they will not penalise organisations that they know need to prioritise other areas or adapt their usual approach during this extraordinary period.
2. Whilst they cannot extend the statutory date for compliance (which is 30 days) they will tell people through their own communication channels that they may experience delays when making information requests during the pandemic.

The ICO guidance suggests that Trusts will be viewed as organisations that need to prioritise other areas during the pandemic.

It may assist Trusts when acknowledging the subject access request (ideally within 2 working days) to indicate that the response will be dealt with, but there may be a delay beyond the usual 30-day period due to the public health emergency.

Alternatively, adding an update to this effect to their website or a footnote at the bottom of Trust emails may assist in managing the situation.

Trusts should also continue to monitor the ICO website for further updates.