ACKNOWLEDGEMENT LETTER NOTIFYING OF EXTENSION TO TIME LIMIT

[TO BE SENT ON LETTERHEAD]

**Drafting Note:** This letter will need to be tailored according to each DSAR received either directly from a data subject or via a claims management company / legal firm using the drafting notes (DNs). The DNs are in purple text and start with the letters DN and a number. Any text that needs to be edited / deleted is red and in square brackets. Please refer to the DNs carefully and delete before sending the letter.

This letter, which forms part of a series of documentation on dealing with DSARs, is limited in scope to DSARs relating to the council acting in its capacity as administering authority and regarding the data subject’s transfer of benefits or application for ill health early retirement pension from the Local Government Pension Fund. As such, it is anticipated that most of the personal data will be held in the data subject’s pensions file; the administering authority should take further advice if the DSAR is wider in scope (for example, if the administering authority is also the current or former employer of the data subject and the DSAR also relates to information held by the administering authority in that capacity).

Given the scope noted above, it is highly unlikely that any requests within that scope and handled under the series of documentation prepared would be complex under data privacy law. As such, this template letter is very unlikely to be necessary and has been prepared solely for reference unless specific legal advice on the potential complexity of a request has been obtained. If there are practical difficulties in meeting the deadline for responding to a DSAR within the scope set out above, it is likely to be more appropriate to consider alternative options, such as communicating those difficulties to the data subject and seeking to agree a shorter extension to the deadline with them. Please note that any extension to the legal deadline should be discussed with a legal adviser first.

Whether a request is complex depends on the specific circumstances, including the size and resources of the administering authority; examples of factors that may, in some circumstances, add to the complexity of a request as set out in the ICO Guidance are as follows:

* Technical difficulties in retrieving the information – for example if data is electronically archived.
* Applying an exemption that involves large volumes of particularly sensitive information.
* Clarifying potential issues around disclosing information about a child to a legal guardian.
* Any specialist work involved in obtaining the information or communicating it in an intelligible form.
* Clarifying potential confidentiality issues around the disclosure of sensitive medical information to an authorised third party.
* Needing to obtain specialist legal advice. If you routinely obtain legal advice, it is unlikely to be complex.
* Searching large volumes of unstructured manual records (only applicable to public authorities).

This letter sets out some of those examples, based on the likelihood that they would apply to requests within the scope set out above. These examples are not, however, exhaustive. Note that a large amount of information either requested or returned as part of a preliminary search for personal data does not, in itself, make a DSAR complex. However, if this is the case and there is a large amount of third party personal data / particularly sensitive third party personal data that will need to be carefully reviewed and redacted, then this may add to the complexity of a request. Given the scope of DSARs covered by this letter, this is highly unlikely, therefore template wording is not provided.

**Strictly Private and Confidential**

[BY EMAIL]

[NAME]

[ADDRESS] [DATE]

Dear [NAME],

# Data Subject Access Request ("DSAR") dated [DATE]

I am writing to acknowledge receipt of [your DSAR OR the DSAR submitted on behalf of your client, [NAME]], addressed to [NAME OF ADMINISTERING AUTHORITY] and made under Article 15 of the UK General Data Protection Regulation ("**UK GDPR**") and the Data Protection Act 2018 (together, the "**Data Protection Laws**").

**DN1 –** The following section on Categories of Data Requested should be included if mixed categories of data were specifically included in the request, and therefore there are several specific searches that will need to be performed to find the data. Any technical difficulties in accessing the data in question should also be raised here. If the DSAR only requests emails/documents and there are no technical difficulties in accessing that data, it is unlikely to be complex and there is, therefore, likely to be a risk in deciding that it is.

**Categories of Data Requested [and Technical Difficulties]**

Under [your OR the] DSAR, you requested the following categories of personal data:

* [Your OR your client’s] pension’s file held on the pensions administration system;
* Emails relating to [your OR your client’s] [current OR historic] benefits within the Local Government Pension Fund (which may also include document attachments);
* Hard copy documents relating to [your OR your client’s] [current OR historic] benefits;
* [Individual hard drive documents;]
* [Details of any other categories specifically requested]

**DN2** –Details should be provided below of the reasons as to why searching particular categories are complicated, and the steps required to obtain the data. For example, “emails sent or received are routinely archived every [6] months and therefore in order to search this data we will need to take the following technical steps: [DETAILS]”, or “we do not have the capability to remotely access individual hard drive documents, and therefore we will need to ask individuals to manually perform these searches and provide us with the data to review”, etc.

Given the mixed categories of data requested, we will need to perform a number of specific searches in order to find [your OR your client’s] personal data. In particular, [INCLUDE DETAILS MAKING COMPLEX]. We consider that these additional steps, which are necessary to respond to [your OR your client’s] request, increase the complexity of [your OR your client’s] DSAR.

**DN3** - if you are aware that exemptions such as negotiations or legal professional privilege are likely to apply, include the wording set out below and amend as applicable. Caution should be taken to ensure that this section, when tailored, does not prejudice the exempt activity. Please see the DSAR Guidance for further information on exceptions.

**Exemptions under the Data Protection Laws**

The Data Protection Laws provide for a number of exemptions from the right of access where we may have a legitimate reason for not complying with a DSAR. These exemptions include (but are not limited to):

* personal data that is a record of our intentions in negotiations with an individual to the extent that complying with a DSAR would be likely to prejudice the negotiations; and
* personal data to which a claim to legal professional privilege could be maintained in legal proceedings or in respect of which a professional legal advisor owes a duty of confidentiality to their client.

**DN4** – the paragraph below should specifically cover the reasons as to why the scope of the request is likely to require you to apply exemptions to large amounts of data. For example, “the nature of the personal data within the scope of your request, the roles held by the individuals whose mailboxes you wish us to search for your personal data” etc.

Based on [DETAILS] we expect that we will need to apply one or more of the exemptions under the Data Protection Laws across a large volume of particularly sensitive information. Under guidance issued by the Information Commissioner’s Office ("ICO"), we will need to consider the application of exemptions on a case by case basis and therefore we consider this to increase the complexity of [your OR your client’s] request.

**DN5** – Include the below in all cases. The extended deadline for responding [DATE] is calculated as three months from:

* the date of the request if no ID requested
* the date of receipt of ID if requested
* the date of receipt of letter of authority if requested.

# Extension for responding

As we consider [your OR the] DSAR to be complex for the reasons set out above, under the Data Protection Laws we are entitled to extend the time limit for responding to [your OR the] DSAR to enable us to deal with it. We will respond substantively to [your request OR your request, on behalf of your client] within three months of our receipt of [your request OR your request, on behalf of your client OR your identification OR your client’s identification OR your letter of authority to liaise with us on your client’s behalf with respect to the DSAR] (i.e. by [DATE]) but will do our best to respond as soon as possible.

**DN6** - If there is documentation which is easily accessible (e.g. the member’s pensions file), this should be reviewed and provided as soon as possible whilst the more complex searches are undertaken, as this will help to demonstrate the Authority’s desire to comply with data protection legislation. If there is none, do not include the following paragraph. If there is documentation to be provided at this stage, for security reasons the password should be sent by a different method to that documentation. One example would be to send the password by SMS message, or to ask the data subject / data subject’s representative to call you for the password.

In the interim, we have reviewed [DETAILS e.g. the member’s pensions file] for any documents containing personal data and a copy is enclosed. The password for opening this documentation will be provided to you by [set out method].

**DN** – include in all cases

If you have any questions about this letter or [your request OR your request, on behalf of your client], please contact me at [EMAIL ADDRESS] to discuss it further. I will be overseeing the response to [your OR your client’s] DSAR.

Yours sincerely

[NAME]

[ROLE]

[EMAIL ADDRESS]