

From: [REDACTED]
To: [DPC Info](#)
Subject: RE: DPC Response
Date: Friday 23 August 2019 17:26:00

Dear [REDACTED]

I am just circling back to you after the call with Assistant Commissioner [REDACTED] this week.

DEASP as controller has a statutory obligation to make every effort to fulfil my subject access request. There is no lack of clarity to what it requested, i.e. the details of my childrens' school/GP that have been submitted to DEASP on the forms that they regularly send out. The fact that technically my wife receives the benefit or signed the form is neither here nor there since a parent is entitled to and indeed has a fundamental right to access this information. In any event this is the kind of information that I already know and there is no suggestion that I will be given access to information that is otherwise confidential. Nevertheless I am entitled to access this information particularly since DEASP claims it is entitled to phone a doctor or school and demand that details of my children be disclosed without my knowledge or consent. This is deeply troubling situation particularly bearing in mind that a doctor owes a duty of confidentiality to its patients and schools also owe a duty of care to protect the privacy of their pupils.

As I said on the phone the response from DEASP is smart-arsed and disingenuous, there is no doubt that they know what information was requested and that they can verify the relationship between myself, my wife and our children. In any event if they genuinely wanted to facilitate my data protection rights they could easily have picked up the phone or emailed me to clarify matters.

I am very concerned about your response and the follow up phone call which I view as attempts by the DPC to try and dissuade me from prosecuting this complaint. The DPC's position has no basis in law and indicates that it is already approaching this complaint from the controller's point of view rather than treating the behaviour of a powerful public authority with the scepticism that a regulator tasked with protecting fundamental rights should have. This email and phone call took place without any apparent contact between DPC and DEASP and the degree to which the DEASP position has been unquestionably accepting is very strange.

Where there is any lack of clarity this should always be resolved in the data subject's favour. I am wondering why it isn't DEASP that isn't getting the email telling them in no uncertain terms that I am entitled to access this information and that it is highly likely that an adverse finding will be made against them. It is deeply concerning that a DPC official would basically tell me that I can't get this information and that I have to go back and essentially resubmit my request using other language. To my mind this is a failure by the DPC to fulfil its own duty to make every effort to facilitate data subject rights. By entertaining DEASPs lethargic response DPC is simply being played. Rather than submit to DEASP's games DPC should be dealing decisively with this type of bureaucratic response which is anathema to both the letter and spirit of GDPR.

I am looking for a swift and decisive intervention by DPC here so put some form of discipline on DEASP which has one of the worst reputations in the public sector for data protection compliance.

It is clear to me that the creation of a database of children's information that has no real statutory basis and the apparent wholesale unnecessary and disproportionate interference with the private relationship between a patient and their doctor and a pupil and their school is a scandal on the scale of PSC.

We all have choices in this world. You can choose to fulfil your task as supervisor and make every effort to vindicate my rights or play DEASP's game. I'd like to know which way it is going to go as soon as possible.

I am therefore looing forward to a quick and favourable resolution to this complaint where DPC orders DEASP to release the information requested and then orders it to be permanently erased from DEASP's systems.

Many thanks
[REDACTED]

-----Original Message-----

From: [REDACTED]