



Dear DPO,

Thank you for consulting the EDPS under Article 41(1) of Regulation (EU) 2018/1725 (the Regulation) on how to handle access requests from requestors who do not define the scope of their request, including the *rationale* of the request, facts, case handlers of their personal data and recipients.

You have exposed legitimate pro and contra arguments. The most efficient way to handle undefined access requests is to indeed expose the contra arguments to the requester and explain to the requester that it is in his/her interest to submit a more specific access request, otherwise his/her request might not be treated in conformity with the data protection principles and rules.

You have asked in particular about the principles that could guide you in your analysis.

First, in case of a manifestly unfounded or **excessive request**, EIF may refuse to act on the request under justified grounds, as it is stated in Article 14(5) of the Regulation. The EIF would then have the burden of demonstrating the excessive character of the request.

In addition, Recital 37 of the Regulation states “...where the controller processes a **large quantity of information** concerning the data subject, the controller should be able to request that, before the information is delivered, the data subject **specify** the information or processing activities to which the request relates”.

The use of the above-mentioned arguments would imply that you have been able to identify that the handling of the request involves a large amount of data. Based on the information provided, it is not clear whether you have any available tool at your disposal (case management system) which could allow you to identify the amount of personal data of the requester processed by the EIF.

The principle of data minimisation is another principle, which could support EIF’s need that the requester specify his/her access request. The more specific a request is, the more it is in conformity with the data minimisation principle under Article 4(1)(c) of the Regulation, as EIF is accountable in limiting the processing of personal data to what is only relevant and necessary to the purpose for which they are processed.

Furthermore, you could also refer to the fact that broad access requests may present risks to the data subjects themselves. The more general request a requester submits, the more prejudicial could be to his/her rights and freedoms. As you have pointed out, a broad research would increase the risk to the requester's director/and indirect identification within the EIF and hence to the requester's reputation, possibly in a negative way. You could also highlight the philosophy of the new Regulation: its objective is to minimise as much as possible the risks to the rights of the individuals and to their personal data by rendering the controllers accountable for their data protection practices, including handling access requests. Controllers are therefore accountable in duly implementing the above-mentioned data protection principles and put in place adequate safeguards when they deal with an access request.

In practice, you could proceed as follows:

- Gather data on the requester based on available search tools and/or by reaching the EIF services that are likely to process data on the requester (i.e. if the requester is a staff member, the HR repository could be an appropriate tool; if the requester is an external individual, the EIF case management system could be an adequate tool).
- If you identify a large amount of data (what is considered 'a large amount of data' it is of course a subjective assessment, which depends on the nature of the information, its sources, etc.), you could revert to the requester to ask him/her to specify the request, referring to the provisions, principles and risks exposed above.
- If you do not identify a large amount of data, you could provide the requester with what you have available, explain why and how you have limited your search (i.e. potential prejudicial impact of his/her broad request, application of the data minimisation principle) and ask the requester to further specify the scope of his/her request, if he/she wishes to obtain more information concerning him/her.

We hope that this guidance was useful to you. We have treated your request as an informal consultation under case number 2020-0576. Please note that this is informal advice at staff level and does not bind the EDPS. Should you need a formal reply (letter signed by the Head of Unit or the Supervisor), please let us know.

Kind regards,

The EDPS Secretariat.

[23 July 2020]