

French Ministry of Justice
Guidelines 01/2022 on data subject rights - Right of access

About situations where the controller processes a large amount of data concerning the data subject (§.35 b)

The ministry of justice would like to make observations about these specific sections :

If such solutions are not applicable, a controller who processes a large quantity of information relating to the data subject **may request the data subject to specify the information or processing to which the request relates before the information is delivered.**

If, in such cases, **the controller decides to ask the data subject to specify the request, in order to fulfil its obligation to facilitate the exercise of the right of access (Art. 12(2) GDPR)** the controller shall at the same time give **meaningful information about all the processing operations concerning the data subject**, like different branches of its activities, different databases etc.

It is important to underline that the request for specification shall not aim at a limitation of the reply to the access request and shall not be used to hide any information on the data or the processing concerning the data subject. If the data subject, who has been asked to specify the scope of its request, confirms to seek all personal data concerning him or her, the controller of course has to provide it in full.)

Without any intention to limit the reply to an access request, neither any aim of hiding any information on the data, the EDBP should take in consideration that this kind of approach is likely to put a large variety of public authorities in great difficulty.

As far as the ministry of justice is concerned, it can obviously processes a large quantity of information relating to the data subject that can be collected for various purposes (i.e for administrative, criminal, and civil purposes) and in different databases.

Each databases obey and respect its own data protection rules, as well as they are technically different. Therefore, most of the time, neither a name/first name nor an identification number would enable the controller to identify the appropriate database. It has to be underlined that this separation of the databases is also regarded as a guarantee for the data subject.

Moreover, the high number of processing of the ministry prevent him from giving even general information about all the processing operations potentially concerning the data subject.

Therefore, the ministry of justice thinks that the guidelines should clearly specify that in cases where controllers process a large amount of data concerning the data subject that can be spread in numerous databases, the data subject must provide additional

information. For example, this additional information can be the purposes of the processing or the context in which the person could have been involved in a processing of the ministry of justice. Those additional information can be asked by the controller at the time he asks the data subject to specify the request. Those additional information **must help the controller to identify the correct databases where personal data is collected.**

In the absence of sufficient additional information on the processing concerned, the controller should be able to reject the access request by pointing out the **disproportionate efforts.**

The controller will have to explain and justify the reasons why he dismissed the access request.

About how the controller can retrieve the requested data (§.123)

*« But if the structure of the data depends on other factors, such as family relations or professional titles or any kind of direct or indirect identifiers (e.g. customer number, user name or IP-addresses), the search needs to be extended to include these, **provided that the controller also holds this information related to the data subject, or is provided with that information by the data subject** »*

The ministry of justice wonders if the underlined passage means that if the controller doesn't hold this information (because it is not provided despite a request), the search doesn't need to be extended?

If it is affirmative, it can be asked whether it does not come in conflict with what the §.35 states.

About requests that may be found excessive, EDPB gives the following example if "the individual systematically sends different requests to a controller as part of a campaign, e.g. once a week, with the intention and the effect of causing disruption" (§188).

The ministry of justice suggests adding another example: when several people, each expressing the same standard request, only aim at gravely disturb the controller on purpose, even if each person sends only one request.