

# Legal Academy

## *Data Protection & Data Subject Access Requests (DSARs)*

January 2025



Legal Academy



# PwC Digital & Data Team

## Our role

Our team advises clients on digital laws and regulations, including those in relation to personal data. We are **thought leaders** with a strong track record of working with governments, regulators and businesses to accelerate thinking around the responsible use of data and technology.

We provide support to on a broad range of matters, which is reflective of our **diverse client base** (many of whom operate in multiple jurisdictions worldwide).

Our team of lawyers include SMEs across numerous fields and sectors including **UK & EU GDPR, direct and digital marketing, commercial contracts, data subject rights handling, and artificial intelligence.**



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# Agenda

1. Introduction to DSARs
2. Triage and review
3. Conducting searches
4. Review and redaction

## ***Break out sessions***

5. Issuing the response



# Firstly, a refresher..



## What is Data Protection?

If a business is using personal data **in any way** (e.g., collecting, storing, deleting, changing, etc.) then various **data protection laws will apply** to the business.

Data protection laws govern the processing of personal data, with the intention of putting people in control of how their data is handled and used.



## Key Data Protection Laws

**EU:** EU GDPR

**UK:** UK GDPR and Data Protection Act 2018 (“**DPA**”)

Both the UK and EU GDPR have **global reach**, applying to any organisation offering goods or services to individuals in the EU or UK.



## Key Definitions

- Personal Data/Special Category Data
- Data Controller
- Data Processor
- Processing
- Data Subject



## Data Subject Rights

Under the GDPR, data subjects have a number of rights in relation to their personal data. These rights include (among others) the right to be informed, the right of erasure, and the **right of access**.



# What is a DSAR?

A Data Subject Access Request is an exercise of a **fundamental right** under GDPR - **the right of access**.

Specifically, data subjects may ask for:



**Confirmation whether the organisation processes our personal data**



**A copy of our personal data which the organisation processes**



**Supplementary information which tells us, in short, how the organisation processes our data and why**



DSARs come in many forms: Data subjects can make them without using the word “DSAR”.



A DSAR could be sent to anyone here today: Data subjects do not have to use official DSAR channels.



An organisation will generally need to respond to a DSAR within one calendar month of receipt.

# What should we know about DSARs?

## DSARs in the spotlight



In-house lawyers will want oversight of DSARs due to the corporate risks involved and the need to demonstrate a commitment to transparency and data protection.



Fines of up to £17.5 million or 4% of our annual turnover, whichever is higher, as well as civil liability for any damages.



The right of access is the area of data protection that the ICO receives most complaints about. In 2024, DSAR complaints increased by 15%, and 15,000 people used the ICO's DSAR tool in the first six months.



The GDPR and recent news coverage has made people more aware of their rights as a data subject and this has caused an unexpected increase in DSARs.



# Time for a question



## True or false?

You can designate a single email address in your privacy notice where all DSARs must be sent, otherwise they will not be deemed valid



# Time for a question



**FALSE**

True or false?

You can designate a single email address in your privacy notice where all DSARs must be sent, otherwise they will not be deemed valid





# Ms Smith's DSAR story



The employee, Sally Smith, has included the below wording in her latest email to HR:

“

*“I am extremely disappointed in the way you’ve handled my grievance. **I am now asking for a copy of all the information that this company holds about me, including everything in my personnel file.***

*I also want all written communications between anyone at the company for the entirety of my employment, including over email, Teams, or WhatsApp.*

*You should search for my name and any nicknames, including Smithy.”*

”



Ms Smith has been working at the company for the **past 10 years, in various different capacities**. Her email is dated 20 January 2025.

# Stages of the DSAR process



## High level activities:

**Review and assess the scope** of the data subject's request

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Set appropriate **search terms and parameters** to locate the personal data requested under the DSAR. Engage with stakeholders as required

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**Review the results** of the searches and **redact** any information that should not be disclosed as part of the response

---

**Prepare the final response**, including communications, and send to the data subject in a secure format

---



**Satisfaction of DSAR and compliance with data protection law**

# Triage and review



# Triage and review



1

Who sent the request? Do you need ID or proof of authority?

2

Do you understand the context of the DSAR?

3

Should you clarify the scope of the DSAR?

4

Are there other issues which should be flagged?

5

Can you refuse to respond?

6

What is the response deadline? Is the DSAR complex?

“

*“I am extremely disappointed in the way you’ve handled my grievance. **I am now asking for a copy of all the information that this company holds about me, including everything in my personnel file.***

*I also want all written communications between anyone at the company for the entirety of my employment, including over email, Teams, or WhatsApp.*

*You should search for my name and any nicknames, including Smithy”*

”



# Carrying out searches

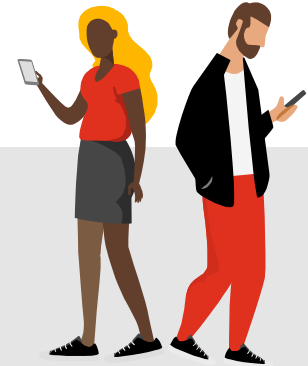


# Time for a question



## True or false?

You must do everything you can to locate the personal data that has been requested



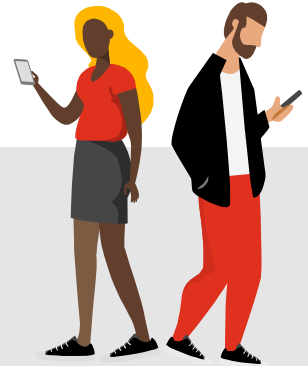
# Time for a question



**FALSE**

True or false?

You must do everything you can to locate the personal data that has been requested



# Ms Smith's DSAR story continues...



You asked Ms Smith to clarify some aspects of her DSAR to help you locate the information she has requested. She provided the below clarification:



*"I still want my entire personnel file, but I'm actually only looking for emails, Teams messages, and WhatsApp messages within the last year. In particular, I want any communications to or from Adam Anderson, Jessica Jones, Catherine Campbell and Danny Davies. I don't need anything else"*



As you're in the legal team, you don't have access to a number of systems in which Ms Smith's personal data is stored so you aren't sure how to obtain this information.

Your company does not provide work mobile phones, and you're feeling nervous about potentially asking colleagues to share WhatsApp messages from their personal phones.

A quick call to HR confirms that there are 36 other employees at the business with the surname 'Smith'.

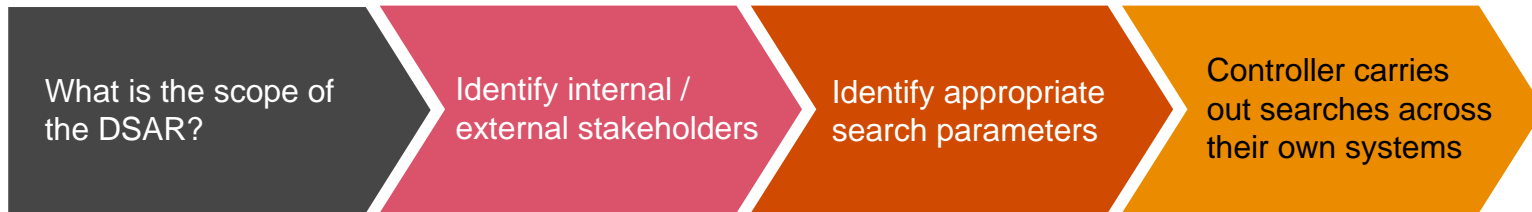






# Conducting searches

*“I still want my entire personnel file, but I’m actually only looking for emails, Teams messages, and WhatsApp messages within the last year. In particular, I want any communications to or from Adam Anderson, Jessica Jones, Catherine Campbell and Danny Davies. I don’t need anything else”*



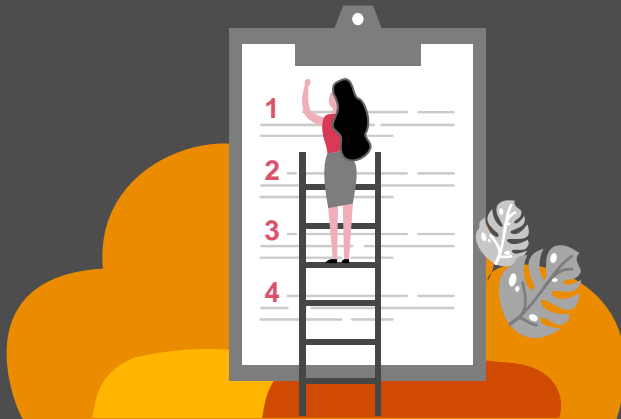
## Sample search parameters:

- Keywords: “Sally”, “Smith”, or “Smithy”
- Date range: 20 January 2024 - 20 January 2025
- Emails and Teams messages to / from Adam Anderson, Jessica Jones, Catherine Campbell, Danny Davies.
- Exclude any emails or Teams messages sent to / from sally.smith@company.com

## TOP TIPS TO REDUCE RESULTS:

- ★ Don’t be afraid to refine searches
- ★ Consider whether you need to include emails sent / received directly
- ★ Consider your wider data protection practices

# Review and redaction



# Review and redaction



## Legal Professional Privilege

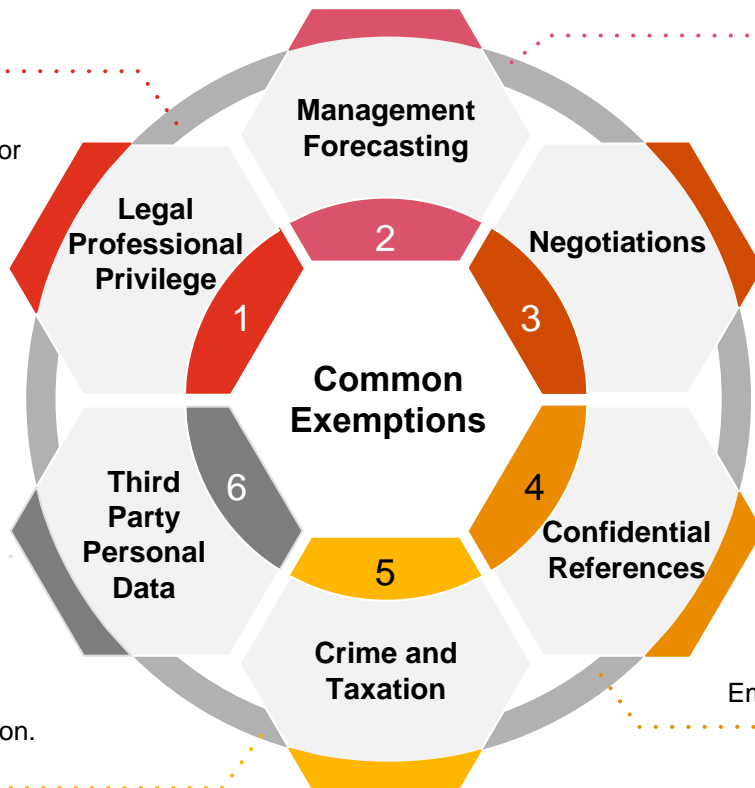
Information subject to litigation privilege or legal advice privilege.

## Third Party Personal Data

Information that identifies another individual without their consent, unless such disclosure is reasonable.

## Crime and Taxation

Information which could compromise the prevention or detection of crime or taxation.



## Management Forecasting

Information used for management forecasting or planning.

## Negotiations

Information that could prejudice ongoing negotiations.

## Confidential References

Employment references given in confidence.

# Redaction exercise #1



**From:** Jessica Jones <jessica.jones@company.com>  
**Date:** Mon 27/01/2025 15:37 PM  
**To:** Danny Davies <danny.davies@company.com>  
**Cc:** Adam Anderson <adam.anderson@company.com>  
**Re:** Sally's grievance

Hi Danny

Hope you had a nice weekend - sorry to put this on your plate on a Monday!

You'll remember that Sally Smith raised a grievance at the end of last year and unfortunately we haven't really made much headway with it. She seems determined to follow through on her threats to resign and make a constructive dismissal claim.

At this stage, is it worth us discussing potential settlement options? Based on previous situations, I would expect it would take somewhere between £10k - £20k to make this go away. We could even start at £7.5k - what are your thoughts?

Thanks  
Jess

**Legal Professional Privilege:** e.g. communications with legal counsel regarding a potential Employment Tribunal claim, or advice received relating to the drafting of employment contracts.

**Management Forecasting and Planning:** e.g. future business strategies or plans, including redundancy plans..

**Negotiations:** e.g. details of ongoing contract negotiations, or a settlement agreement.

**Confidential References:** e.g. a company confirms it will treat all references as confidential and seeks a reference about a prospective employee.

**Crime and Taxation:** e.g. investigations into fraudulent activity or tax evasion.

**Third-Party Identification:** e.g. senders and recipients of emails containing her personal data should be redacted.

# Redaction exercise #1 - answers



**From:** [REDACTED]  
**Date:** Mon 27/01/2025 15:37 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Re:** Sally's grievance

Hi [REDACTED]

Hope you had a nice weekend - sorry to put this on your plate on a Monday!

You'll remember that Sally Smith raised a grievance at the end of last year and unfortunately we haven't really made much headway with it. She seems determined to follow through on her threats to resign and make a constructive dismissal claim.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Thanks

[REDACTED]



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# Redaction exercise #2



Adam Anderson 11:55

Morning, have you heard from Sally about that presentation? She was supposed to send it to me yesterday.

Catherine Campbell 11:56

no, I haven't spoken to her at all

Adam Anderson 11:58

Ugh, okay. Rachael was chasing me for it this morning, so I will hold her off for a little longer.

Catherine Campbell 12:07

apparently she's still working on it. what has she been doing for the last week?!

Adam Anderson 12:09

Seriously?! She's got to be kidding. Honestly I've completely had it with Sally, she is so annoying.

Catherine Campbell 12:11

i know, it's becoming a pattern. we should probably flag this in our next team meeting as it's affecting our workflow - remember when we had issues with george previously, it really brought down morale too

Adam Anderson 12:15

Agree. Let's see if Sally delivers by EOD - otherwise, I'll need to bring it up with Danny. And we all know how HE will react!

Catherine Campbell 12:17

LOL



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# Redaction exercise #2 - answers



[REDACTED] 11:55

Morning, have you heard from Sally about that presentation? She was supposed to send it to me yesterday.

[REDACTED] 11:56

no, I haven't spoken to her at all

[REDACTED] 11:58

Ugh, okay. [REDACTED] was chasing me for it this morning, so I will hold her off for a little longer.

[REDACTED] 12:07

apparently she's still working on it. what has she been doing for the last week?!

[REDACTED] 12:09

Seriously?! She's got to be kidding. Honestly I've completely had it with Sally, she is so annoying.

[REDACTED] 12:11

i know, it's becoming a pattern. we should probably flag this in our next team meeting as it's affecting our workflow - [REDACTED]

[REDACTED] 12:15

Agree. Let's see if Sally delivers by EOD - otherwise, I'll need to bring it up with [REDACTED]

[REDACTED] 12:17

LOL



**Legal Professional Privilege:** e.g. communications with legal counsel regarding a potential Employment Tribunal claim, or advice received relating to the drafting of employment contracts.

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# Redaction exercise #3 - answers



## Employee Performance Review

**Employee Name:** Sally Smith

**Employee ID:** 12345

**Position:** Senior Consultant

**Review period:** 1 April - 30 June 2024

**Reviewer:** Adam Anderson (Line Manager)

### 1. Performance Summary

Sally has demonstrated strong skills in project management and client relations. She successfully led 3 client engagements throughout the period. However, there have been concerns regarding her adherence to deadlines and communication.

### 2. Areas for Improvement

**Time management** - Sally needs to improve her ability to meet project deadlines. There have been multiple instances where delays have impacted the team's workflow.

**Team communication:** Sally should work on her communication skills to ensure that all team members are kept informed of project statuses and changes.

### 3. Reviewer comments

Sally has shown great potential in her role, but the recurring issues with deadlines and communication need to be addressed. With the right support and training, Sally should be able to overcome these challenges. Management are still having internal discussions re. potential redundancies across Sally's team, so we may need to see some improvement.

**Reviewer:** A.Anderson

**Date:** 17 July 2024

**Legal Professional Privilege:** e.g. communications with legal counsel regarding a potential Employment Tribunal claim, or advice received relating to the drafting of employment contracts.

**Management Forecasting and Planning:** e.g. future business strategies or plans, including redundancy plans..

**Negotiations:** e.g. details of ongoing contract negotiations, or a settlement agreement.

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# Redaction exercise #3 - answers



## Employee Performance Review

**Employee Name:** Sally Smith

**Employee ID:** 12345

**Position:** Senior Consultant

**Review period:** 1 April - 30 June 2024

**Reviewer:** [REDACTED]

### 1. Performance Summary

Sally has demonstrated strong skills in project management and client relations. She successfully led 3 client engagements throughout the period. However, there have been concerns regarding her adherence to deadlines and communication.

### 2. Areas for Improvement

**Time management** - Sally needs to improve her ability to meet project deadlines. There have been multiple instances where delays have impacted the team's workflow.

**Team communication:** Sally should work on her communication skills to ensure that all team members are kept informed of project statuses and changes.

### 3. Reviewer comments

Sally has shown great potential in her role, but the recurring issues with deadlines and communication need to be addressed. With the right support and training, Sally should be able to overcome these challenges. [REDACTED]

**Reviewer:** [REDACTED]

**Date:** 17 July 2024

**Legal Professional Privilege:** e.g. communications with legal counsel regarding a potential Employment Tribunal claim, or advice received relating to the drafting of employment contracts.

**Management Forecasting and Planning:** e.g. future business strategies or plans, including redundancy plans..

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**Confidential References:** e.g. a company confirms it will treat all references as confidential and seeks a reference about a prospective employee.

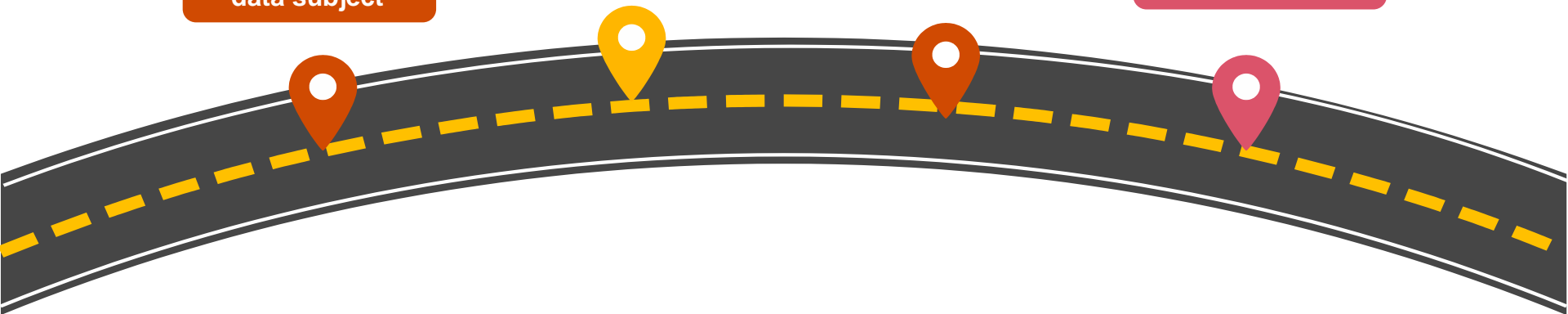
**Crime and Taxation:** e.g. investigations into fraudulent activity or tax evasion.

**Third-Party Identification:** e.g. senders and recipients of emails containing her personal data should be redacted.

# Issuing the response



# Issuing the response



# Ms Smith's DSAR story comes to an end...?



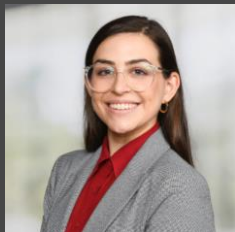
You have completed your review of the dataset and have drafted the response letter, including a link to the company's privacy notice which includes all the supplementary information you need to provide.

The response is packaged up and sent via secure FTP to Sally Smith.

You breathe a sigh of relief, because you think it's all over.



# Thank you



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