

RECEIVED A SUBJECT ACCESS REQUEST?

Here's what to do

Under the UK GDPR and Data Protection Act 2018, anybody has the right to make a Subject Access Request (SAR). For a business dealing with these requests, this can be an onerous, complex and very time-consuming process but there are things you can do to mitigate the impact.

Actively manage your data

The first step is to know exactly what data you hold.

Who?

Who do you hold data about? Suppliers, clients, employee, former employees?

Where?

Where is this data? It may be in email, or text messages, communications on Slack or WhatsApp, in Word documents, spreadsheets or chatbots.

Delete

Remember, data protection legislation states that you should only retain data for so long as is "necessary" to meet the purpose for which you collected it. So, routinely delete information you no longer need.

Learn to spot a SAR

The request does not need to use the term Subject Access Request, or the acronym SAR and it does not have to be formally delivered.

If anybody asks for a copy of the information that you hold on them, be it verbally or in writing, this constitutes a SAR.

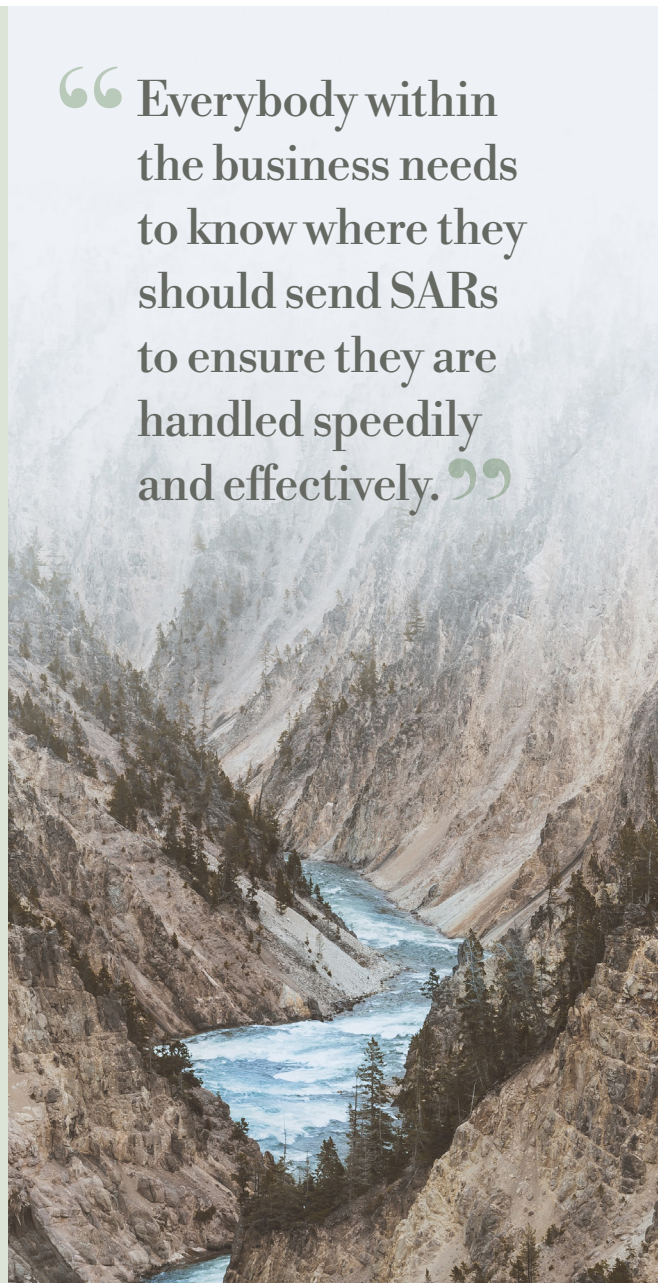
Respond quickly

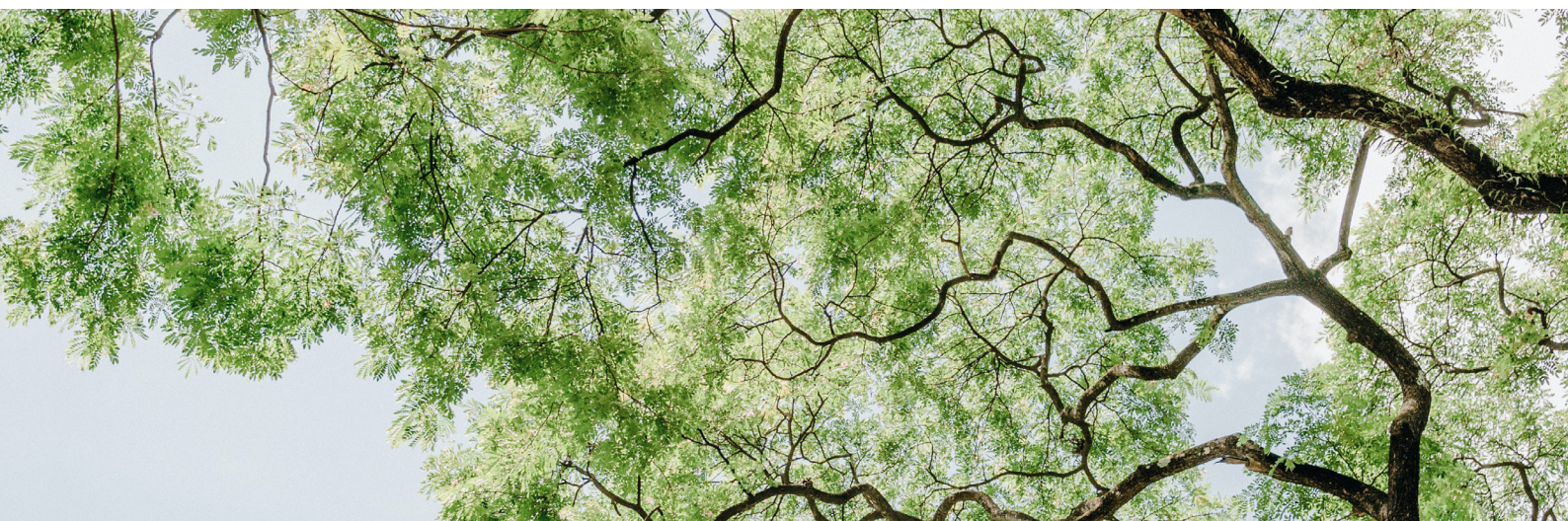
You only have 30 days to respond, so it's important that you act immediately.

Triage

Everybody within the business needs to know where they should send SARs to ensure they are handled speedily and effectively.

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Categorise

Categorise the types of requests you are likely to receive.

Assign

Then decide who is best placed to respond to them and set down the communication pathways.

Disseminate

Make sure all employees are aware of the correct process to follow.

Don't be afraid to ask for clarification

If it is evident that the request will generate an overwhelming amount of information, it is worth asking the requester to clarify or narrow the request. This could be asking for exchanges between named individuals, a specified timeframe or certain key words. The individual making the request does not have to agree to this, but they often will.

You won't always find what you're looking for

It is worth remembering that searches in response to a SAR do not always yield results. You may, for example, routinely delete data about unsuccessful job applicants or ex-employees after a certain period.

Control your communication channels

A SAR requires you to search all places where you might hold personal data about the requester including the mediums which your business uses to communicate, for example, WhatsApp messages, texts and emails.

Data Protection

Make sure your employees are trained on data protection issues.

Don't get personal

Be strict about how your communication channels are used and make sure this is known by your employees and adhered to.

Keep your policies and processes up to date

Most companies will need to respond to SARs at some stage. Developing and updating policies and procedures relating to data management and issues such as SARs and data deletion is key to doing this successfully.

We can help

Our lawyers have a lot of experience in this field and can support and guide you through this process and help you implement best practice within the communication tools you utilise in your business. If you would like to know more or would like to talk to us to find out how we can support your company, please email us at info@thelegaldirector.co.uk or call us for an informal chat on 020 3053 8613.