

Condor

Data Subject Access Requests (DSAR)

The General Data Protection regulation (“GDPR”) which came into effect last year granted individuals greater control over, and access to, their personal data wherever it may be held. Whilst this is definitely empowering for individuals, it simultaneously places significant obligations on the organisations that control or process personal data, be those service providers, employers or outsourcing providers. One component that is proving costly and time-consuming, specifically for employers, is the individual’s right under GDPR to submit Data Subject Access Requests (“DSARs”).

Responding to a broad individual DSAR request requires an organisation to search through all firm wide that contains information relating to or referencing the individual, and could include HR records, emails, physical documents, recordings and even presentations. Gathering all this data, cleansing the data to remove any information that may adversely affect the rights or freedoms of any other individuals, reviewing the data and packaging the data up, are all complex and time-consuming tasks.



Our Solution

We have designed a complete managed DSAR service in response to our clients' demands for innovative and more cost effective solutions.

Our Managed DSAR service partners Fieldfisher's market leading privacy lawyers with legal professionals based in our Belfast Service Hub and involves the use of third party e-discovery platforms such as Relativity and Liberty.

We support clients to respond to both large and small SARs at a lower cost to a traditional law firm solution with the potential to unlock more significant cost savings through longer term partnering which helps to reduce the technology and resource costs and allows for efficiency improvements to identified and implemented over time.

Case Study

In the context of a voluminous and contentious employee data subject access request (DSAR), faced with an initial responsive document population of 100,000 documents, we whittled the review population down to 2,000 documents and the redaction population to 400 documents using a series of technical methodologies described in this case study.

1. Collection Methodology

Following scoping of the initial DSAR parameters, we advised our client on appropriate collection requirements for the initial sets of documents identified as potentially in-scope (e.g. PST files for MS Outlook Mailboxes and e-files for loose files). At this stage, we also commenced populating our *DSAR Audit File and Decision Log*, the purposes for which were to track and record decisions made (as well as steps taken) throughout the DSAR process.

2. Processing

At the processing stage, we instructed our technology vendor to unpackage the collected data provided by our client and remove duplicates and obviously irrelevant document types (e.g., software code, other computer generated data and computer generated document types). Our technology vendor applied date range parameters provided by our client and converted the remaining documents into a format (e.g. indexing) that facilitated their efficient searching and review at the next stage.

3. Pre Review Culling

Following processing, we provided standard instructions to our technology vendor to upload the initial document population to the review tool and apply search term filtering and a series of analytics, including thread de-duplication, near-duplicate analysis. This approach was taken out using the below methodologies:

- Search Terms
- Thread deduplication
- Exact duplicate threading
- Near-duplicate analysis

4. Review

On the remaining review population, following a briefing to the DSAR in question, our paralegals conducted a standard linear review workflow. The review was divided into three stages: **first pass**, **second pass**, and a **redaction pass**. A **QA review** (quality assurance) runs alongside these review stages, performed by Fieldfisher lawyers. The quality assurance review and workflow were managed continuously throughout the DSAR phase, to maintain the integrity of the workspace and proactively plan the final document production.

5. Production

When all relevant documents were assessed for privilege exemptions, and redacted (where required), we isolated disclosable documents into saved searches. We then produced a DSAR. Documents that did not require redaction, together with redacted documents were produced as images. On rare occasions, modified versions of native documents (using database software enhancement) were produced where it was not practical, or not possible or proportionate to image the documents for the purposes of redaction (e.g. very large excel documents or PowerPoint files).

6. Providing the DSAR to the Data Subject

At the final stage of this case study, we provided the data subject with an email confirming that his requested data was ready. We then provided the data subject with access to Fieldfisher's file-share and provided the data subject with an accompanying DSAR cover letter, as required by Article 15, GDPR.



Contacts

If you would like to know more about our services and solutions, please get in touch with us now.

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