

Data Subject Access Requests (“DSARs”) Checklist

Recommended documents

- DSAR policy
- Procedural guidance for those involved in handling DSARs
- Notification to individuals who may hold relevant data
- Standard letter to data subject acknowledging receipt of DSAR
- Standard letter to data subject requesting further information
- Standard letter to data subject enclosing data

DSAR policy

- For publication to all data subjects
- To cover:
 - The right
 - Overview of process, including:
 - Timing
 - Fee [if applicable - not generally permitted under the Regulation]
 - Exemptions
 - Redaction
 - Governance issues, including:
 - the identity of the data controller, his representative and data protection officer;
 - responsibility for handling the request;
 - rights of redress;
 - complaints procedure
- Can form part of a broader data processing policy

Procedural guidance

- For use by those involved in handling DSARs, for example Human Resources/ Data Protection Officer/ Legal/ IT as appropriate.
- Confidential
- Potential to be privileged in whole or part
- To cover guidance on:
 - The right
 - Who should be involved

- Who is responsible for what
- Timing
- Fee [if applicable - not generally permitted under the Regulation]
- How to clarify the scope of the DSAR
- Possible approaches to narrowing scope
- Common data sources
- How to search for relevant data
- Approaches to “tricky” requests
- How to review search results and identify personal data
- Exemptions
- Redaction
- Provision of data in practice (including re: electronic requests)

Notification to individuals who may hold relevant data

- To cover:
 - Fact and scope of DSAR
 - Fact that searches required
 - Confirmation of who is co-ordinating/ contact details
 - Confirmation of who will run searches
 - Confirmation of what else is required from the individual at that stage
 - Directions for searches (if required)
 - Confirmation of deadlines

Standard letter to data subject acknowledging receipt of DSAR

- To cover acknowledgement of:
 - receipt of DSAR
 - receipt of fee (or request for the same) [if applicable]
 - receipt of relevant identification or request for the same
 - expecting timing for response

Standard letter to data subject requesting further information

- To cover:
- Update on searches undertaken
- Outline of further information required
- Update on timing (incl. fact time limit will not start to run until further information received)

Standard letter to data subject enclosing data

- To cover:
 - Reference to DSAR
 - Scope of searches
 - Data provided, including:
 - Description, purposes for which processed, sources and recipients; or
 - confirmation that information at (1) is revealed by the data provided; or
 - reference to where information at (1) can be found
 - [All other information required pursuant to the UK and EU data processing regimes]
 - Data which has not been provided (scope/ reason)
 - Redaction (scope/ reason)
 - Request for acknowledgement of receipt

Other points to consider

- Training for those involved in handling DSARs
- General audit of data management and processing with a view to streamlining processes for responding to DSARs
- Implementation of detailed internal policies re: data management and processing

Other guidance

ICO Code of Practice on Subject Access Requests:

http://ico.org.uk/for_organisations/data_protection/subject_access_requests

ICO Technical Guidance on Determining what is personal data:

http://ico.org.uk/for_organisations/data_protection/the_guide/~media/documents/library/Data_Protection/Detailed_specialist_guides/PERSONAL_DATA_FLOWCHART_V1_WITH_PREFACE001.ashx

ICO Quick Reference Guide – what is personal data?

http://ico.org.uk/for_organisations/data_protection/the_guide/~media/documents/library/Data_Protection/Detailed_specialist_guides/determining_what_is_personal_data_quick_reference_guide.ashx

ICO Employment Practices Code and Supplementary Guidance

http://ico.org.uk/for_organisations/data_protection/topic_guides/employment