

Case Study

DATA SUBJECT ACCESS REQUEST

The GDPR gives individuals – known as Data subjects the right to request a copy of all their personal information that remains in their former employer's possession (and indeed, this is the most common type of DSAR that you will see). With few exceptions, the controller has very little ability while it is an ability to object to this DSAR. It is important to note that the data subject has the right to submit a DSAR while it is still an active employee of the company.

The controller must return the request data to the data subject with 30 days. This is a short window to complete the DSAR.

The amount of data that is returned to the data subject can vary depending on the nature of the DSAR. Depending on the request raised by DS (Data subject).

Of Course this data requested by the data subject also contain the personal data of the other parties known as "Third Parties". Also data contain the company confidential information which is not publically available information and must not be provided.

Before the data can be turned over to the data subject, it must be examined for the third party and company confidential data. And often (but not always) that third party data must be redacted before the data is given to the data subject.



Third-Party Data Redaction Guidelines

The most common reason we redact information because of the presence of the third-party data in a document. For example – a former employee of a company may make a DSAR to see all their personal data. But in documentation that is responsive to their DSAR may also contain the personal data of the third party. We redact all the information related to third party or confidential business information. In case of document, you should consider if it is reasonable in the circumstances to withhold/redact the third party data, such as the sender or recipient information in an email, bearing in mind the following factors:

1

Whether the data subject is already likely to be aware of the information.

2

The impact the information has had or is likely to have on actions or decisions affecting the data subject

3

Whether the release of the information will damage the third party

4

Whether the information relates to the third party in a business capacity.

- **Redact personal data where it is processed for management forecasting or managing planning purposes.**

The data subject's personal data should be redacted where it is used for management forecasting or management planning purposes. However, such data will only be exempt from the right of data subject access to the extent that complying with the request would be likely to prejudice the business activity of the company.

So for example a former employee may request information related to salary increase they believe they would promise. Since this data related to historical salary information, it would be difficult to argue such data is being used for future management forecasting or planning purposes. Therefore, this data would need to be produced to the data subject.

By contrast, information about an ongoing salary negotiation would not need to be released to a data subject because that data would likely be prejudicial to the company, as the data likely discusses how the company intends to proceed during salary negotiations.

The key consideration here is whether the disclosure would be likely to prejudice the company in future planning or forecasting, or during negotiations.

- If the third-party information only relates to the third-party in a business capacity, then the information should generally be released – unless the information is of a particularly sensitive nature, so that its release would be likely to harm the third-party or it is the company's confidential data.
- In all other situations, the data subject should be informed that information cannot be released without the consent of the third party. The applicant should be asked to confirm that he agrees to you seeking the consent of those third parties. This will mean giving details of the data subject to the third party and making them aware that he has made a complaint.
- If the applicant gives consent, the third-party should be approached for consent
- If the third party gives consent, the information must be released.
- If the third party does not give consent, the information should usually be withheld unless this would have a substantial adverse impact on the applicant.

Process followed by **Aeren LPO**

1. We receive data from the client on platform (Relativity) or by OneDrive.
2. We perform analysis on the documents using their file size, file name, extension etc.
3. Review on data in two different parts – emails and attachments. Mostly data belongs to these two categories.
4. After removing and separating the similar files we work according to file size and file name.

As per guidance we could remove the emails from the chain emails and start working on the latest file with the heavy file size among the same file name. For Example- We come across mail chains. Separate files to examine and of them would have almost the same title – these messages in fact are in bulk of mail chains. Apart from the first mail (might be the heaviest size file), all other 19 files would be mail chains, containing 1 new message and all previous ones. In this case although the last e-mail contains all previous ones, we need to go through each file to make sure that all the previous emails are included. Then, we would remove the previous 19 files and redact the last e-mail which contains all the previous ones.

5. Then we start reviewing the data for the “Responsive”, “Non-Responsive”, “Withheld” and “Technical Issues” (these are mainly attachments which are password protected).
6. One team starts working on the Responsive Files and redacts all the third party and confidential information mentioned according to GDPR.
7. Finally, the redacted documents sent to the client for the further processing on tool or via OneDrive.



Submission

Totally depending on the information and process asked by the Data subject, we follow two different approaches for the final release as suggested by the client.

Redaction Process – Redaction is to be performed on the tool or otherwise manually on the PDF files. Mostly on the HR related or case related information if asked by the data subject in particular.

Extraction Process- Extraction is to be performed on the Word and finally zip file is released to the client. Most of the time extraction is performed when data subject do not need much information and data is very less.

Samples of Cases

Sample 1- information is not related to Data subject (here John Smith)

Subject: ABC PVA Analysis

From: "Smith, Matthew G" <matthewsg963@xyz.com>

Date: 5/25/2020 6:20 PM

To: "Smith, John" <smith.john@abc.com>, Nasir, Mohammed <nasirm@abc.com>, "Grant, Melissa" <Melissa.grant@xyz.com>

Hi All,

As discussed, attached is the PVA summary put together by the global category team. It's a good overview of the agreements themselves and also includes some key take-away and timetable of next steps. |

I've requested some clear guardrails in terms of what we can and cannot do re. bidding out the work, at least to arrive at more competitive pricing. We also need to know who the approve providers are sooner than 9 days so that we can begin to engage with them.

Please let me know what other questions/feedback you have. I'll keep you posted as I hear more.

Mathew G Smith

Xyz company

4526352146

Subject: ABC PVA Analysis

From: "Smith, Matthew G" <matthewsg963@xyz.com>

Date: 5/25/2020 6:20 PM

To: "Smith, John" <smith.john@abc.com>, Nasir, Mohammed <nasirm@abc.com>, "Grant, Melissa" <Melissa.grant@xyz.com>

Hi All,

As discussed, attached is the PVA summary put together by the global category team. It's a good overview of the agreements themselves and also includes some key take-away and timetable of next steps. |

I've requested some clear guardrails in terms of what we can and cannot do re. bidding out the work, at least to arrive at more competitive pricing. We also need to know who the approve providers are sooner than 9 days so that we can begin to engage with them.

Please let me know what other questions/feedback you have. I'll keep you posted as I hear more.

Mathew G Smith

Xyz company

4526352146

Subject: [REDACTED] PVA Analysis

From: [REDACTED]

Date: 5/25/2020 6:20 PM

To: "Smith, John" <smith.john@abc.com>, [REDACTED]
[REDACTED]

Extraction Sample for the same example-

Data Subject Access Request

John Smith

Copy of personal data in electronic communications:

SUBJECT: REDACTED PVA Analysis

Date: 5/25/2020

Smith, John; smith.john@abc.com

Sample 2 – Conversation contains data subjects name (John Smith)

Conversation with Hollis, Mark

Subject: Conversation with Hollis, Mark

From: "Hollis, Mark" <hollism12@xyz.com>

Date: 1/02/2015 1:20 PM

To: "Watson, Eric" <ericw94@abc.com>

Watson, Eric 16:20:

Hi, have you clocked Peter's comments on the deck for tomorrow

Hollis, Mark 16:25:

Yes but not had a chance to look yet

Watson, Eric 16:35:

Ok – happy to follow up with John Smith.

Hollis, Mark 17:01:

I will contact Louis unless you want to?

Watson, Mark 17:29

Hi

Conversation with Hollis, Mark

Subject: Conversation with Hollis, Mark

From: "Hollis, Mark" <hollism12@xyz.com>

Date: 1/02/2015 1:20 PM

To: "Watson, Eric" <ericw94@abc.com>

Watson, Eric 16:20:

Hi, have you clocked Peter's comments on the deck for tomorrow

Hollis, Mark 16:25:

Yes but not had a chance to look yet

Watson, Eric 16.35:

Ok – happy to follow up with John Smith.

Hollis, Mark 17.01:

I will contact Louis unless you want to?

Watson, Mark 17.29

Hi

Conversation with [REDACTED]

Subject: Conversation with [REDACTED]

From: [REDACTED]

Date: 1/02/2015 1:20 PM

To: [REDACTED]

[REDACTED]
Hi, have you clocked [REDACTED] comments on the deck for tomorrow

[REDACTED]
Yes but not had a chance to look yet

[REDACTED]
Ok – happy to follow up with John Smith.

[REDACTED]
[REDACTED] will contact [REDACTED] unless you want to?

[REDACTED]
Hi

Extraction Sample for the same example-

Data Subject Access request

John Smith

Copy of personal data in electronic communications:

SUBJECT: Conversation with REDACTED

DATE: 1/02/2015

DATA: Ok – happy to follow up with John Smith.

Smith, John; smith.john@abc.com

Sample 3 – Email contains information about the data subject (John Smith)

Subject: Reviewer has signed off the form

From: teamHR@xyz.com

Date: 04/15/2020 3:20 PM

To: "Smith, Matthew G" <matthewsg963@xyz.com>

Hi Mathew,

John Smith employee ID 5230593 has disagreed to your review inputs for Review 20-Q1.
Please take necessary action.

Best Regards,

Team HR

XYZ Company

Subject: Reviewer has signed off the form

From: teamHR@xyz.com

Date: 04/15/2020 3:20 PM

To: "Smith, Matthew G" <matthewsg963@xyz.com>

Hi Mathew,

John Smith employee ID 5230593 has disagreed to your review inputs for Review 20-Q1.
Please take necessary action.

Best Regards,

Team HR

XYZ Company

Subject: Reviewer has signed off the form

From [REDACTED]

Date: 04/15/2020 3:20 PM

To: [REDACTED]
[REDACTED]

John Smith employee ID 5230593 has disagreed to [REDACTED] review inputs for Review 20-Q1.
Please take necessary action.



Extraction Sample for the same example-

Data Subject Access request

John Smith

Copy of personal data in electronic communications:

SUBJECT: Reviewer has signed off the form

DATE: 04/15/2020

DATA: John Smith employee ID 5230593 has disagreed to REDACTED review inputs for Review 20-Q1.

Please take necessary action.

