

Welcome to the RGDP November '22 Data Protection Newsletter

This month we are focusing on subject access requests.

In a Nutshell

- It's nothing personal – handling subject access requests
- Data Protection and Digital Information Bill update
- Masterclass reminder

It's nothing personal - handling a subject access request

- Subject access requests can be very daunting, and need to be handled with appropriate professionalism no matter who the data subject is. It is easy to become upset when you receive a request, as this might indicate that there is some form of actual or potential dispute between the parties. Our advice is that the best way of dealing with this is to engage in appropriate and proper communications with the data subject and ensure that you are properly assisting them in terms of enabling them to exercise their data subject's rights.
- One of the issues that frequently arise when you are reviewing the information which needs to be disclosed to the data subject is that your organisation has recorded inappropriate information about the person, such as inappropriate comments. It is naturally embarrassing to share this information with the individual, but you are legally obliged to do so. One way in which you can reduce the risk of this happening is to ensure that you raise awareness of this with your staff and encourage them to refrain from documenting any inappropriate information about individuals.
- Another issue which we frequently see, is organisations missing subject access requests, where they are incorporated into other communications or discussions. It is important that your team are fully trained in being able to identify a request and to refer such a request to the appropriate person within your organisation.
- Remember that data subjects have additional rights, and not just the right to subject access requests. These include the right to rectification, erasure, restriction, portability, objection and certain rights in relation to automated decision making. These rights are not unfettered, and generally the lawful basis of the processing will determine which rights can be exercised. Your organisation should have a Data Subjects' Rights Procedure, or similar, in place, and ensure that this is shared with all staff and that they have received training regarding this.
- There are some simple rules on how to conduct a subject access request response
- The flow chart on the following page outlines the steps you need to take

Data Protection and Digital Information Bill update

- The Government has announced that the proposed changes to privacy law have been suspended indefinitely.
- The current legislation, including the Data Protection Act 2018 and the UK GDPR, thus remain in force. We will let you know when and if there are any changes to the Government's current position.

Masterclass reminder

- Just to remind everyone, we are running a monthly masterclass on various data protection topics.
- These events are free to attend and, at only 30 minutes long, are a good opportunity to hear the real experiences of data protection professionals. They are available exclusively to our clients.
- We also re-run the session from the previous month on the same day.
- Look out for the invitation to attend that comes out closer to the event

Reminder: our next free masterclass session will be held at 10.00 – 10.30am on 24th November “[Experiences on handling SARS](#)”. We will also be re-running the “Acting as a processor or receiving information from other controllers” presentation at 0900-0930 on the same day. RGDP will be sending you an invitation for these events soon.

Subject Access Requests flow chart

