



PowerHour – Data Protection & SARs

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Agenda

- Reminder of top 5 compliance requirements under Data Protection law
- Data Protection Legislation Update
- Impact of Brexit on data transfers
- Spotlight on Subject Access Request

Top 5 Data Protection Compliance Requirements

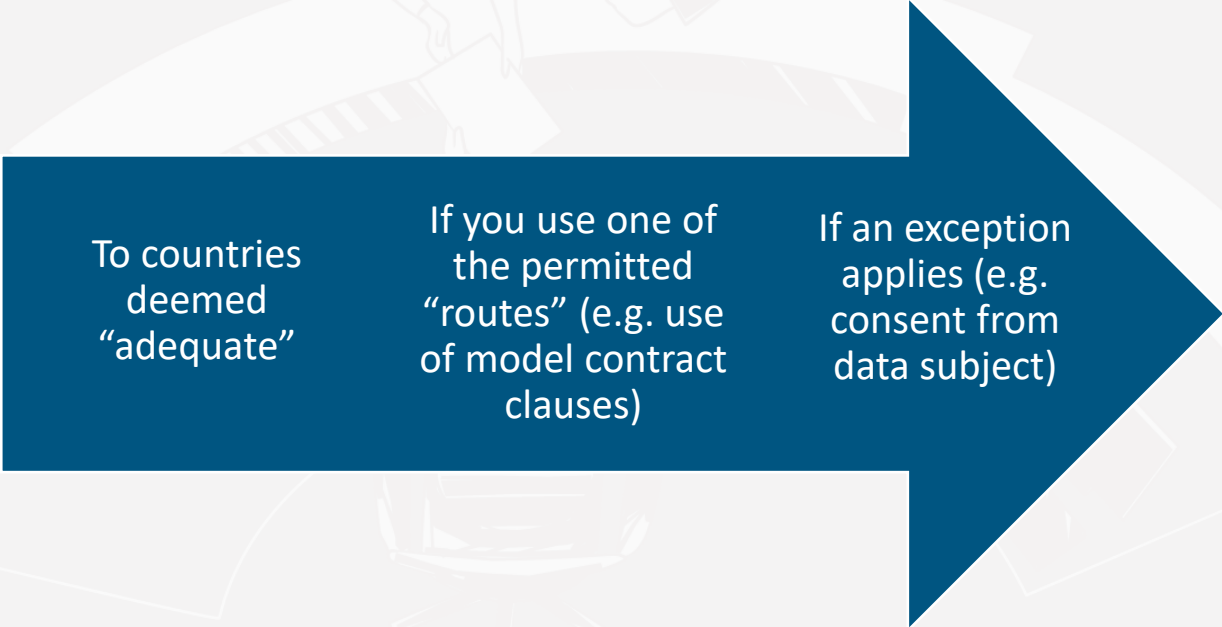
- Record of Processing Activities (ROPA)
- Privacy Notices
- Data Breach Reporting Obligations
- Commercial Contracts (Data Sharing Agreements/Data Processor Clauses)
- Staff awareness and training
- Registration fee

What's changed?

- Position up until 31st December 2020:
 - GDPR
 - Data Protection Act 2018
- Position after 31st December 2020
 - UK GDPR (modified version of GDPR)
 - Modified version of DPA 2018
 - Key principles, rights and obligations remain the same

Transfers outside the UK

- Transfers outside the UK will only be permitted:



To countries
deemed
“adequate”

If you use one of
the permitted
“routes” (e.g. use
of model contract
clauses)

If an exception
applies (e.g.
consent from
data subject)

Impact on data transfers between UK and EU Member States

From UK to EU

- UK has recognised adequacy of EU data protection law
- Transfers of personal data from UK to any of EEA countries can freely take place
- EEA countries = EU member states plus Iceland, Norway and Liechtenstein

From EU to UK

- Temporary bridge
- Draft adequacy decisions have been published

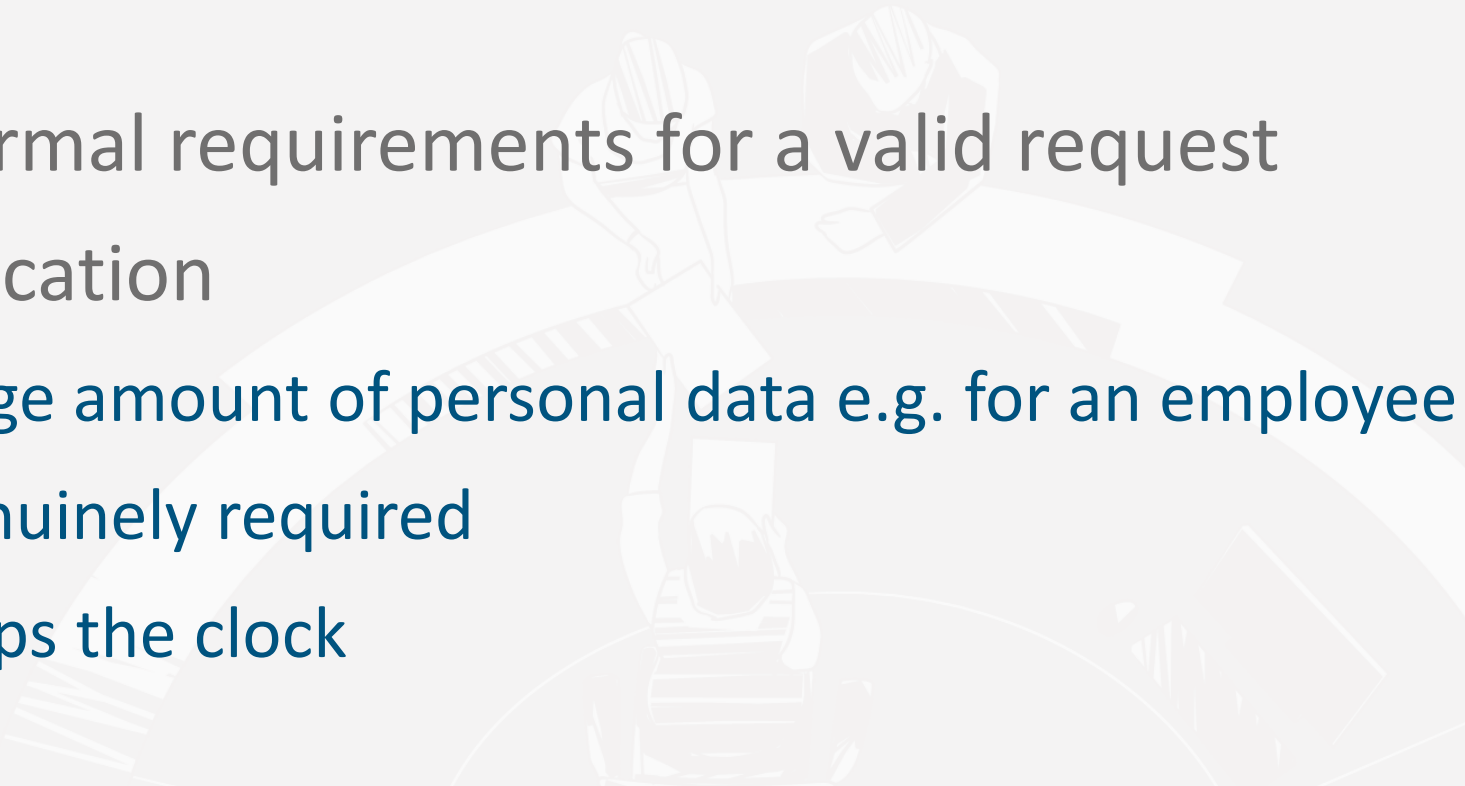
Spotlight on...



What do you know?

- Right of Access (Article 15 UK GDPR)
- Entitled a data subject to:
 - Confirmation data is being processed
 - A copy of their personal data (in electronic form)
 - Other supplementary information
- No fee
- 1 month (can be extended by 2 months - complexity and number of requests)
- Specific exemptions may apply

Does a SAR have to be in writing?

- No
 - No formal requirements for a valid request
 - Clarification
 - Large amount of personal data e.g. for an employee
 - Genuinely required
 - Stops the clock
 - ID
- 

When can the 2 month extension be applied?

- Complex request; or
- Received a number of requests from the same individual (including other individuals' rights e.g. erasure)
- Three months from the original start date

What do you have to give in response to an SAR?

- The data subject's own personal data
 - Personal data is information that relates to an identified or identifiable individual
- No requirement to provide full copies of original documents
- “The right...shall not adversely affect the rights and freedoms of others” (Article 15(4))
 - 3rd party data

When can you refuse to comply?

- Manifestly unfounded
 - no intention to exercise their right of access
 - the request is malicious in intent and is being used to harass an organisation with no real purpose other than to cause disruption
 - makes unsubstantiated accusations clearly prompted by malice;
 - targets a particular employee against whom they have some personal grudge; or
 - systematically sends different requests as part of a campaign
- Excessive
 - clearly or obviously unreasonable

When can you refuse to comply?

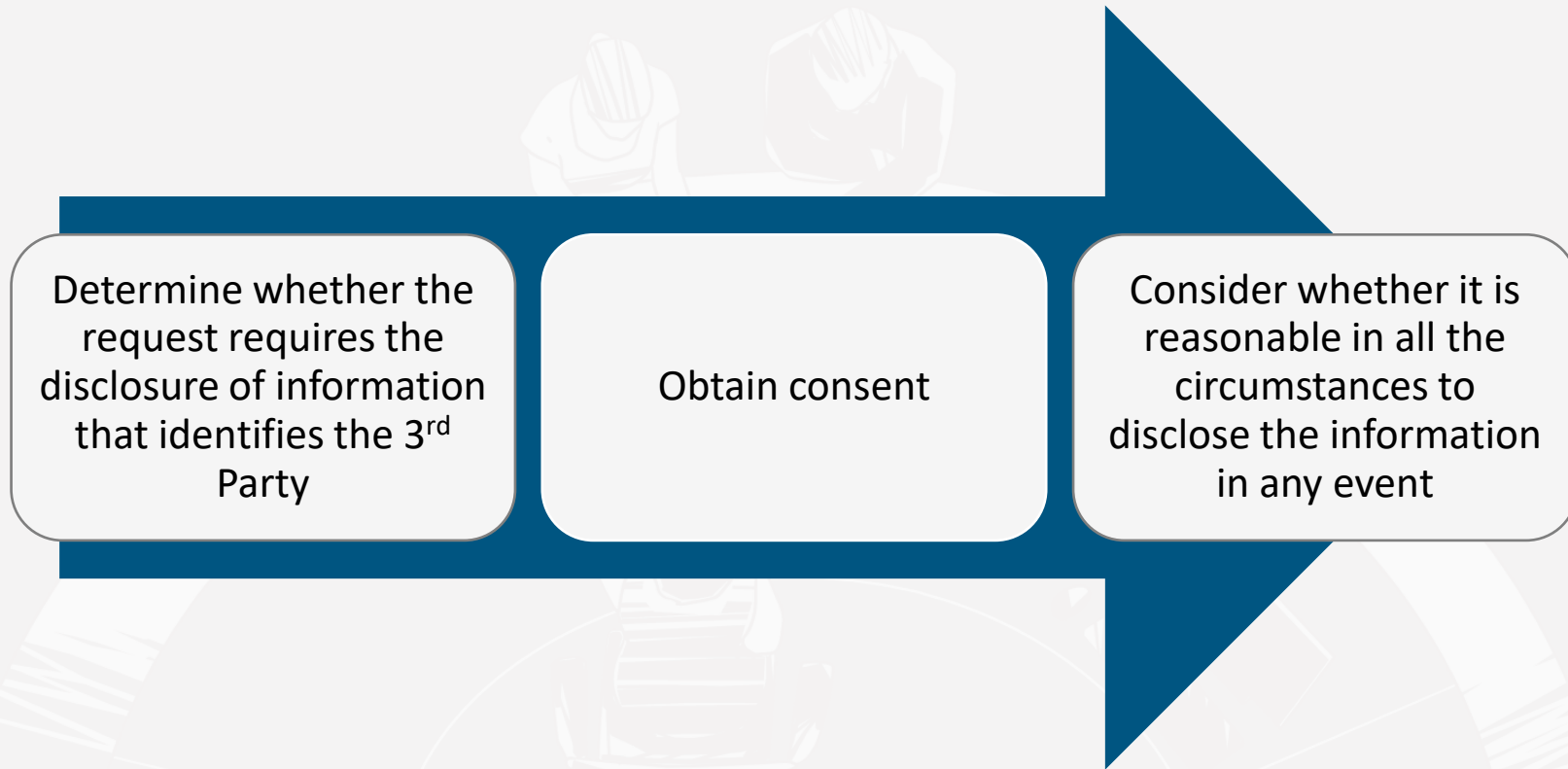
- An exemption applies
 - Enable you to withhold information from Data Subject
 - Require detailed case by case application
 - Free to provide information even if an exemption is applicable, but should consider implications
 - Ensure audit trail to justify exemption

Examples of relevant exemptions

- References (in confidence)
- Management forecasts
- Negotiations
- Legal professional privilege
- 3rd party data



3rd Party Data



Any questions



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