

Managing Data and Its Implications

Tutorial Title: Tutorial 01



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Date: 18 March 2025

Undergraduate Diploma

Today's Session

- Self Assessment 30 minutes
- The Assignment Questions
- The Group Presentation



Today's Session

- Self Assessment 30 minutes



Today's Session

- The Assignment Questions
- The Group Presentation



Presentation Question

Prepare and deliver a presentation that explains what a Subject Access Request (SAR) is under the General Data Protection Regulation (GDPR) and why it is important for both individuals and organisations.

Your presentation must also include a clear, step-by-step procedure that a business should follow from the moment a Subject Access Request is received until the data subject receives a copy of the requested personal data.



Presentation Question

Make sure your procedure covers the following among others:

- How the request is identified and recorded
- How the identity of the requester is verified
- How the request is assessed and clarified (if necessary)
- How the relevant data is located and reviewed
- How exemptions or third-party data are handled
- Time limits for responding
- How the information is securely provided to the data subject
- Record-keeping and documentation of the process

Present your steps in a logical sequence and use a visual aid (such as a flowchart) to clearly show the full process.



Presentation Question

KEY POINTS

Subject Access Request

Definition

What is a SAR?

Why is it beneficial for individuals?

Why is it beneficial for organisations?

Step by Step procedure



Reflective Notes

- Friday 27 March at 23.59hrs
 - What did I Learn? (100 words)
 - What went well? (100 words)
 - What could I have done better? (100 words)
 - Long-term implications (200 words)





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The Right to SAR

A fundamental right under the Charter of Fundamental Rights of the European Union (2012/C 326/02)

Article 8(2) of the Charter states that "***everyone has the right of access to data***" which is collected about them.



Data Subjects' Rights

1 Right to information

2 Right of access

3 Right to rectify

7 Right to object

4 Right to be forgotten

5 Right to restrict

6 Automated processing

8 Data portability



Summary of rights

An employee has the right to obtain from an employer information as to **whether or not** personal data is being processed about him or her.



What's being advised to employees?

Alex Monaco

Senior Employment Solicitor



Summary of rights

If personal data is being processed, the employee is entitled to be given a copy of his or her personal data together with the following information:

- the **purposes** of the processing;
- the **categories** of personal data concerned;
- the **recipients** or **categories** of recipients to whom data has been or will be **disclosed**;
- the period during which personal data will be **retained**

Summary of rights

- information on the **source** of the data;
- information regarding complaints and disputes;
- **transfer** of data outside the EEA (if any);



Transfer of Data outside the EEA

- Countries in the EEA
 - EU + Iceland, Liechtenstein and Norway
- Adequacy Decisions
 - Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Republic of Korea, Switzerland , the United Kingdom under the GDPR and the LED, the United States (commercial organisations participating in the EU-US Data Privacy Framework) and Uruguay
- Standard Contractual Clauses
- Binding Corporate Rules



Highest Fines



€1.2 billion

- Ireland's Data Protection Commission
- Transfer of data to the United States
- Meta used basis to transfer data which do not comply with EU Law - Privacy Shield



Summary of rights cont.

The information must be provided free of charge (Article 12.5).

The employer must provide the information without undue delay and, in any event, **within one month** of receipt of the request.



Approach

Employer should approach compliance in a positive and helpful way:

- The employer must **facilitate** the exercise of the subject access right (Article 12.2).
- The request must be handled **fairly** and **transparently** (Article 5.1(a)).
- Information must be provided in a **concise, transparent, intelligible and easily accessible form**, using clear and plain language (Article 12.1).



Receiving a SAR

A SAR may be made:

- in writing

- email

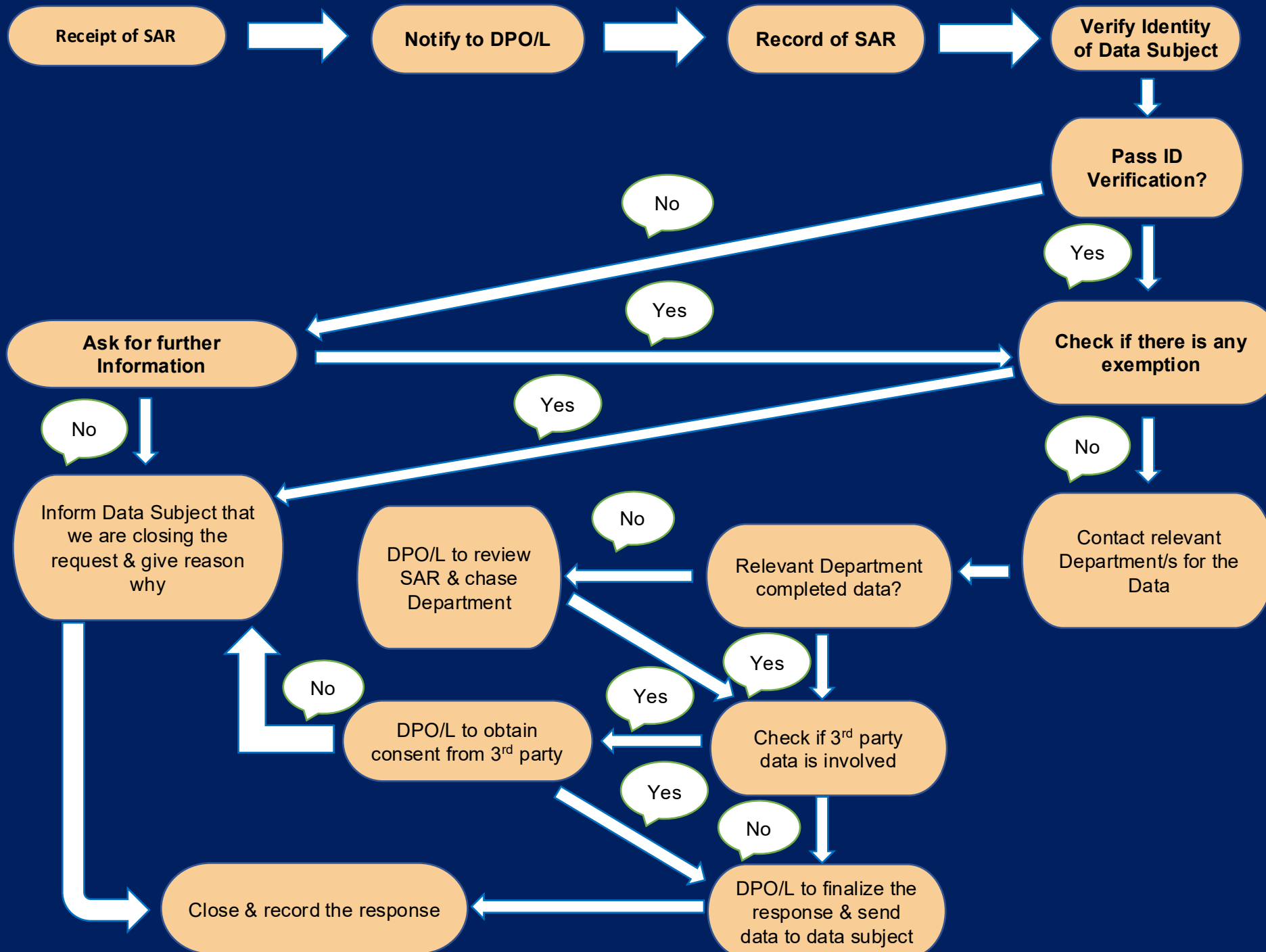
- other electronic means and,

- verbally

Employer should provide means for requests to be made electronically

Set out a preferred method of contact





Responding to a request

Initial assessment

- Is data concerning the employee processed?
- Respond or not?
- Scope behind the request?
- Approach to find the data and response.



Responding to a request

Checking identity of person making request

- make sure that a person is lawfully authorised to act on behalf a data subject
- no exceptions for family members



Responding to a request

Timing

- basic rule is that requests must be handled without undue delay and, in any case, within one month of the receipt of the request
- (may) extend by 2 months where necessary (complexity and number of requests)
- inform data subject within a month



Responding to a request

Understanding what the data subject wants

- ask the data subject in more detail what information he or she is after
- aim of the request should not be to narrow the scope



Responding to a request

Manifestly unfounded or excessive requests

- Charge a reasonable **fee**.
- **Refuse** to act on the request.

Need to **demonstrate** that the request is indeed manifestly unfounded or excessive



Responding to a request

Form of response

- Writing
- Electronic means
- Orally (following a request by employee)



Ideal Scenario

Policy on handling a SAR

Response procedure

Form (one for each subject right)

Tracking form

Letters

Logbook





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