

DSAR Management



Since the GDPR came into force, we have seen a dramatic rise in the strategic use of Data Subject Access Requests (DSARs) at the pre-action stage of litigation, in employment disputes, and by privacy activists. Whilst some of these processes can be automated, document heavy DSARs can be burdensome and expensive, even with the use of technology.

We have looked at every stage of the DSAR process to determine where efficiencies can be made without sacrificing on accuracy and without increasing litigation/regulatory risk. We have broken the process down into 7 key stages and determined which stages can be outsourced and automated to deliver efficiency and cost savings. Our process and cost model for each stage is set out below. We are happy to agree fixed fees per DSAR based on this model and discuss monthly or annual retainers for this service.



The Seven Stages of a DSAR Response

Stage	Estimated Costs	Scope
1. Receipt of DSAR and initial analysis	£500 - £2,000 (or carried out in-house)	Background and context to request, risk assessment, identity verification, scope of search, assessing timeline, overall strategic approach.
2. Data extraction	£0 (likely to be conducted in-house)	Our IT partner can assist with this process if necessary.
3. Upload of data to platform	£1,000 (for data sets up to 20 GB) assuming hosting required for one month	Data is uploaded onto a secure online review platform to which you have access.
4. Analysis of data set	£1,500	We will work with our IT partner to reduce the data set through batch removal of unnecessary documents (e.g. duplicates, email chains, calendar entries, false positives etc.), the use of keyword analysis, and strategic review of large Excel files. This stage often significantly reduces review costs.

All estimates above are exclusive of VAT.



The Seven Stages of a DSAR Response

Stage	Estimated Costs	Scope
5. First level review	Option A – outsourced paralegal team £700 per day (estimated review and redaction rate of approx. 300 1-2 page documents per day) and quality control by Osborne Clarke	Option A – outsourced paralegal team Review of documents and redaction of non-personal and third party data; ‘red flagging’ of any critical documents from privacy perspective by a paralegal who specializes in DSARs. Oversight of process and quality control by Osborne Clarke lawyers.
	Option B – OC paralegal team* £1,200 per day (estimated review and redaction rate of approx. 300 1-2 page documents per day)	Option B – OC paralegal team* Review of documents and redaction of non-personal and third party data; ‘red flagging’ of any critical documents from privacy AND employment/disputes perspective in the context of the wider issue (grievance, disciplinary, tribunal, claim etc.) by OC’s specialist ‘GDPR for HR’ team. Supervision of process and quality control by Osborne Clarke lawyers.

All estimates above are exclusive of VAT.



*This option is aimed at DSARs that arise in the context of an employment issue/dispute (typically a grievance, disciplinary, tribunal or claim) where either the number of documents makes it non-economical to instruct an outsourced data protection paralegal, time is of the essence, or the DSAR is particularly sensitive and there is a need for all documents to be reviewed by Osborne Clarke (at the point of first stage review) in the context of the wider issue. This option is handled completely in-house by Osborne Clarke, involving our employment privacy specialists and Osborne Clarke paralegal support.



The Seven Stages of a DSAR Response

Stage	Estimated Costs	Scope
6. Second level OC review	Standard hourly rate with 15% discount applied	Practical and strategic advice from Osborne Clarke data protection specialists to make decisions on disclosure set AND (if Option B selected) review of red flag documents in context of the employment issue/dispute, e.g. disciplinary, grievance or employment tribunal by OC employment lawyers. The cost of this review will depend upon the complexity, context and risk level of the request.
7. Final response	£500 - £1,000	Agreed redactions are applied to the documents which are made available via a secure link for you/the data subject to download. Bespoke GDPR compliant covering letter.

All estimates above are exclusive of VAT.



Some worked examples are set out below. We do not operate on a “cost per DSAR” basis because in our experience the volume and complexity of the work involved varies enormously.

Worked examples

DSAR 1 – Longstanding customer (non-contentious)

Estimated cost: £4,000

A DSAR is received from a customer with whom the company is not in dispute. The initial analysis and data set extraction is carried out in-house, without Osborne Clarke support. A data set including 500 emails (with attachments) is uploaded and processed (£1,000), and then analysed by Osborne Clarke (£1,500). As a result, the first level review is reduced to 150 documents.

During the first level review conducted by an Osborne Clarke data protection paralegal (Option B – £600), 10 documents are flagged as queries, and are reviewed by an Osborne Clarke data protection lawyer (£300) before a bespoke covering letter and personal data pdf is produced ready to send in response (£600).

DSAR 2 – Low grade employee, newly appointed, with a minor grievance

Estimated cost: £7,500

A DSAR is received from an employee that has not been with the company long, and has a grievance. The initial analysis is carried out with Osborne Clarke support (£500) and data set extraction is carried out in-house. A data set of 10,000 emails (4GB) is uploaded (£1,000), and then analysed by Osborne Clarke (£1,500). As a result of the initial analysis, the first level review is reduced to 800 documents.

During the first level review using our outsourced data protection paralegals (Option A – £1,700), 50 documents are flagged as queries where a strategic decision needs to be made on disclosure; these are reviewed by an Osborne Clarke employment/data protection lawyer (£2,000) before a bespoke covering letter and personal data pdf is produced ready to send in response (£800).



Worked examples

DSAR 3 – Shareholder, threatened claim for misrepresentation prior to entering into a joint venture

Estimated cost: £10,000

A DSAR is received from an aggrieved shareholder who claims that the company misrepresented the support it would provide to his business as part of a 50% equity sale. The shareholder requests all personal data from the time before the investment agreement was signed. The initial analysis is carried out with Osborne Clarke support (£1,000). Data set extraction is carried out in-house; 1,000 emails (1GB) are uploaded (£1,000). Following analysis of the data set (£1,500) the first level review is carried on 900 documents using our outsourced data protection paralegals (Option A – £2,100).

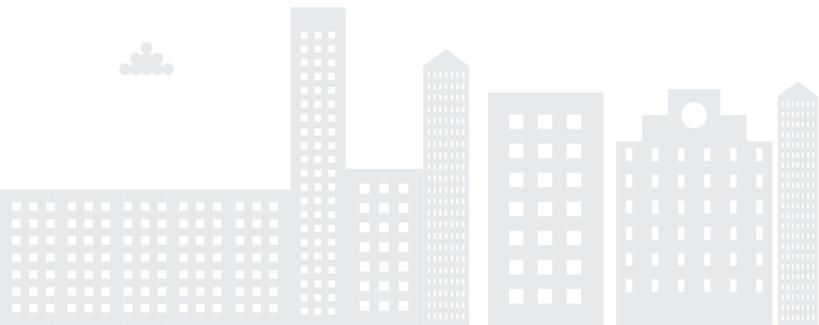
During the first level review, 100 documents are flagged as needing strategic input and crucial to the claim; these are reviewed by an OC disputes lawyer (£3,500) before a bespoke covering letter and personal data pdf is produced ready to send in response (£900).

DSAR 4 – Key employee, 10 years of service, employment claim issued

Estimated cost: £29,500

A DSAR is received from a senior employee of 10 years that has issued claims for constructive dismissal, discrimination and whistleblowing. She has requested all personal data related to her. The initial analysis is carried out with OC support (£2,000) resulting in a reduction in scope of the request to a shorter time period. Data set extraction is carried out in-house; 25,000 emails (10GB) are uploaded and processed (£1,000), and then analysed by OC (£1,500). The first level review is carried out by an OC data protection and employment specialist paralegal on 4,800 documents (Option B – £19,200).

During the first level review, 100 documents are flagged as needing strategic input and crucial to the claims; these are reviewed by an Osborne Clarke employment lawyer (£5,000) before a bespoke covering letter and personal data pdf is produced ready to send in response (£800).



Key benefits

Improved response times

Our outsourced paralegal provider has access to as many reviewers as needed at very short notice, and our in-house team can begin small review exercises very quickly. Even if you have left starting the DSAR process for a week or so, we can still ensure you meet your obligations under GDPR.

Reduced risk

Having Osborne Clarke's data privacy litigators and employment lawyers making the final calls on whether personal data has been correctly identified and, critically, applying exemptions to disclosure, decreases the risks of increased costs and potential litigation further down the line.

Reduced costs

We help you determine when it is appropriate to outsource the data processing to ensure you are not paying legal fees until it is strictly necessary.

Project management

We provide clear and regular updates to help manage outsourced providers, and to ensure that DSARs are completed to deadline and within budget.



DSAR portfolio management

Osborne Clarke's DSAR Portfolio Management package is designed for handling subject access requests (DSARs) on an annual basis.

For companies that receive a significant volume of DSARs, keeping track of multiple DSARs at different stages can be a complex and time-consuming exercise. Whilst there are efficiencies to be gained in relation to handling individual DSARs, particularly in relation to document reduction and review, there are also efficiencies that can be gained through effective portfolio management where lessons can be learned to improve processes.

The portal we use is not a document review platform: document review is an exercise better performed using specialist document review software. Rather, it is simply a platform to track workflow during the process of every DSAR, allowing work to be allocated and tracked and the results retained and analysed automatically.

The platform we use makes project management simpler, enabling deadlines to be set and met and allowing managers to have an oversight of process and spend. Crucially the platform can be used to collect key data about the process to spot trends and determine where further cost savings can be made. It also allows for precedent responses to be created and made available easily to prevent reinventing the wheel.

A demo version of our platform is available on request.



Key contacts

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The Netherlands: Amsterdam
Spain: Barcelona, Madrid, Zaragoza
Sweden: Stockholm
UK: Bristol, London, Reading

USA

New York, San Francisco, Silicon Valley

Asia

China: Shanghai
India*: Bangalore, Mumbai, New Delhi
Singapore

Osborne Clarke is the business name for an international legal practice and its associated businesses. Full details here: osborneclarke.com/verein/

* Services in India are provided by a relationship firm

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