

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 six 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.



DSAR Management



| Stage | Estimated Costs | Scope |
|---|---|--|
| 1. Receipt of DSAR and initial analysis | £500 - £2,000 (or carried out in-house) | Background and context to DSAR, 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. |

All estimates above are exclusive of VAT.



| Stage | Estimated Costs | Scope |
|---|--|--|
| 3. Upload of data to platform and analysis of data set | £2,500 (for data sets up to 20GB)* | Data is uploaded onto a secure online review platform to which you have access. We will use the online review platform to reduce the data set through the batch removal of unnecessary documents (e.g. duplicates, irrelevant calendar entries, false positives etc.), the use of keyword analysis, and strategic review of large Excel files. This stage often significantly reduces the number of potentially relevant documents and costs associated with the next stage of review. |
| 4. First level review | £1,200 per day (estimated review and redaction rate of approx. 300 1-2 page documents per day) | Review of documents by Osborne Clarke DSAR paralegals including: redaction of non-personal and third party data; application of any applicable exemptions; and 'red flagging' of any critical documents from privacy AND employment/ disputes perspective in the context of the wider issue (grievance, disciplinary, tribunal, claim etc.). Supervision of process and quality control by Osborne Clarke lawyers. |

All estimates above are exclusive of VAT.

*This is inclusive of the platform hosting fees for the calendar month in which data is uploaded. Platform hosting fees for subsequent calendar months are chargeable at £8/GB per calendar month (subject to a minimum charge of £80 per calendar month).



| Stage | Estimated Costs | Scope |
|--|--|---|
| 5. Second level Osborne Clarke review | Standard hourly rate with 15% discount applied | <p>Practical and strategic advice from Osborne Clarke data protection specialists to make decisions on disclosure set AND review of red flag documents in context of the employment issue/ dispute, e.g. disciplinary, grievance or employment tribunal by Osborne Clarke employment lawyers.</p> <p>The cost of this review will depend upon the complexity, context and risk level of the DSAR.</p> |
| 6. Final response | £500 - £1,000 | <p>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.</p> |

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.

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 then analysed by Osborne Clarke (£2,500). As a result, the number of documents requiring first level review is reduced to 150 documents.

During the first level review using our Osborne Clarke DSAR paralegals (£600), 10 documents are flagged as needing strategic input around disclosure. These documents are subject to second level review by an Osborne Clarke data protection lawyer (£300) before a bespoke covering letter and disclosure pack containing 25 documents is prepared to send in response (£600).

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

Estimated cost: £9,000

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 and then analysed by Osborne Clarke (£2,500). As a result of the initial analysis, the first level review is reduced to 800 documents.

During the first level review using our Osborne Clarke DSAR paralegals (£3,200), 50 documents are flagged as needing strategic input around disclosure. These documents are subject to second level review by an Osborne Clarke employment/data protection lawyer (£2,000) before a bespoke covering letter and disclosure pack containing 45 documents is prepared to send in response (£800).



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

Estimated cost: £11,500

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, following which 1,000 emails (1GB) are uploaded and then analysed by Osborne Clarke (£2,500). The first level review is carried out by an Osborne Clarke DSAR paralegal on 900 documents (£3,600).

During the first level review, 25 documents are flagged as needing strategic input around disclosure. These documents are subject to second level review by an Osborne Clarke disputes/data protection lawyer (£3,500) before a bespoke covering letter and disclosure pack containing 40 documents is prepared 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 Osborne Clarke 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, following which 25,000 emails (10GB) are uploaded and then analysed by Osborne Clarke (£2,500). The first level review is carried out by an Osborne Clarke DSAR paralegal on 2,500 documents (£19,200).

During the first level review, 40 documents are flagged as needing strategic input around disclosure. These documents are subject to second level review by an Osborne Clarke disputes/data protection lawyer (£5,000) before a bespoke covering letter and disclosure pack containing 100 documents is prepared to send in response (£800).



DSAR Management



Improved response times

Our in-house team has multiple reviewers, who can be brought in to assist with review exercises very quickly. Even if DSAR deadlines are fast approaching, we can support you in working towards compliance with your GDPR obligations.

Risk mitigation

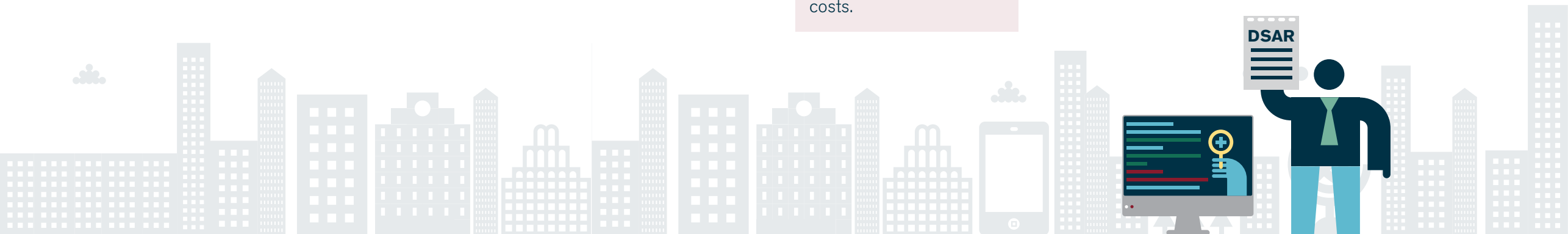
From the outset, we take into account data protection law considerations and the wider employment and/or commercial context relevant to each individual DSAR as 'part and parcel' of our DSAR review. This enables us to quickly identify risks and propose strategies to mitigate these, typically resulting in reduced litigation risk, reduced business exposure and reduced costs.

Flexibility

Our approach to DSAR management is flexible and can be tailored to your needs. We can provide comprehensive end to end support from receipt of DSAR through to disclosure of the DSAR documentation and responding to any follow up queries, or we can assist at specific stages only, such as assisting with strategic decisions on the data set following review.

Project management

We provide clear strategy and regular updates to ensure that each DSAR response is completed within agreed deadlines and budgets.



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Employment



Olivia Sinfield
Partner

T +44 20 7105 7480
olivia.sinfield@osborneclarke.com



Amy Moylett
Senior Associate

T +44 118 925 2140
amy.moylett@osborneclarke.com



Julia Deacon
DSAR Paralegal Manager

T +44 117 917 4324
julia.deacon@osborneclarke.com

Litigation



Ashley Hurst
Partner

T +44 20 7105 7302
ashley.hurst@osborneclarke.com



Mark Lloyd
Associate Director

T +44 117 917 3214
mark.lloyd@osborneclarke.com

Commercial



Jonathan McDonald
Partner

T +44 20 7105 7580
jonathan.mcdonald@osborneclarke.com



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talented lawyers

working with

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expert Partners

in

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8

core sectors

with insight into

3

transformational trends

driven by

1

client-centred approach

Our locations around the world

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Italy: Busto Arsizio, Milan, Rome

The Netherlands: Amsterdam

Poland: Warsaw

Spain: Barcelona, Madrid, Zaragoza

Sweden: Stockholm

UK: Bristol, London, Reading

USA

Miami, New York, San Francisco

Asia

China: Shanghai

India*: Bengaluru, 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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