



**PAI**

**PRIVACY ASSOCIATES INTERNATIONAL LLC**

---

# **Data Subject Access Requests**

*Privacy Law Committee of IT Law Section, State Bar of Michigan*

*January 16, 2020*

# Purpose of Session

- Look at some of the legal and practical issues arising out of obligations to provide data subjects with access to their data
- Present a simple hypothetical to use as a vehicle for discussion
- Other privacy topics on the minds of participants

# Hypo

You are outside counsel for Global Enterprise Inc., a Detroit, Michigan corporation with operations throughout the US and in various countries around the world. Highly decentralized, Global owns manufacturing operations that make everything from stuffed animals to warheads for missiles. You just received a call from Global saying it has received the following:

1. An email forwarded from the legal department of Global's Hungarian subsidiary together with an English translation. The English translation states: "I am exercising my GDPR Article 15 rights. Send me all required information and copies of all required documents to me at Szentendre, Galamb József u. 3., 2000 Hungary. Sincerely, János Áder"
2. A letter from a person named Terri Thompson stating "Immediately send me all information you have about me. Send it to [tthompson345@gmail.com](mailto:tthompson345@gmail.com) immediately." The letter is postmarked San Francisco, CA but there is no return address.

# Questions

1. Is Global subject to any obligation to respond to Ms. Thompson and Mr. Áder? (Jurisdiction)
2. If there is an obligation, which pieces of the enterprise must be searched for PI?
3. How do you authentication Ms. Thompson and Mr. Áder?
4. Exactly what information do you search for in each case? All info mentioned in relevant statute? Just info requested by data subject?
5. How does global go about looking for called for information? (structured v. unstructured data, paper, etc.)
6. How long does Global have to respond to the requests?
7. Must Global give Ms. Thompson and Mr. Áder information describing the data or the actual data?
8. What if some of the data includes PI of others or privileged information?
9. In what form must the information be turned over?

Backup

# GDPR

## Article 15

### *Right of access by the data subject*

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and where that is the case, access to the personal data and the following information:
  - a. the purposes of the processing;
  - b. the categories of personal data concerned;
  - c. the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
  - d. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
  - e. the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
  - f. the right to lodge a complaint with a supervisory authority;
  - g. where the personal data are not collected from the data subject, any available information as to their source;
  - h. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.
3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

# CCPA

- Not as easily quoted
- Gives “consumer” the right to request that a “business” that collects his “personal information” make certain disclosures
  - Categories of PI collected
  - Categories of sources from which PI is collected
  - Business or commercial purposes for collection or “sale” of PI
  - Categories of third parties with whom the PI is shared
  - Specific pieces of PI collected about a consumer

# Other Laws Giving Access Rights

- Australia
- NZ
- Canada (PIPEDA)
- Argentina
- Japan

# Privacy Statement Promises

## **“9. How can you access your Personal Information that we have collected, utilised or disclosed?”**

If you make a written request to review any Personal Information about you that we have collected, utilised or disclosed, we will provide you with any such Personal Information as permitted or required by law. We will make such Personal Information available to you in a form that is generally understandable, and will explain any abbreviations or codes. To submit a written access request, or to obtain further information with respect to your access rights, you may contact our Data Protection Leader, as indicated below.” [PwC in the Caribbean Privacy Statement](#)