

STRICTLY PRIVATE AND CONFIDENTIAL

By email: [REDACTED]

Your ref: Subject data request
Our ref: HD.DP. OFFICE. SAR1-17082020
Date: 12 October 2020

BY EMAIL

Dear [REDACTED]

Re: **Complaint relating to HD.DP.OFFICE.SAR1-17082020**

I write further to your email of 6 October 2020 (10:23) requesting a full review of your subject access request made in August 2020 for the following reasons:

- You have not provided me with the data I requested and believe I am legally entitled to.
- Failed to anonymise references to others persistently.

For completeness and in addition to the specific focus points above my review will also investigate:

- the accuracy of the response
- the steps taken to search, gather and review the files/documents
- the timeliness of the response
- Correct use of documentation and escalation paths.

All complaints received of this nature are treated in strictest confidence and references to individuals are anonymised without detriment to the response and evaluation of my review.

I also acknowledge the response made by the Data Protection Officer upon receipt of your complaint escalation which I will refer to throughout this document and which will form part of the review. There is a direct quote from an email received from you, which states, "I am concerned that there are quite a lot of errors regarding the content". I can see a follow up from our Data Protection Officer seeking further information in relation to these errors but I have not seen a response to this request at this time. As such, I am unable to review the specific errors in relation to the above statement at the time of this review.

Failed to provide data I am legally entitled to

hilldickinson.com

The Hill Dickinson Legal Services Group has offices in London, Piraeus, Singapore, Monaco, Hong Kong, Liverpool, Leeds and Manchester.

Hill Dickinson LLP is a limited liability partnership registered in England and Wales with registered number OC314079. It is regulated by the Solicitors Regulation Authority. A list of the members of the LLP is displayed at the registered office, No. 1 St. Paul's Square, Liverpool L3 9SJ, together with a list of those non-members who are designated as partners. Any reference to a partner in relation to the LLP means a member or employee of, or consultant to, the LLP.

I witness the request to provide copies of the **report** generated by Hill Dickinson following the inquiry, which was not provided. The omission of this report was also confirmed in the response (6 October 2020) provided to you by our Data Protection Officer.

Upon further review, I can confirm that within the boundaries and requirements of the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) this information does not meet the definitions of personal data and therefore is not an item which is to be included in this request.

The definition of personal data (information) is used broadly to capture any/all references both direct and indirect which can identify an individual this includes items such as names, ID numbers, location data, telephone numbers or financial information (credit cards, statements).

The **report** requested during the process does not contain references to specific individuals nor does it include any specific identifiers meeting the criteria set out by the Data Protection Act 2018 of which is subject to disclosure through an SAR. In this instance, whilst individual testimonies and statements were taken to help build a report for our client – the completed document contained a confidential summary to (*them*) containing no direct references to an individual, no identifiable circumstances or documents which included specific references to or could clearly identify a sole individual (or small group).

The contents of this report have been provided to our client under the confidentiality requirements set out in the Solicitors Regulatory Authority (SRA) and its content does not meet the criteria for the subject access request made of which the Data Protection Officer has previously confirmed.

I therefore determine that the information provided and the omission of the **report** from the final document pack is lawful and meets the requirements of the Data Protection Act 2018 and therefore I cannot uphold this part of the complaint.

Failed to anonymise references to others persistently

Item reviewed: File SAR1-17082020 Your information (PDF, contains 17 pages)

There were 62 occasions where references to individuals have been removed from the documents with only six instances (below) which remained.

- Page 1, line 34 contains references to a friend [REDACTED]
- Page 4, line 10 contains reference to a [REDACTED].
- Page 5, line(s) 16, 17, 19 and 20 contain first names of [REDACTED].

I have spoken with the Data Protection Officer to understand the approach taken and it is clear that each removal (anonymization) was taken in isolation and that a “blanket approach” was not applied. Each decision to remove or leave references intact were based on the risks associated to the rights and freedoms of individuals and the requirements of the Data Protection Act 2018.

With each of the **66** references to data subjects identified, I am satisfied that all decisions were made in accordance with our rights as data controller and that there are no issues to uphold on this matter.

The accuracy of the response

I have reviewed the evidence available through our document management system and have spoken with those involved in the searching, gathering and submission of your subject access request to identify whether the steps taken were correct, accurate and exhaustive.

During the process, there is no evidence that additional processing or unlawful use of personal data relating to you has been generated. Meetings were held virtually and confidentially between only those parties involved in the original client request and/or those whom were to assist in the gathering of documentation to enable the creation of the SAR response to you.

As a regulated law firm, all client information is treated confidentially and remains protected at all times both from unauthorised access, modification and misuse. In the Data Protection Officers response, confirmation on the security and protection of the data was given and I have reviewed the file/folder evidence and can confirm this remains the case.

Timeliness of response

I have reviewed the timings of the subject access including the duration of the search and data gathering stages through to final response to satisfy that there was no delay in the process and that regulatory guidelines were met. I can confirm that all steps in the process were completed in a timely manner and without undue delay and therefore have no findings of concern in this part of the review.

Correct use of documentation

I can confirm that all correct documentation has been used during this process and that all escalation points (ICO, internal HD escalations) have been provided throughout the process.

However, I believe that details of an ex-employee were provided to you by a member of our front of house team in response to an inbound call asking for contact details of someone responsible for security. The information provided was given based on the context provided on the call and the name suggested was somebody whom appeared on a wild card search of the word "security" within our database. I can confirm that the individual in question was not part of the subject access process nor involved in data protection matters. The necessary signposts for escalation points have been provided in the responses given by the Data Protection Officer earlier in the process and therefore I find no areas of concern during this part of the review.

This hereby ends my review of the SAR1 – 17082020 incident and I conclude that the Data Protection Officer and Hill Dickinson have acted in accordance with our responsibilities as a data controller and provided you with the necessary information in accordance with the Data Protection Act 2018 and General Data Protection Regulation (GDPR).

However, in the event that you are dissatisfied with my findings, you do have the right to take this matter to the Information Commissioner:

Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113
<https://ico.org.uk/make-a-complaint/>

Yours sincerely



Nick Capper
Head of Compliance
Hill Dickinson LLP
No.1 St. Paul's Square, Liverpool, L3 9SJ