JUTA
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HANDLE **DATA SUBJECT REQUESTS** LIKE A BOSS – ACCESS REQUESTS
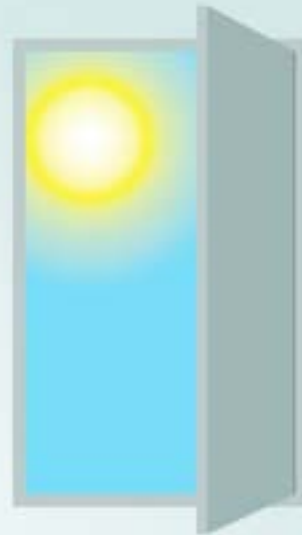
1. OVERVIEW

What is a 'Data Subject Request'? We made up the phrase 'Data Subject Request'. It is used in the context of the EU GDPR, but usually to describe requests for deletion or erasure. We use it to describe any instance where a data subject is trying to exercise one of their data subject rights largely listed in sections 23 to 25 of POPIA. If you don't respond within a reasonable timeframe, this is the type of request that can escalate into a POPIA complaint to the Information Regulator. So don't ignore them!

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Here is a guide for you to handle **Data Subject Requests** like a boss - focusing on access requests this time - in **7 simple steps** 😊

STEP 07 — NEED MORE TIME?

STEP 06 — CAN YOU CHARGE A FEE?

STEP 05 — CAN YOU REFUSE?

STEP 04 — DO YOU HAVE THEIR INFO?

STEP 03 — NEED MORE TO FIND THEIR INFO?

STEP 02 — CAN YOU CHECK THEIR IDENTITY?

STEP 01 — IS THIS A DATA SUBJECT REQUEST?

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STEP 1: IS THIS A DATA SUBJECT REQUEST?

Is a person or organisation asking for access to their own personal information?

✓ **Go to Step 2.**

✗ **Handle as a normal part of your business or refer them to your PAIA manual.**

STEP 2: CAN YOU CHECK THEIR IDENTITY?

Do you have enough information to be sure of the person or organisation's identity?

✓ **Go to Step 3.**

✗ **Ask for evidence.**

STEP 3: NEED MORE TO FIND THEIR INFO?

Do you need more information from the person or organisation to find what they want?

✓ **Ask them for the other information you reasonably need so you can find the information they want.**

✗ **Go to Step 4.**

STEP 4: DO YOU HAVE THEIR INFO?

Check if you even have this person or organisation's info. Check in places like:

- **Filing cabinets**
- **Emails**
- **CRM systems, Teams, Google Drive, SharePoint, accounting systems etc.**
- **Desktops**

STEP 5: CAN YOU REFUSE?

Check out all the reasons why you may refuse a request in PAIA.

✓ Let them know you refuse. Use **Form 3: Outcome of request and fees payable.**

✗ Go to Step 6.

STEP 6: CAN YOU CHARGE A FEE?

Review the PAIA regulations to determine if you can charge a fee.

✓ **Include the fee and payment instructions in your response to the person or organisation.**

✗ **Go to Step 7.**

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STEP 7: NEED MORE TIME?

✓ **Notify the person or organisation.**

✗ Respond to the person or organisation using **Form 3: Outcome of request and fees payable.**

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2. FURTHER READING

You can read more about Data Subject Requests, PAIA requests and reasons for refusing access requests in Chapter 18. You can find examples of a Data Subject Request Procedure and PAIA templates for private and public bodies in 'Step 9: Respect Data Subject Rights' in 'Get Compliant'.

juta