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PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

Data (Use and Access) Act 2025 becomes law

The Bill was granted Royal Assent on 19 June.

By **Laura Linkomies**.

The House of Lords passed the Data (Use and Access) Bill on 11 June. Receiving Royal Assent means it is now on the statute books. A long ping-pong between the two Houses about AI training and copyright delayed the last stages of the Bill which had broad cross-

party support. The new law does not alter the UK's current data protection regime as dramatically as was proposed under the Conservative government.

Commenting on the relationship

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See the publisher's blog 'A gap between political and legal aspects of new UK law' at [privacylaws.com/blog2025jul](https://www.privacylaws.com/blog2025jul)

Getting it right handling complex DSARs and how AI can help

Jenai Nissim and **Claire Saunders** of HelloDPO Law explain how you can use AI to successfully manage data subject access requests – especially in cases that involve large volumes of information.

Even if you have got the basics down to a fine art, a policy and procedures in place, templates and exemptions assessments to help you navigate data subject access requests (DSARs), dealing with a significant DSAR can still be a

daunting prospect. In this article, we discuss how you can prepare for the inevitable eventuality of dealing with a DSAR and the assistance that can be provided by technological

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“comment”

Data protection and cyber security go hand in hand

The astonishing cyber incident suffered by Marks & Spencer this spring immediately impacted consumers. While the company said it swiftly and proactively took steps to protect its systems, online shoppers experienced major disruption. Some personal data was breached, including contact details, dates of birth and online order history.

M&S said it reported the incident to relevant government authorities and law enforcement and continues to work closely with them. The M&S Chief Executive explained that the criminals had gained access to the retailer's systems via one of M&S's contractors, for example by posing as a staff member. Read an analysis of this cyber attack, including lessons for organisations, on p.10, and an analysis of the forthcoming Cyber Security and Resilience Bill on p.7.

The Data (Use and Access) Act is now on the statute books. As we are going to print, Royal Assent has been granted and secondary legislation will follow (p.1). This was a long legislative process starting with the attempts made by the previous government.

We will report in future issues on the various aspects of this new law which builds on the existing framework rather than radically departs from it. Also look out for our one-day conference in London on the new law on 1 October (p.14). Before that, we'll hear ICO and DSIT speakers talk about various aspects of the law, including how they will enforce it, at our 7-9 July conference in Cambridge (see p.14). You may register for in-person or online attendance.

The UK may be on its own after Brexit but in the data protection world we still look at the EU to understand the reactions of EU DPAs, particularly on novel subjects such as AI. Read on p.12 our correspondent's analysis of the recent fine on a chatbot AI and the aspects that will be worth noting for UK-based data controllers.

Laura Linkomies, Editor

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Do you wish to contribute to *PL&B UK Report*? Please contact Laura Linkomies, Editor (tel: +44 (0)20 8868 9200 or email: laura.linkomies@privacylaws.com) to discuss your idea, or offer to be interviewed about your organisation's data protection/Freedom of Information work.

solutions, specifically, the deployment and use of AI.

ACTION STATIONS!

As we all know, with any DSAR, being ready to jump into action is essential in order to maximise the short one-month time frame for response. Making sure you have tried and tested operational procedures in place is crucial. Even if you have never had a DSAR before, knowing in advance how you would handle one and who to ask to help with locating and retrieving data forming part of the DSAR can save you valuable days once the clock starts ticking.

You will also need to take all the practical steps that you would take for any DSAR, for example diarising the time limit and, if necessary, confirming the requester's identity and clarifying the scope of the request. In addition to this, there are some steps you can take to prepare for more complex/high volume DSARs which may make things run more smoothly should the situation arise.

Consider the timescale at an early juncture, remembering that you will need to tell the individual within the original timeframe if you intend to extend the time period for responding, providing defensible justifications for your decision to extend.

Assemble your internal team. If

your DSAR is an employee DSAR (which are perhaps the most common high data volume and most complex DSARs), engaging with legal and HR is a good idea (although if the situation is contentious you will need to consider the circumstances of the DSAR to determine the appropriate people to be involved. It is also likely that your IT team will need to be involved to help with the identification and collation of information).

Involve your external advisors as soon as possible. A quick email/phone call to a trusted advisor can help set the foundations for the DSAR, help you put things in motion and provide reassurance. We have found that if clients provide us with the exact scope of the DSAR, details of the types of documents involved in the search and the full context of the relationship with the data subject (including any ongoing disputes), this allows us to provide quicker, more accurate fee estimates to clients and to get started as quickly as possible.

Identify the risk/sensitivity associated with the DSAR. For example, if the DSAR relates to an ongoing contentious situation, legal professional privilege and the exemption in relation to negotiations may need to be considered alongside any other applicable exemptions for example, the third-party data exemption.

Identify who can provide technical support to assist with DSAR review.

When you engage with a third party, as you will be sharing personal data with them, you will need to ensure you are satisfied they can comply with applicable data protection obligations and appropriate data protection contractual terms are in place. Doing this whilst the clock is ticking on the DSAR may add unnecessary time pressure, so we recommend establishing this relationship as part of your documented DSAR procedure.

Another step which can be taken in advance of receiving a DSAR is to consider having criteria in place to ensure all DSARs are quickly escalated internally and dealt with at an appropriate level. Once the DSAR is identified, consider how you define a complex or large volume DSAR and the steps you will take to make those who are likely to receive a DSAR aware of the processes in place to deal with them. To ensure this process works efficiently it is critical to train teams and/or individuals on not only how to identify a DSAR, but how to identify what is "personal data" to ensure that the scope of the search for personal data does not lead to vast quantities of information which do not fall within the DSAR.

Implementing small but critical steps such as these can save hours of time when the review of the DSAR information commences. This will also keep costs lower, which is another worthy benefit.

DEPLOYING AI TO ASSIST WITH DSARS

For many years, providers have offered a number of non-AI based options to assist organisations in responding to DSARs. At the most basic level, software can be used to search for key words, restrict searches to specific time periods, thread emails to avoid duplicate email chains being reviewed and to remove duplicate information and documents, but as we will explore below, there are now more sophisticated and, dare we say, exciting ways in which these solutions can assist with DSARs.

To get a more holistic view of the current and potential future use of AI in the context of DSARs we called on the expertise of two companies that we have previously partnered with, Complete Discovery Source Inc. (CDS) and Consilio both of whom provide (amongst other things) traditional and AI enabled solutions to assist organisations responding to DSARs.

So how can AI help with DSARs? Both companies recognise that AI is most useful in the case of DSARs involving large volumes of information. Where there are small numbers of documents at play, AI may not offer benefits over and above human review. However, using a software tool for redacting documents is still more favourable than the “old” redaction pens!

A theme identified by both companies was that of an intelligent approach to data extraction and manipulation.

Donald Macdonald of Consilio acknowledges the role to be played by AI in selecting and performing redactions on data, noting that the use of AI “applies some consistency to the process”. This removes the issue with complex DSARs where many individuals are required to work on a DSAR, and inevitably human logic and decisions result in inconsistencies in the way in which exemptions are applied and documents are redacted.

In terms of audio and video content, Mark Anderson of CDS highlighted the use of transcription and facial recognition to enable effective searches, as well as the ability to translate information into English where this is needed, saving hours of manual review time in some cases.

Macdonald explained that solutions can potentially identify “themes of interest” which may be of real interest where the DSAR relates to a specific event or process, where the use of natural language queries and the results they produce can be contrasted with more traditional search methods.

GETTING THE MOST OUT OF AI ASSISTANCE

Anderson highlighted that the use of AI can create a more strategic approach to fulfilling a DSAR and offered some helpful tips:

- Find out what solutions are on offer. Anderson noted that “many vendors offer AI powered features that may not be fully utilised.”
- Apply quality control before hitting a live environment by running parallel tests in your data environment, comparing manual and AI assisted review, which was identified by Anderson as a “low risk way to evaluate performance.”
- Don’t forget to review the performance of the use of AI, reflect on lessons learned and the value brought to the process by AI, setting you up for increasing confidence in results.

WHAT POTENTIAL ADVANTAGES DO AI-ENABLED SOLUTIONS OFFER?

Speed and cost reduction were recognised as advantages and a uniformity in approach which may be missing from human review when handling DSARs.

Anderson also pointed out that there is “increasing evidence that AI, when properly trained and deployed can outperform human reviewers in terms of accuracy.”

Macdonald identified that natural language questions may lead to more intuitive responses from the data when compared with key word searches which frequently bring in large numbers of documents that are outside the scope of the request. Natural language and meaning based searches can also be helpful in identifying privileged and sensitive information within the data set that may need special consideration, allowing for a more nuanced approach.

DISADVANTAGES

The flipside to this, as acknowledged by both providers, is that, whilst AI is advancing at a significant rate, these

technologies are still in their infancy. Anderson identified a weakness in many AI models’ ability to draw inferences across documents rather than viewing them in isolation, something which a human reviewer is more readily able to do. Both organisations recognise the continuing need for quality control, from initial testing to human input in the review. Macdonald commented that the output “should be validated and signed off by the review team.” Quality control mechanisms should check that any use of AI has not inadvertently ignored relevant material and that all documents that have been identified from an AI search are correctly interpreted.

DATA PROTECTION IN THE USE OF AI

Before deploying AI to assist with responding to a DSAR, organisations will need to undertake testing to ensure they are confident that the output will be accurate. Organisations will also need to check whether data that is input into the platform is being used by the platform provider for their own purposes (for example to train their model to continue to improve their products) and assess any risk that data could enter into the public domain through training processes. A full and effective risk analysis based on the particular use case and the circumstances of the DSAR in question, should therefore be undertaken, taking into account applicable data protection and AI regulations.

Organisations will need the assistance of the platform provider for this task. Companies operating in this space should be familiar with data protection and AI related enquiries and should therefore be able to provide information needed to justify the approach taken when deploying AI for such purposes.

THE FUTURE

So what does the future hold for AI assistance when handling DSARs?

Anderson predicts a shift from a fully assisted human review process to end-to-end automation, envisaging a situation where one can “input a plain-language explanation of the request specifying scope, subject, timeframe and have the system automatically

identify relevant documents, perform redactions, exclude third-party data, and generate a disclosure-ready bundle for release.”

Both interviewees anticipate that AI will have increasing accuracy as the technology develops which, as anyone who has spent some time using large language models can attest, seems to be happening at pace.

Macdonald considers an area in which AI could assist in future is in “targeting documents before extraction from the source applications to avoid large volumes of irrelevant material being pulled and reviewed” and the use of natural language prompts to identify privileged/sensitive or confidential information which may need consideration prior to disclosure.

We also wonder if AI may have a

role to play in the provision of information in a meaningful manner. The ability to digest and summarise large quantities of technical data could prove useful in situations where simply providing the raw data would not provide meaningful information to the individual.

Whilst it is still early days, there certainly seems to be potential for significant time and cost savings and it is only through this phase of trialling, reviewing, refining and testing that we can hope to make these tools more useful in the long run.

Even if you have no immediate plans to use AI to assist with responding to DSARs, it is advisable to get familiar with and keep abreast of the changes in these technologies, to understand the risks and the benefits

associated with them and to know what your obligations are in respect of deploying them.

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