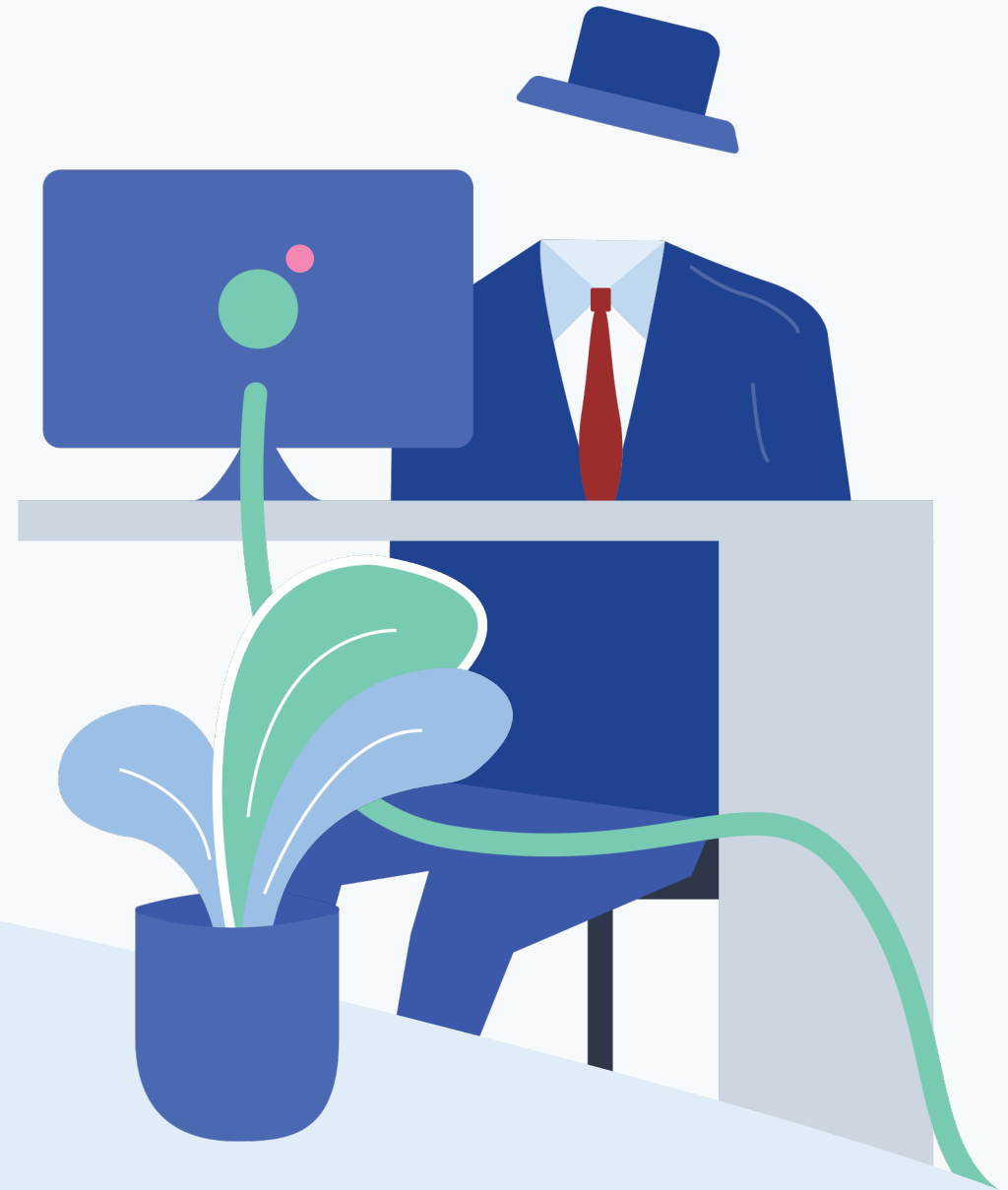
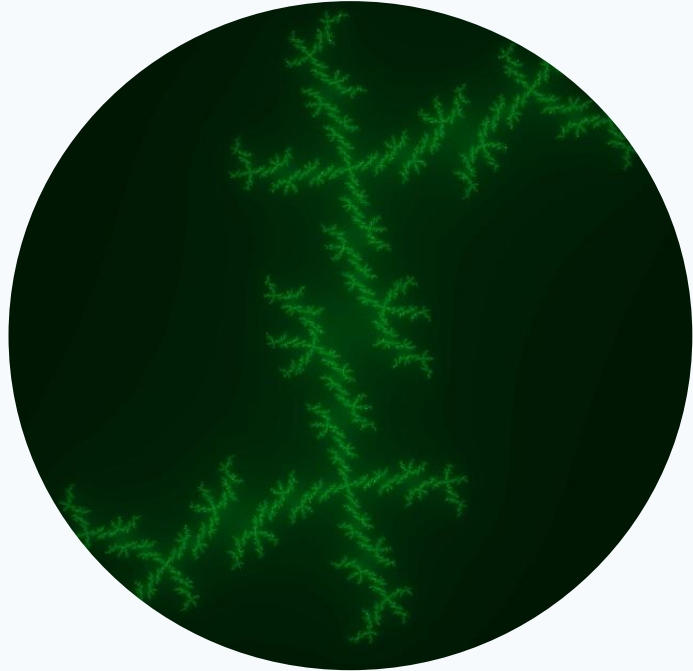


You have a right to privacy.

How the GDPR protects your data and how you can make use of it (using datarequests.org).

 **Datenanfragen.de e.V.**





Lorenz (@zner0L)

Chairperson of Datenanfragen.de e. V.

- Student of physics
- Interested in computers since primary school
- Reach me at lorenz@datenanfragen.de
PGP-Key: 5B50 D7A0 7585 26D4 55AA F305 DFAF 12BB 4C44 A6EF

NOT A LAWYER

I will sometimes be using language directly from the GDPR. Ask, if there's something you don't understand.

 <https://www.datarequests.org/blog/gdpr-cheat-sheet/>

A short introduction to the GDPR

Photo adapted after: "[open book lot photo](#)" by Patrick Tomasso (Unsplash license)

What is the GDPR?

- General Data Protection Regulation
- Unification of European privacy law
- In force since March 2018
- Establishes strong rights to protect your personal data


“Your worst nightmare” according to corporate lawyers

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The Nightmare Letter: A Subject Access Request under GDPR


Published on March 9, 2017




Constantine Karbaliotis

Counsel at nNovation LLP; priv...


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210



94

I had drafted a letter a few years ago detailing the worst kind of personal information access request that a Canadian company could receive under PIPEDA. I thought it might be useful to update that as a subject access request under GDPR, and present it as a worst-case situation (with thanks to Paul Breitbarth for reviewing this and offering some insights from a regulator's point of view). You might simply use this to make a case to your organization about what it could potentially receive.

A more interesting use would be to use this letter for a table-top exercise, similar to those used for data breaches, to see how your organization would respond. It might be very entertaining to have this kind of letter actually sent by a friendly party to your own organization to see exactly how it would be responded to - would the privacy office get alerted? How would the organization respond to someone knowledgeable about both the law and the technologies being used to support data management? Edit as appropriate to create the nightmare of your choosing. A future installment will address the nightmare of rectification, erasure and portability :-).

<https://www.linkedin.com/pulse/nightmare-letter-subject-access-request-under-gdpr-karbaliotis>

Where is it applicable?

- the GDPR is applicable in all countries of the EEA and all places where their laws apply (ships/airplanes/embassies)
- mostly independent from national law
- Does the GDPR apply to company X?
 - Does it process personal data and
 - Does it have offices/a store (an “establishment”) in the EU? -> yes
 - Are you in the EU and is the company intending to process your data? -> yes

> <https://www.datenanfragen.de/blog/dsgvo-raeumlicher-anwendungsbereich/> (DE)



Your rights

The GDPR introduces and clarifies a lot of **rights** for **data subjects**. We will focus on 3 of them.

Right to data access



You have the right to access the personal data that a controller has **stored** or **generated** on you.

They also need to tell you **why** and **who** has access to the data.

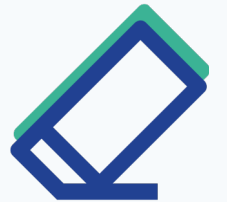
And it needs to be provided **portably**.

Right to rectification



If the personal data a controller has on you is wrong, you have the right to **correct** it.

Right to be forgotten



If you no longer consent to the processing of your personal data and there is no other legal basis to do so, the data has to be **deleted**.

Making use of your rights

How do we now make use of those
rights? (we are informed of them all the
time)

Quite a challenge...

1. **Research** the correct contact
2. **Write** your request
3. Find out what **information** will sufficiently identify you
4. **Send** the request
5. Act on **follow up**/send warnings
6. **Receive** (some) **data** the controller has on you
7. Lodge a **complaint**/go to court

Making it simpler.

1. Go to **datarequests.org** and generate the request
2. **Send** the request
3. Act on **follow up**/send warnings
4. **Receive** (some) **data** the controller has on you
5. Lodge a **complaint** via **datarequests.org**



Project overview: The gears that make it work

Photo adapted after: [“gold and silver round accessory”](#) by [Laura Ockel](#) (Unsplash license)

```
Open  datenanfragen.json  Save  ~/.coding/git-repos/D...
1 {
2   "slug": "datenanfragen",
3   "relevant-countries": [
4     "all"
5   ],
6   "categories": [
7     "nonprofit"
8   ],
9   "name": "Datenanfragen.de e. V.",
10  "runs": [
11    "Datenanfragen.de",
12    "datarequests.org"
13  ],
14  "address": "Schreinerweg 6\n38126
Braunschweig\nDeutschland",
15  "phone": "+49 531 209299 35",
16  "fax": "+49 531 209299 36",
17  "email": "datenschutz@datenanfragen.de",
18  "web": "https://verein.datenanfragen.de",
19  "sources": [
20    "https://verein.datenanfragen.de/-
datenschutz"
21  ],
22  "suggested-transport-medium": "email",
23  "comments": [
24    "PGP-Key: CC13 973A F8FD 11D1 4D94 98A8
0269 92F0 CF2C BB2E (https://www.datenanfragen.de/-
pgp/CF2CBB2E.asc)"
25  ]
26 }
27
JSON  Tab Width: 4  Ln 28, Col 1  INS
```

Database

- 1365 company entries
- all hand picked and researched
- entries contain:
 - privacy specific **contact information** (to prevent sensitive data being sent to helpdesks)
 - required identification information
 - **other names/brands** the company is the responsible controller for
- supervisory authorities contain:
 - contact information
 - PGP keys

Database

- **JSON** files in a GitHub repo: [datenanfragen/data](#)
 - Company suggestions and corrections as automatically generated issues
 - Tedious to maintain, but very simple to host
- Search is currently done with [Typesense](#) but we are switching to [Xapiand](#)

Templates

- supported request types:
 - *access* (Art. 15) and *data portability* (Art. 20)
 - *rectification* (Art. 16)
 - *erasure* (Art. 17)
 - *direct marketing objection* (Art. 21(2))
- mostly **translated** to: German, English, Greek, Spanish, French, Italian, Dutch and Portuguese
 - > aimed at the whole of Europe

1 To Whom It May Concern:

2

3 I am hereby requesting access according to Article 15 GDPR. Please confirm whether or not you are processing personal data (as defined by Article 4(1) and (2) GDPR) concerning me.

4

5 In case you are, I am hereby requesting access to the following information pursuant to Article 15 GDPR:

6 1. *all* personal data concerning me that you have stored;

7 2. the purposes of the processing;

8 3. the categories of personal data concerned;

9 4. the recipients or categories of recipient to whom the personal data have been or will be disclosed;

10 5. where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

11 6. where the personal data are not collected from the data subject, any available information as to their source;

12 7. the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) GDPR 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 me.

13

14 If you are transferring my personal data to a third country or an international organisation, I request to be informed about the appropriate safeguards according to Article 46 GDPR concerning the transfer.

15 [data_portability>

16 Please make the personal data concerning me, which I have provided to you, available to me in a structured, commonly used and machine-readable format as laid down in Article 20(1) GDPR.

17]

18 My request explicitly includes [runs>the following as well as]any other services and companies for which you are the controller as defined by Article 4(7) GDPR[runs>: {runs_list}].

19

20 As laid down in Article 12(3) GDPR, you have to provide the requested information to me without undue delay and in any event within one month of receipt of the request. According to Article 15(3) GDPR, you have to answer this request without cost to me.

21 [has_fields>

22 I am including the following information necessary to identify me:

23 {id_data}]

24 If you do not answer my request within the stated period, I am reserving the right to take legal action against you and to lodge a complaint with the responsible supervisory authority.

25

26 Yours sincerely,

Templates

- **custom templates** for specific controllers (e.g. the German catholic church)
- **.txt files** in [datenanfragen/data](#)
 - sorted in folders for languages and type by file name
 - basic formatting and conditional content
- Converted to OpenOffice, Word and PDF templates (very popular)
 - <https://www.datarequests.org/sample-letters>

Request generator

- generates requests from the templates
 - you can choose the controller to address
 - the required identification data is suggested
 - previously used identification data is pre-filled
 - supported formats: letter and fax (PDF) and email (mailto link)

Conflict in the UX design:

Easy and clean

VS.

Adaptable and customizable

- ⇒ a lot is prefilled and we use sensible defaults
- ⇒ everything can be overwritten

Request generator: Technical background

- we do everything (except for the search) **client-side**
 - be a role model for **data minimization**
 - best not be responsible for sensible personal data
 - allows the users not having to trust us
 - disadvantage: not portable
- all our content is statically generated by [Hugo](#) and served via [Netlify](#) (except for large files)
- JS for everything else:
 - UI with [Preact](#)
 - PDFs with [pdfmake](#)
 - persistence with [localforage](#)

Batch wizard

- A *lot* of entities control my personal data
- **Who even has my data?**
-> list of “suggested companies”
- identification information is filled automatically
- generator is **simplified** to make it easier to simply click-through

“My requests” feature

- overview of **past requests**
- generate **warnings** and formal **complaints**
- set your **calendar** to be reminded of expiring deadlines

Informational material

- Appropriately reacting to responses (unfortunately) requires a lot of knowledge
 - teach people basic knowledge about their rights
 - answer common question about the GDPR (including our own)
- We try to collect interesting consumer related developments in GDPR-related jurisdictions
- Print material (flyers) can be ordered for free
 - <https://www.datenanfragen.de/verein/material> (DE)



A person with long blonde hair is sitting at a desk, writing in a spiral notebook with a black pen. On the desk, there is a laptop, a white mug, and some papers. The background is slightly blurred, showing a window and some office equipment. The overall scene is a typical office or workspace setting.

The community behind the project

Photo adapted after: "[startup meeting brainstorming](#)" by [StartupStockPhotos](#) (Pixabay License)

Association

- Datenanfragen.de e. V.
- owns the assets and receives donations (*hint*)
 - <https://www.datarequests.org/donate>
- why?
 - (financial) independence
 - tax privileges for non-profits
 - transparent organization is easier
 - purposes are codified in the constitution
- all passwords, files etc. are separate from our private stuff, so they are easily transferable

Where we need help

- We would love to have **real lawyers** support us so that we could offer legal advice
- **Planned features** we need help with:
 - Response generator that helps you react appropriately
 - Improved request management and saved correspondence
 - Wizardy UX for the generator
 - Straightforward design of the frontpage
 - Data minimizing telemetry
 - Support for web forms as transport medium for requests

Where we need help

- Write or translate some **blog posts**
- **Translate** everything to all languages in the EEA
- Add companies and collect suggested companies for more countries
- **Spread the word!**

Do let us know if you have any
ideas, feedback, suggestions, etc.!

Where and how to contribute

- <https://www.datarequests.org/contribute>
- Send your PRs to github.com/datenanfragen
 - companies (look in the [datenanfragen/data](#) README)
 - code (mainly [datenanfragen/website](#))
 - articles ([datenanfragen/website](#))
- At [Weblate](#)
- dev@datenanfragen.de
- [#dade-dev:matrix.altpeter.me](https://matrix.altpeter.me/#dade-dev)

How to stay in touch

- Email us at dev@datenanfragen.de
- Follow us on Mastodon and Twitter
([@DatenanfragenDE](https://mastodon.social/@DatenanfragenDE) / [@datarequestsORG](https://twitter.com/datarequestsORG))
- Read our newsletter (currently for [members](#) only)
- Subscribe to our [RSS feed](#)

And that's it.

Recording and slides will be published (soon).
Look for them at datarequests.org/verein/event.

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