

# How to use eDiscovery platforms for subject rights request workflows

Learn how eDiscovery processes and tools can contain the cost of subject rights requests, meet deadlines and reduce the risk of fines



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## eDiscovery workflows for subject rights requests

Data privacy laws have rapidly transformed how organizations manage personal data and interact with their customers who own that data. Containing the costs of Data Subject Access Rights (DSARs) in the European Union and Subject Rights Requests (SRRs) in the United States is top of mind for many organizations. Data privacy and compliance managers are losing sleep trying to figure out how to collect, review and produce the data to fulfill subject rights requests from customers and employees within the tight timelines—without stretching already thin resources or budgets.

This ebook describes the key criteria of subject rights requests and the particular challenges raised by subject rights requests from past and current employees. This ebook will also present a guide for subject rights requests following an eDiscovery workflow tailored to subject rights requests.





## Before we get into the details of subject rights requests... Why are we talking about eDiscovery?

According to IDC, “data subject access requests... follow identical workflows to that of litigation response. The right eDiscovery provider will be able to quickly and effectively respond to data subject access requests and protect the organization from related compliance violations.”<sup>1</sup>

eDiscovery tools cast a wide net into large volumes of data across numerous sources to find the relevant data for an investigation, litigation or regulatory compliance matter. To do this, automated culling and analytics remove much of the irrelevant data and predictive tools and technology-assisted review then quickly isolate and produce the relevant data from within the narrowed review set.

However, many organizations deploy a tedious process of searching for and collecting just the relevant data one source at a time for subject rights requests. The average cost can exceed \$2,000 per request with employee-initiated requests typically the most costly.

To avoid costs and time, eDiscovery platforms such as [OpenText™ Axcelerate™](#) and [OpenText™ Insight™](#) can be used to fulfill subject right request.

(1) IDC, “Worldwide eDiscovery Software Forecast, 2019–2023”, 2019.



## Data privacy rights defined

Data privacy regulations entrench the right of individuals to own their identity and the data that defines it. Data privacy laws provide us with two related sets of rights: (1) natural rights to know how our personal data is used, retained and shared before we agree to provide it, and (2) executable subject rights requests to demand that specific actions are taken regarding the personal data that organizations hold.

### Subject rights requests include the right to:

- Know what personal data an organization has on us
- Instruct organizations to fix errors in our data
- Demand that our personal data is deleted when there is no business purpose for it
- Order the organization to transfer our personal data to ourselves or third parties

Compliance with subject rights requests is a regulatory imperative.

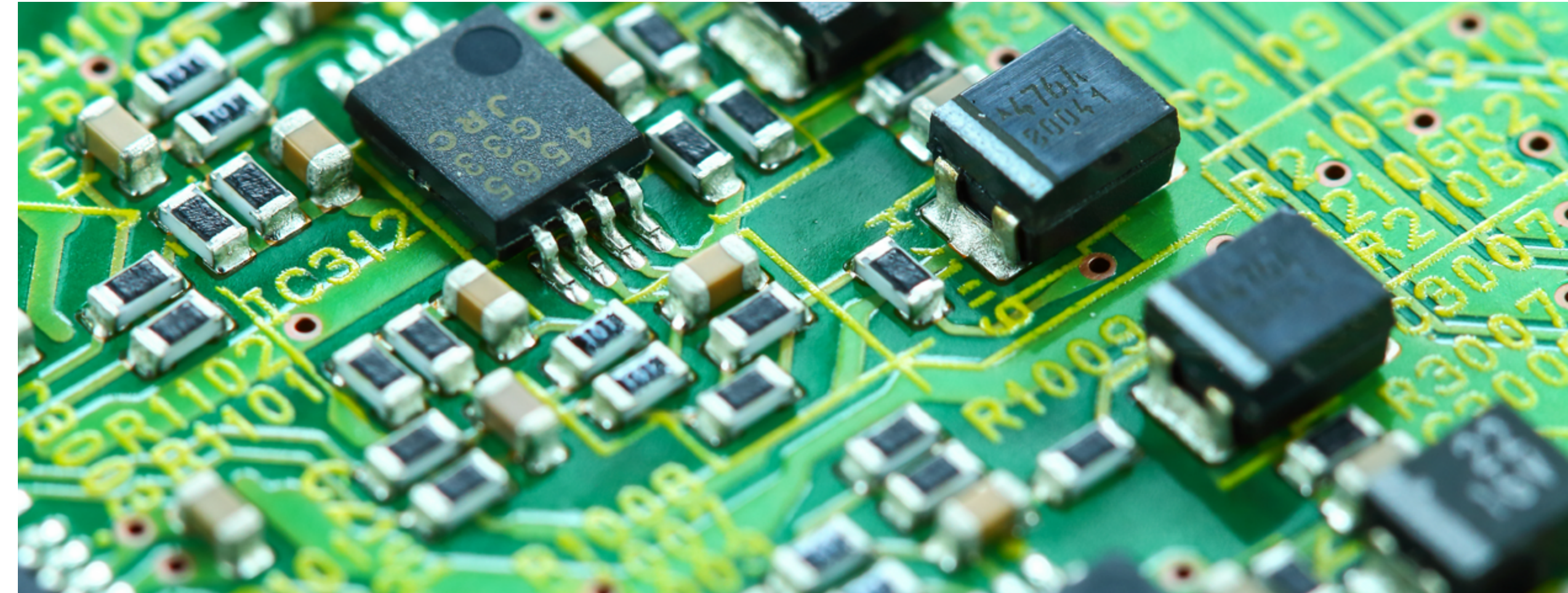
[\\$124 million in fines](#) have been levied for non-compliance with subject rights requests under the GDPR.





## Why are subject rights requests so hard?

- Very short response timelines - 30 days (GDPR) or 45 days (CCPA) from date of request.
- Data collection is a big hurdle - numerous dispersed systems, varied formats, unwieldy formats such as chat, and potentially large volumes.
- Can overlap with other people's personal data that must be removed or redacted.



## Why are subject rights requests from employees the hardest of all?

- Typically involve the largest volumes of data across the widest array of systems in numerous formats.
- More likely to be intermingled with other employees' data that must be found and redacted.

**The following describes the tools that are used, how large volumes of data are funneled down and how eDiscovery platforms provide an effective workflow for subject rights requests. Analytics, automation and the ability to easily find and redact other people's data are also essential capabilities.**





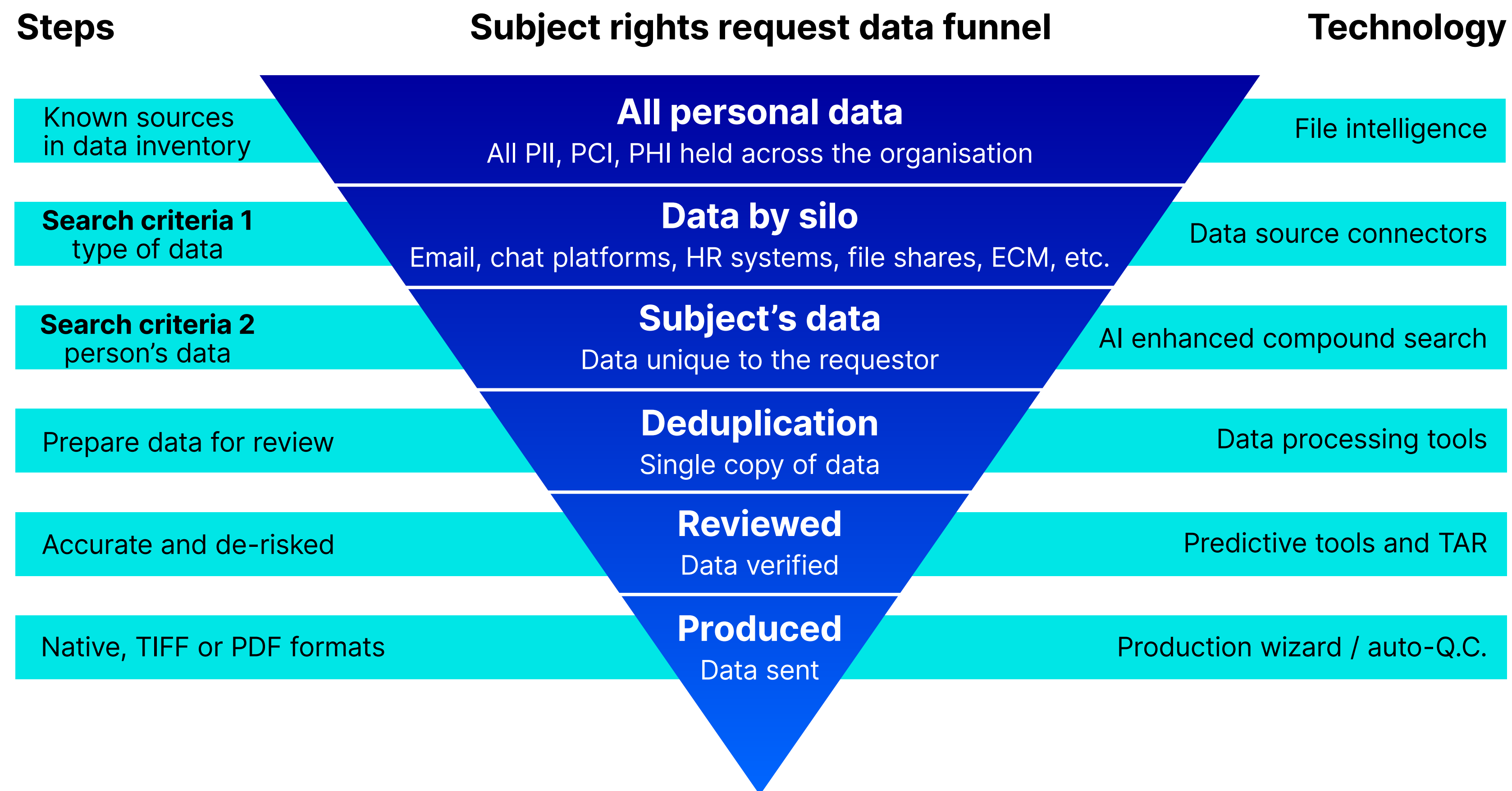
# eDiscovery platforms should include all of the following features to support subject rights requests

Data source connectors	Provides data privacy staff with immediate access to data wherever it resides in whatever format
Automated deduplication	Reduces data to single copies to narrow the volume for review
Smart filters	Provides compound concurrent search to quickly isolate relevant data
Automatic entity identification	Automatically shows the names of third parties that overlap with the requestor’s data
Robust redaction tools	Automates the ability to redact the names and data related to third parties to not infringe on their data privacy rights
Predictive filters and Predictive Search	Uses relevant data to automatically find similar data to help assure inclusivity
Technology-assisted review (TAR)	Expedites the review process to isolate the relevant data via continuous machine learning
Automated production	Streamlines the effort to produce the requestor’s data in compliant formats – redactions are automatically QC’d

These technologies are more reliable than manual efforts in uncovering hidden data to help avoid inadvertent compliance errors.

# How eDiscovery tools home in on relevant data

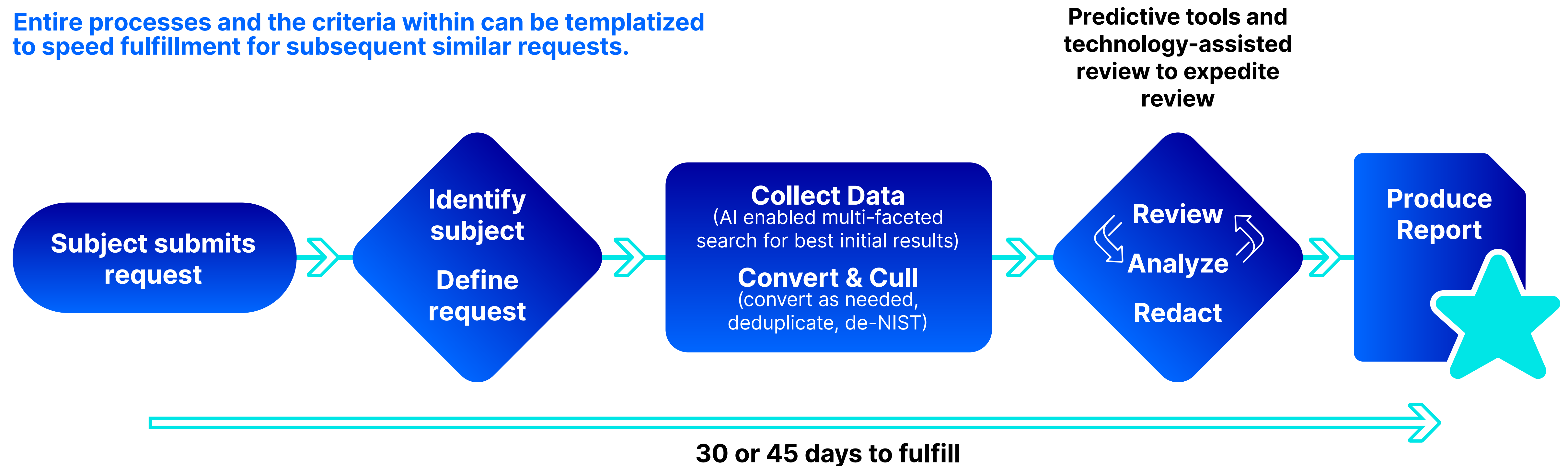
Automated workflows narrow the volume of data that needs to be reviewed by 90% or more.





## Subject rights request workflow

Entire processes and the criteria within can be templated to speed fulfillment for subsequent similar requests.





## Conclusion

Collecting, culling, reviewing and producing the volume and variety of data involved in subject rights requests is simply impractical through manual methods particularly for requests from past or current employees.

Automation and streamlined workflows are key to avoiding subject rights requests fines and loss of goodwill. They are also essential to meeting stringent deadlines and containing the cost of compliance.

eDiscovery tools and workflows naturally align to subject rights requests because they address the same core problems of finding the relevant data buried within numerous dispersed systems in numerous formats. The speed and precision of eDiscovery tools and workflows also address the critical challenge of fulfilling subject rights requests at scale within the tight timelines.



Watch the webinar from OpenText World 2020 – **Be more proactive in handling employee DSARs at scale**



## Read the whitepaper

Efficient data privacy compliance using eDiscovery workflows

Contact us to discuss your particular needs

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