

CASE STUDY



ADVISING A LAW FIRM ON A SUBJECT ACCESS REQUEST FROM A NON-CLIENT, WHERE MOST OF THE DATA WAS LEGALLY PRIVILEGED

Challenge

Our client, a UK law firm, received a data subject access request (DSAR) from an individual who had never been the firm's client, but who had attended meetings with those who were. The DSAR was wide-ranging and made against a background of ongoing disagreement between the requester and the law firm's clients. It was possible any response would be closely scrutinised and in time shared with a court or the UK data protection regulator, the Information Commission's Office (ICO).

The background to this DSAR made it more complex than usual. The firm held personal data about the requester. However, almost all of it formed part of legal advice provided to the firm's own client and was therefore protected by both legal professional privilege and by the firm's duty of confidentiality to its clients as solicitors. Disclosing too much information could potentially have exposed the firm to complaints from its clients or wider breaches of its professional obligations. Disclosing too little or relying on the legal privilege exemption in blanket terms would also have risked a complaint to the ICO, and criticism that the firm had simply used privilege as a shield.

The firm had limited time to respond as the statutory clock had already started.

Solution

We were instructed early, which meant that we could help our client to shape the response process from the outset. We helped them:

- Confirm the relevant response deadlines, advising in relation to the firm's ability to pause the clock while it sought appropriate clarifications.
- Adopt a reasonable and proportionate search methodology, advising on appropriate search parameters and how the firm should evidence its approach in case of challenge.

(continued...)

Leading UK law firm - client testimonial

"It became immediately clear that these DSARs are time consuming and stressful. Pritchetts' approach took a lot of that stress away. Pritchetts understood the problem immediately, helped us to apply the privilege exemption properly rather than take a blanket approach, and left us with a clear audit trail that we could stand behind if the request had gone any further. Responsive, commercial and extremely good value. We wouldn't hesitate to recommend them."

Partner on Confidential Matter, September 2026

You can find out more by [emailing us](#), or calling us on 0117 307 0266

Solution (continued)

- Apply the legal professional privilege exemption under the UK data protection legislation to appropriate data sets, rather than taking a blanket approach.
- Consider the rights of third parties, understanding the need to balance a requester's right of access against the rights of the firm's own clients and of other third parties identified in files.
- Prepare communications at various stages of the process.
- Record an audit trail of decisions made.

Impact

Our client firm responded in full and within the statutory deadline. It disclosed what the requester was entitled to receive, withheld what it was entitled to withhold, and was able to explain the difference in reasoned terms. Its duty of confidentiality to its own clients was preserved throughout, so that no privileged material was released.

Perhaps just as importantly for our client, the firm's partners were able to stay as focused as possible on their own fee-earning work, while we helped support some of those trickier aspects of the request.

Our client was particularly pleased with our approach, removing significant stress from the process. Our client will also be well prepared to manage future requests of this nature.