	Procedure for handling data subjects requests

Overview

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1. Objectives

Data Subjects, including employees of MSLA, are granted specific rights regarding the processing of their Personal Data as further defined in the Privacy Policy.

When acting as Data Processor, MSLA shall ensure that any request or complaint from Data Subject in relation to the exercise of their rights ("Requests") is addressed in a timely manner as defined hereunder, in order to comply with the Privacy Policy and Applicable Data Protection Legislation. However, this shall only apply where MSLA actually processes the requested information.

This document describes how MSLA shall handle a Data Subject's Request where MSLA acts as Data Processor (stakeholders, steps and timeline).

In most cases, a Request from an individual (e.g. a client´s end user) will fall within the following situation:
- The processing conditions are not compliant with the Applicable Data Protection Legislation (e.g., data not used, stored and/or encrypted in accordance with the local applicable law);
- The individual would like to exercise his/her privacy rights according to the Applicable Data Protection Legislation such as:
  - Accessing the Personal Data relating to him/her and processed by MSLA on behalf of the Client he/she entered into a relation with;
  - Obtaining rectification, deletion or suspension of any inaccurate or incomplete Personal Data relating to him/her, or which is no longer processed for a valid or appropriate purpose;
  - Objecting to the processing of his/her Personal Data at any time, unless such processing is required by applicable law, provided that the individual demonstrates that he/she has a legitimate ground to object as it pertains to his/her particular situation; and
  - Receiving his/her Personal Data in a structured, commonly used and machine-readable format.

Even if such individual does not have a direct into relationship with MSLA, there may be cases where MSLA receives a Request directly from the individual and/or is asked by the Client to handle the Request on its behalf. MSLA shall in any case refer to the engagement with the Client to check whether specific conditions apply as to the handling of the Request (e.g., interdiction to communicate directly with the Data Subjects etc.).

As a consequence, the cost and technical impacts of the Request must be anticipated and addressed at the beginning of each engagement.

2. Procedures

MSLA, acting as a Processor, is not responsible for informing Data Subjects of their rights in relation to Personal Data. Unless otherwise determined by applicable laws and regulation, such obligations are the responsibility of the Data Controller. Notwithstanding the above, MSLA is committed to provide sufficient guarantees by implementing appropriate technical and organizational measures in such a manner that processing of Personal Data on behalf of the Data Controller will meet applicable requirements and ensure the protection of the rights of the Data Subject. Therefore, the procedures below apply where MSLA acts as Data Processor on behalf of a Data Controller.

Since, it cannot formally be excluded that a Data Subject would send his/her Request directly to MSLA, two different cases have to be considered.

2.1. Request directly received by MSLA

2.1.1. Internal communication

Any employee or workforce of MSLA receiving a Request in relation to Personal Data that MSLA processes as Data Processor (e.g., on behalf of its Clients) must immediately be communicated to the Data Protection Officer ("DPO") of such Request.

As a matter of efficiency, such Request can also be communicated to the DPO through the following email: privacy@mslainternational.com

The latter will then allocate the Request no later than 1 working day after receipt thereof.

The information provided by the employee or workforce of MSLA must at least specify the following information:
- Name of the local manager in charge of the Client account;
- Copy of the Request; and
- Name of the Client the Data Subject's relates to.

2.1.2.   Transfer of the request to the client

Once it receives such Request, MSLA, will draft a communication to the Client about the Request. Such communication must (1) be sent by MSLA to the Client, in cooperation with the local country manager; and (2) no later than 2 working days after receiving the Request.

2.1.3.   MSLA assistance to the client

At the same time, MSLA shall assess and verify if actually processes the Personal Data of the Data Subject addressing the Request.

No answer shall be provided without Client's instructions

Should the Client allow MSLA to handle the Request on its behalf, MSLA shall determine with the Client whether the Client itself or MSLA shall acknowledge receipt of the Request and inform the Data Subject of MSLA's role in the processing of his/her Request.

Unless otherwise expressly instructed by the Client, MSLA shall not enter into contact with the Data Subject during the entire procedure.

2.2. Request sent by the data controller to MSLA

2.2.1.   Internal communication

Any employee or workforce of MSLA receiving a Request from a Client in relation to Personal Data that MSLA processes as Data Processor (i.e. on behalf of its Clients) must immediately be communicated to the DPO of such Request.

Where a Client sends to MSLA a Data Subject's Request regarding the processing of his/her Personal Data to handle, MSLA shall acknowledge receipt thereof to the Client no later than 2 working days after receiving such Request.

No later than 5 working days after the reception of the Request, MSLA must verify the extent to which it can address and handle the Request.

2.2.2. Request assesment

Upon receipt of a Request, either directly from the Data Subject or from the Client, and subject to the provisions and steps described in this Procedure MSLA shall ensure and verify that he/she has all information necessary from the Client and the Data Subject to address his/her Request, in particular:

- Does the provided information allow MSLA to identify the Data Subject? (i.e. Name and first name of the Data Subject);
- Description of the context in which the Personal Data was collected (if possible)
- Is MSLA authorized to handle the Request on behalf of the Client?
- What is the nature of the Request? (access, deletion, opposition, rectification, portability)
- Does the Client consider the Data Subject's Request reasonable?
- Is it technically possible to address the Data Subject's Request (given in particular the volume of data at stake)?
- Do MSLA have enough information regarding the scope of the Request? (geographical and material scope, Approximate date the data was collected;)
- Does the Data Subject already have possession or easy access to the requested Personal Data?
- Does the Request include information which is not in a clear format for Data Subjects? If yes, make sure you explain the codes so that the information can be understood.
- Are third parties involved in the processing of Data Subjects' Personal Data within the scope of the Request?
- Would the handling of the Request imply that third parties' Personal Data would need to be communicated to the Data Subject? If yes, is it possible to only extract the Personal Data of the requestor, with reasonable efforts and without a risk for the third parties' Personal Data?

Noteworthy, the gathering of such information must be limited to what is currently available within MSLA. No additional information will be collected.

MSLA shall refrain as much as possible from communicating with the Data Subject even if required by the Client. Where such request is sent to MSLA, MSLA shall first discuss with the Client the real opportunity to have MSLA entering directly into contact with the Data Subject. If MSLA accepts direct contacts with the Data Subject, MSLA must inform the Client that the latter retains the entire responsibility vis-à-vis the Data Subject for handling in due course such Request.

2.2.3. Answer type identification

MSLA shall make sure that it examines the information provided by the Client and by the Data Subject within 8 working days from the time it receives the Request to determine if:
- He/she has the appropriate information to handle the Request; and
- He/she considers that the Request is reasonable (as opposed to a Request with no proof of the Data Subject identity, an excessive demand resulting from repetitive Requests, Request of Personal Data already deleted according to the retention period, Requests on behalf of others, etc.)

Three cases are then possible. These are as follow:

2.2.3.1. *Case 1*

Where the information provided by the Data Subject is not sufficient to handle the Request, MSLA shall send a request for additional information to the Client no later than 2 working days after receiving the Request.

Where the Request is too complex, and subject to compliance with any legal requirement, the timeline of the response may be extended up to 20 working days, subject to documentation of the assessment of the complexity by MSLA.

2.2.3.2. *Case 2*

Where MSLA considers on initial assessment, that the Request may not be reasonable, he/she shall not immediately close the case. MSLA shall reply to the Client within 10 working days after receiving the Request, by asking the Client to provide additional information as to why the Data Subject intends to exercise its rights.

Upon receipt of additional information, where MSLA still considers that the Request addressed by the Data Subject is not reasonable, MSLA shall document why it considers the Request is not reasonable and shall ensure, after approval of the DPO in writing, to reply to the Client or Data Subject, if expressly instructed by the Client, no later than 15 working days after receiving the additional information.

The response shall include the reason for not taking an action and the possibility for the Data Subject to lodge a complaint with a data protection authority and seek a judicial remedy. The wording of such response shall be validated by the DPO and the Client.

Where MSLA considers that, based on the additional elements, the Request can be handled it shall ensure that it addresses the request within the above mentioned 15 working days and shall inform the DPO accordingly.

2.2.3.3. Case 3

Where information provided by the Client and/or the Data Subject is sufficient, MSLA shall make sure that it responds to the Request, pursuant to the instructions of the Client, within 3 weeks from the receipt thereof and duly informs in writing the DPO about the timing and content of the response so provided.

2.2.4. Escalation process

In the case of a complaint received directly from a Data Subject as to how its Request has been addressed, whether during or after the response has been given, MSLA shall ensure that it shares with the Client and the DPO the matter, no later than 3 working days after receiving the Data Subject's complaint.

For each of the above steps, and where necessary to handle the case appropriately, MSLA shall be ready to cooperate with the DPO by providing the latter with any relevant information in relation to the matter and inform the Client of the handling of the procedure.

The Data Protection Officer's guidance shall be binding. However, the DPO shall not enter into contact directly with the Data Subject, unless expressly required by the Client and MSLA.

2.2.5. Refusal of a request

Although MSLA is committed to handling Data Subjects' Requests efficiently, under certain circumstances as defined below, MSLA may be entitled not to accept the Client or Data Subject Request.

MSLA can oppose the Client's or Data Subject's Request, where agreeing to the Request would imply that the following information would be shared:
- information covered by the legal privilege;
- information which MSLA is legally forbidden to communicate; and/or
- information MSLA is processing during the course of an ongoing investigation or pending litigation procedure.

Where there is a conflict of privacy, Personal Data may be redacted before it is shared with the Client or the Data Subject.

In addition, in case of a Request received from the Client regarding a Data Subject opposing the further processing of his/her Personal Data and/or asking for the deletion of his/her Personal Data, MSLA may refuse to grant such Request where legal obligations prevent MSLA from doing so or where MSLA has an over-riding legitimate interest. This shall be assessed on a case by case basis and referred to the DPO for a final decision before the Client or the Data Subject is informed.

2.2.6. Refusal of a request on Client´s behalf

If the Client requires MSLA to handle the Request on its behalf, the following rules shall apply when MSLA communicates with the Data Subject.

Under no circumstances and unless otherwise expressly instructed by the Client, shall MSLA enter into contact with the Data Subject during the entire procedure. Even if required by the Client, MSLA shall refrain as much as possible from communicating with the Data Subject.

When communicating with the Data Subject, MSLA shall cooperate with the Data Subject and address any Request in a timely manner. All communication shall be provided using clear and plain language, in an intelligible, concise, easily accessible and understandable form.

The information to be provided to Data Subjects shall be accurate and limited to (i) what the Data Subject has requested and (ii) the list of information that may be provided by a Data Controller according to the Applicable Data Protection Legislation.

As a general rule, MSLA shall not apply fees for reasonable Data Subject Requests. However, under certain circumstances, in particular where the handling of the Request would imply important efforts from MSLA, reasonable fees, subject to a national maximum according to applicable laws, may apply provided that the Data Subject is informed about such fees in advance.