

London Partner Rob Dalling Examines When Companies Can Refuse DSARs in New *Law360* Article

News

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In an article for *Law360*, London Partner Rob Dalling examines the European Court of Justice's recent ruling in *Brillen Rottler GmbH & Co. KG v. TC*, which provides important clarification on when businesses are entitled to decline to respond to a data subject access request under GDPR. Rob sets out the background to the decision, analyses the court's findings, and identifies key takeaways for businesses and lawyers.

Rob discusses how the judgment confirms that even a first DSAR may, in certain circumstances, be treated as excessive or abusive, particularly where the data subject's motivation is not to genuinely exercise their data protection rights, but to manufacture a basis for a compensation claim. He notes that businesses may rely on publicly available information about a data subject's conduct to support a decision to decline, but stresses that the burden of proof rests with the data controller and that a proper evidential record must be maintained. He also highlights the court's confirmation that data subjects acting in bad faith may be found to have broken the causal link required to sustain a compensation claim.

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Rob has significant experience in data privacy matters, having acted for clients in regulatory enforcement action before the UK Information Commissioner's Office, as well as advising on a wide range of data privacy issues including DSARs, data privacy notices, and international data transfer issues.

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