

Data Access Requests Under Article 15 GDPR - Insights from legal practice

Susan Lipeyko (Taylor Wessing)

Mirjam Lück, LL.M. (BAUMGARTNER BAUMANN Rechtsanwälte)

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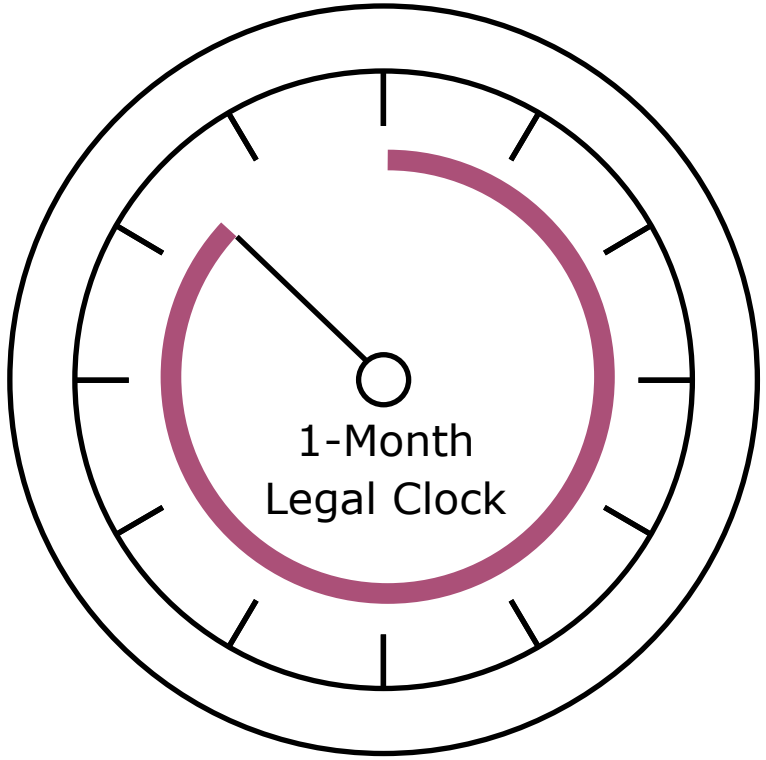
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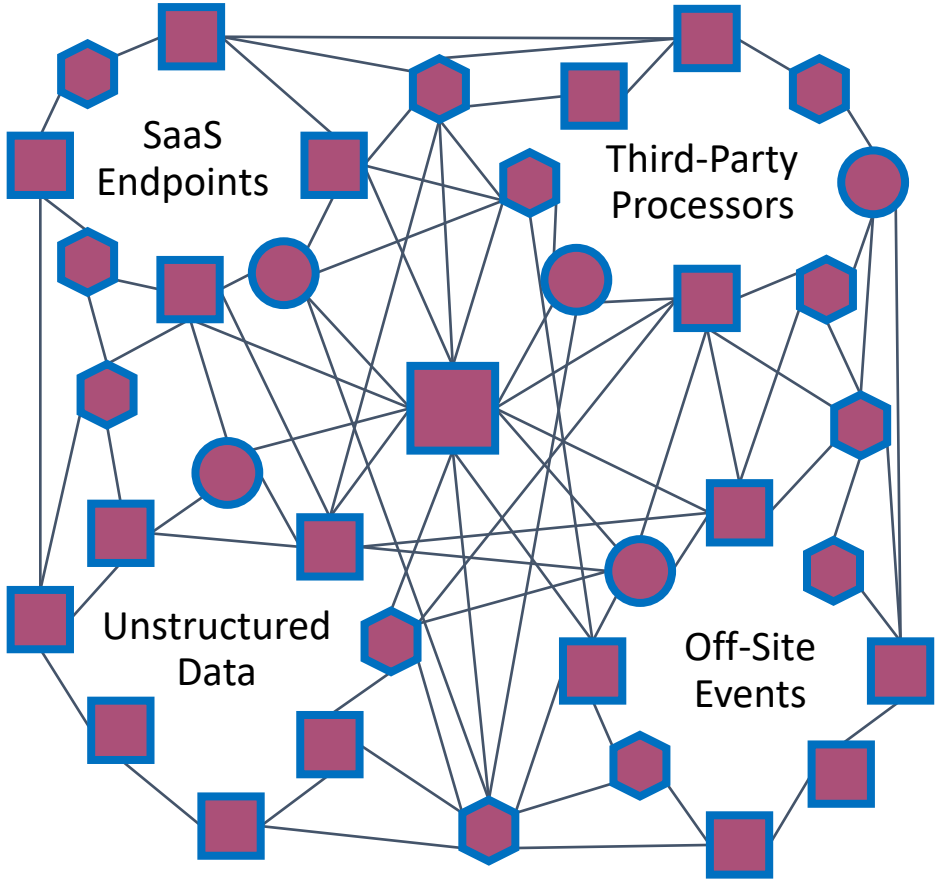
1. DSARs: Your Experience

1. The DSAR Challenge in 2026

DSARs require discovering structured and unstructured data, off-site tracking events, and third-party processor data. Automation is now a baseline operational necessity.



The Paradigm Shift



Past: Central DBs & manual SQL queries

1. Your Experience with Self-Service Tools



DSAR Maturity Level

Main issues when dealing with DSARs

2. Contractual exclusion of access rights through labor law settlements

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Rights to information as a common practice in labor law disputes concerning the termination of employment contracts



2. Contractual exclusion of access rights through labor law settlements



- Key pillar of transparency under data protection law
- Verification of accuracy and lawfulness
- Integral part of fundamental data protection rights
- Foundation for asserting further rights of data subjects
- Basis for further legal remedies

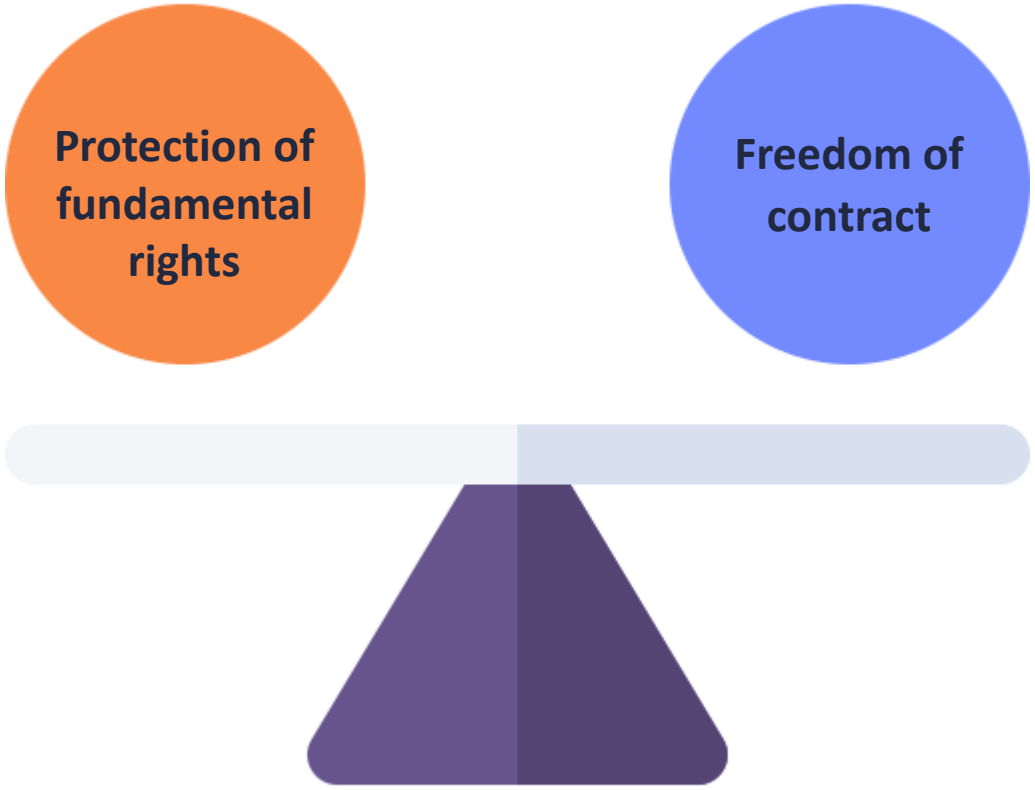
2. Contractual exclusion of access rights through labor law settlements

- Saarland Higher Administrative Court,
  Judgment of May 13, 2025 (2 A 165/24)

- Administrative Court of Ansbach,
  Judgment of May 3, 2024 (AN K 21.00653)

"(…) all claims arising from the employment relationship and its termination, whether known or unknown, regardless of their legal basis, are settled (…)"

2. Contractual exclusion of access rights through labor law settlements

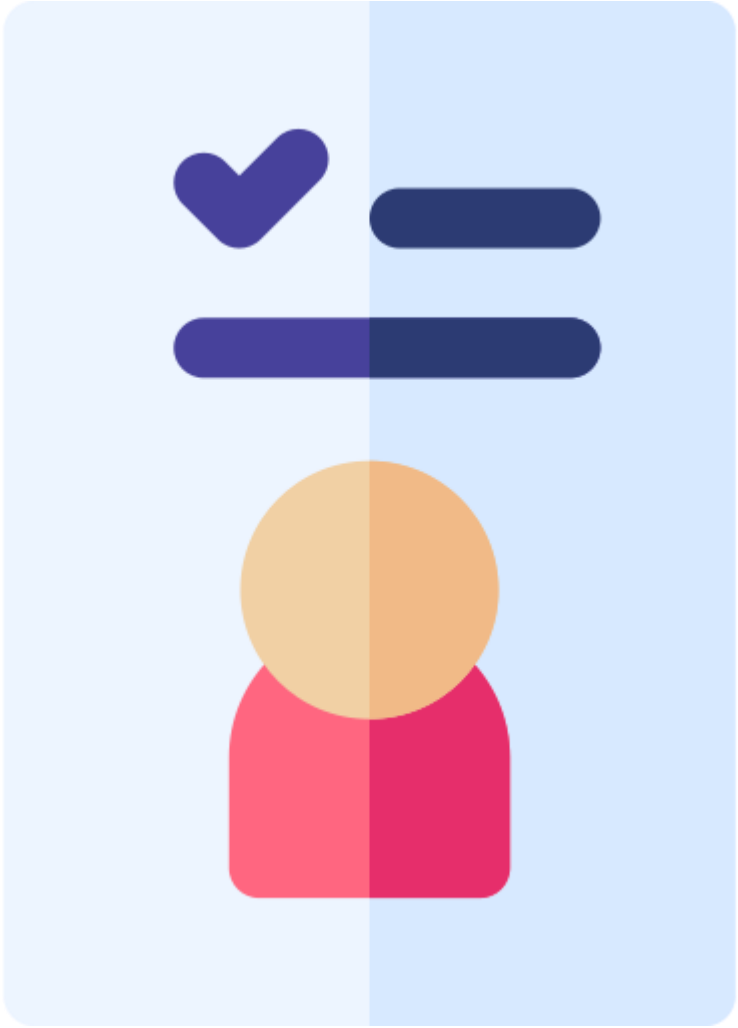


- ✓ Only former employees
- ✓ Temporal limitation
- ✓ Explicitly specify the right to information
- ✓ No other rights of the data subject

3. Scope of the disclosure of information

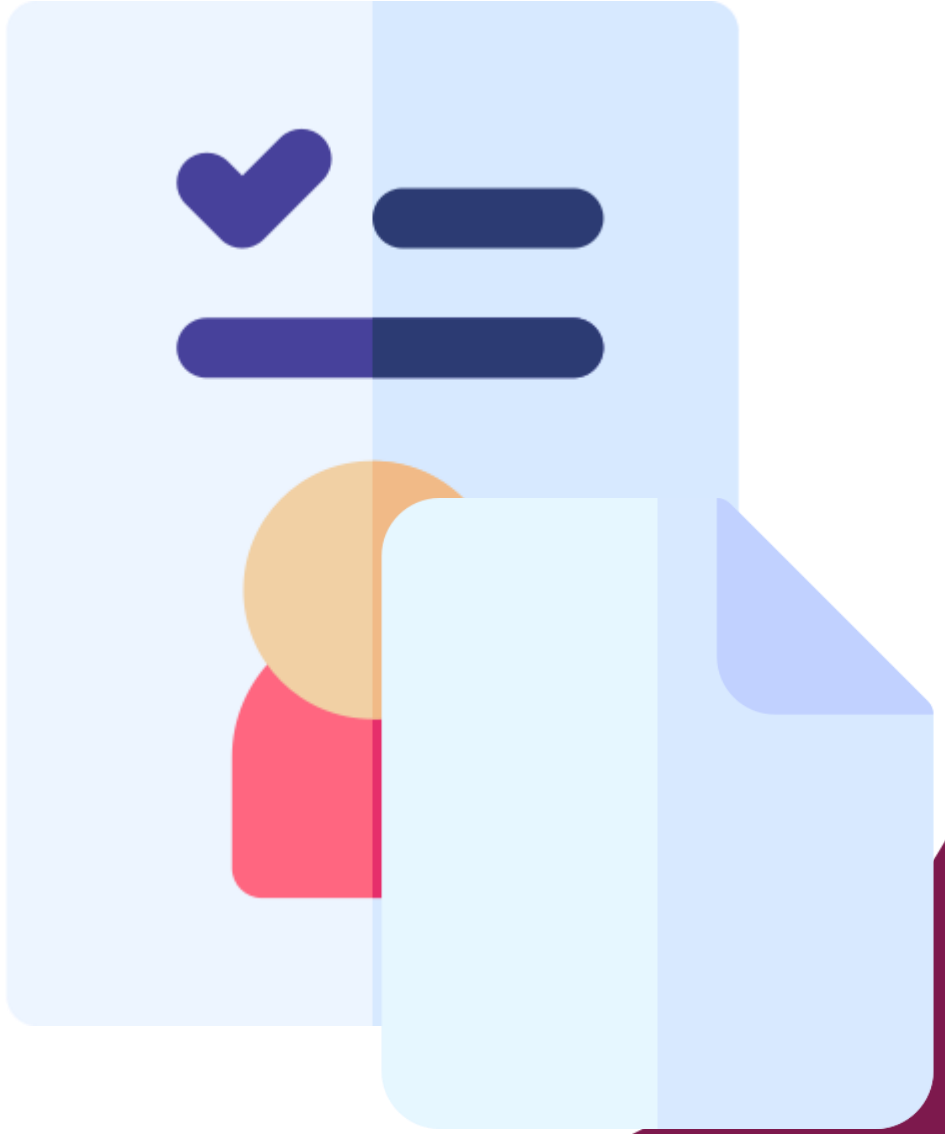
3. Scope of the disclosure of information

- "Right to access personal data"
- Reference to the definition of "personal data"
- Internal memos and correspondence, minutes, expert opinions, and files?



3. Scope of the disclosure of information

- Art. 15(3) GDPR governs how information owed under Art. 15(1) GDPR must be provided
- Copy = faithful reproduction of the data
- Information: a complete and faithful list of all personal data
- Copies of **documents or extracts from databases may be provided in exceptional cases** if they are essential for the data subject's understanding (contextualization)



4. Automating Art. 15 GDPR

4. DSAR Tools: Two Categories of Automation

DSAR tools are digital solutions that support the handling of Data Subject Access Requests (DSARs) and other privacy rights requests under the GDPR.

Internal DSAR Automation Tools (Back-End / Organisation-Facing)

Purpose:
Automate the organisation's internal compliance workflow

Typical features
- Workflow & task routing
- Automated data discovery across systems
- Deadline and compliance tracking
- Review, redaction & response management

Primary user:
Privacy, Legal, Compliance and IT teams



DSAR Self-Service Tools (Front-End / Data Subject-Facing)

Purpose:
Enable individuals to exercise their rights directly

Typical features
- Online request submission
- Identity verification
- Self-service access and data export
- Real-time request status tracking

Primary user:
Customer, employee or other data subject

Key Distinction

🛠️ Internal DSAR Automation Tools automate the organisation's work

👤 DSAR Self-Service Tools automate the data subject's experience

4. Self-Service Tools

Case: OLG Dresden (31 March 2026 – 4 U 834/25) re Meta Business Tools

Background:

- Meta tracks individual user activity across third-party websites/apps via Meta Business Tools (e.g., Meta Pixel, Conversions API, Facebook SDK)

Core Tracking Mechanism:

- Third-party tracking automatically captured contact details (IP address, click IDs, hashed data) and interaction "event data" (visited URLs, timestamps, button clicks)
- Meta cross-matched and linked this off-site activity directly with the user's Facebook profile

Key Rulings by OLG Dresden:

- Joint Responsibility: Meta is a joint controller (Art. 26 GDPR) for off-site data collection.
- Self-Service Tool Insufficient: Automated self-service tools fail Art. 15 GDPR if they provide incomplete summaries and lack a full data download function.
- Unlawful Processing: Tracking lacked valid consent and legal basis under Art. 6 and Art. 9 GDPR.
- Damages Awarded: Awarded €1,500 in non-material damages, establishing that loss of data control alone constitutes a recoverable injury.

4. When are DSAR Tools Legally Sufficient? – Compliance Checklist

DSAR tools in general

Self-service tools

1 – Complete Data Extraction	2 – Third-Party Protection	3 – Accountability	4 – Interoperable Delivery	5 – Secure Access	6 – Contextual UI
Provides individual, complete data copies (no mere summaries or partial aggregations).	Implements robust mechanisms to protect the rights of third parties (AI/Manual Redaction).	Generates immutable audit logs of the entire fulfillment and retrieval process.	Allows downloads in common electronic formats (JSON, CSV, PDF).	Utilizes strong authentication with a highly secure return channel.	Offers a structured, understandable UI that explicitly details processing purposes.

4. Strategic Recommendations for Tool Selection

⚖️ Be compliant	⚙️ Be comprehensive	🔒 Be in control
Deliver complete Art. 15 responses	Cover all relevant data sources	Keep legal judgment in the process
Ensure authentication & auditability	Use native integrations, not just APIs	Enable redactions and exemptions
Make self-service legally robust	Automate deadlines and workflows	Offer alternatives to self-service

TaylorWessing

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Questions, suggestions, experiences?

Happy to discuss!

s.lipeyko@taylorwessing.com

ml@baumgartner.legal

