Scottish Engineering
Skills Academy

Scottish Engineering legal update

UK Data Protection Changes Data (Use and Access) 2025 – DUAA

4 November 2026

Practical priorities

Overview

The Data (Use and Access) Act 2025 updates UK data protection law and amends the Data Protection Act 2018.

Many of the changes are intended to simplify certain compliance requirements rather than completely overhaul UK GDPR.

Employers do not need to rebuild their data protection framework, but they should review complaints handling, DSAR processes and any use of AI for automated decision making.

Complaint VS SAR/Data Subject Access Request (DSAR)

Complaint	DSAR
Does not have to mention UK GDPR, quote legislation, or even say it is a complaint	Does not have to mention UK GDPR, quote legislation, or even say it is a DSAR
Asking why certain information has been shared with others can constitute complaint	Asks for copies of personal data held by the organisation
Complaints must be acknowledged and investigated	Organisation must locate and review personal data
Respond 'without undue delay'	Respond within one month (can be extended if the request is complex or large)

Source: Scottish Engineering, Employment Rights Act changes — Your Refresher • Third-party examples are illustrative

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Data Protection Complaints

Statutory right for individuals to raise complaints directly with data controllers

Requirement to have in place by

19

June

2026

Who can make complaints?

Any individual whose personal data you hold, including customers, clients, suppliers, job applicants, or employees.

How are complaints made?

They can be made to any employee – and can come through whatever route the claimant prefers, including letter, email, in person, or even via social media.

What process?

Existing complaint frameworks can be adapted.

Source: Scottish Engineering legal updates • Detail remains subject to implementation guidance

Data Complaint Process



Clear process to raise complaints

Acknowledge the complaint within 30 days

Investigate the complaint without undue delay

Keep the complainant informed

Deliver the outcome without undue delay

Source: Scottish Engineering, Trade union changes expected from Oct 2026 • Confirm final process guidance

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New “stock the clock rules” – DSARs only

If a request is vague, you can pause the standard one-month response deadline while you ask the individual for clarification

The countdown only resumes once they provide the details you need

BOUNDARY

The clock only stops if you are seeking clarification about the information requested - asking about the format of the response does not stop the clock.

If the data subject repeats or maintains a request for “all information” you must still comply with their request and do a “reasonable and proportionate” search.

Source: Scottish Engineering, Trade union changes expected from 30 October 2026 • Further detail expected

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“Reasonable and Proportionate” Searches

The Act states:

“The data subject is only entitled to such confirmation, personal data and other information as the controller is able to provide based on a reasonable and proportionate search for the personal data.”

- *SENSIBLE*
- *TARGETED*
- *JUSTIFIED*

Source: Scottish Engineering legal updates • Detail remains subject to implementation guidance

Practical Example

An employee submits a DSAR following a performance dismissal and requests all data held about them

A reasonable and proportionate search may include:

- HR files
- Performance records
- Relevant managers' emails
- Investigation documents
- Teams messages directly relating to the employee

It may not be proportionate to:

- Restore years of archived backups
- Search every employee's mailbox across the business
- Review thousands of documents where there is little likelihood of relevant personal data being found

Reminder: If you decide to not search a system or location, document why it was not considered reasonable to do so.

Automated Decision Making

The rise of AI

Automated decision making is when a computer system, algorithm or AI makes a decision about someone without “meaningful human involvement”.

Old law: no significant decision-making based on automated processing.

New law: less restrictive. Can be used, in certain circumstances, with safeguards

. Significant" decision:

1. Has a legal effect on someone,
2. similarly significant impact - such as affecting their employment, finances, or opportunities

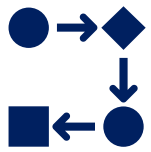
Safeguards- controllers must:

1. provide the data subject with information about the decision;
2. enable the data subject to make representations;
3. enable the data subject to obtain human intervention; and
4. enable the data subject to contest the decision.

Source: Scottish Engineering, Trade union changes expected from 30 October 2026 • Further detail expected

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Automated Decision Making – Meaningful Human Involvement



Manager reviews AI data



Considers other relevant information



Can disagree with the system



Makes the final decision

Source: Scottish Engineering, Trade union changes expected from Oct 2026 • Confirm final process guidance

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Automated Decision Making



AI recommendation

"Employee has exceeded the absence trigger. Formal warning."

?

Other information the manager should consider:

- Were some absences disability-related?
- Is there medical evidence?
- Are reasonable adjustments in place?
- Has Occupational Health recommended support?

Source: Scottish Engineering, Trade union changes expected from Oct 2026 • Confirm final process guidance

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Automated Decision Making



Where special category data is involved, employers should be extremely cautious about relying on automated decision-making and should ensure there is meaningful human review.

Source: Scottish Engineering, Trade union changes expected from Oct 2026 • Confirm final process guidance

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Amazon Example

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Amazon Engineers developed an AI recruiting tool

- Penalized resumes containing the word "women's" (e.g., "women's chess club captain" or "women's basketball team").
- Favoured male candidates because the algorithm was trained to based on the data.
- Despite multiple attempts to fix the bias, Amazon ultimately disbanded the project after executives "lost hope" for the tool.

Recognised Legitimate Interests

Lawful basis for processing personal data

Before: If an organisation wanted to use personal data, it would have to carry out a balancing exercise. This meant "do we have a good reason for using this data, and does that outweigh the impact on an individuals privacy?"

Now: For some specific activities, the law automatically recognises that there is a legitimate reason to use the data. Organisations do not need to carry out the usual balancing exercise for those activities

- Crime prevention
- Safeguarding
- Emergencies
- National security, public security, or defence
- Responding to requests from public bodies carrying out public interest tasks

Source: Scottish Engineering legal updates • Detail remains subject to implementation guidance

ICO Penalties

The ICO can issue substantial fines for breaches including:

- data breaches
- excessive data retention
- failure to process Subject Access Requests
- failure to report serious breaches within 72 hours

A maximum of up to

£17.5 million or

4% of global annual turnover

Whichever is higher

Source: Scottish Engineering, Trade union changes expected from 30 October 2026 • Further detail expected

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ACTION PLAN

What employers should do

01	COMPLAINTS	Ensure there is a complaints process in place – mandatory since June 2026
02	SARs	Update process to reflect “reasonable and proportionate” searches
03	LAWFUL BASIS	Identify whether any processing activities rely on a recognised legitimate interest and update documentation accordingly.
04	ADM	Review AI tool usage, meaningful human involvement and the use of any special category data
05	PRIVACY NOTICE	Review privacy notices to reflect internal complaint procedure
06	TRAINING	Train managers and HR on complaints, SARs and AI risks

Sources: Scottish Engineering legal updates • General information only; seek advice on specific facts

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Thank you

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Useful links:

- How do we prepare to handle data protection complaints? | ICO
- What do we do when we receive a complaint? | ICO
- What are the ADM safeguards? | ICO
- A guide to lawful basis | ICO
- Automated decision-making, including profiling | ICO
- Your rights relating to decisions being made about you without human involvement | ICO
- Rights related to automated decision making including profiling | ICO
- Special category data | ICO

- Legal update - What the New Data Protection Complaints Regime Means for Employers | Scottish Engineering

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