

# Polasaithe Naíonra Céimeanna Beaga

Polasaí 46: Data Subject Access Request Procedure



Gleann Aibhne,  
Br. An Ghoirt,  
Inis,  
Co. an Chláir.

Stiúrthóir: Katie Uí Chaoimh, Fón: (086) 2114881

r-phost: [naionragmc@gmail.com](mailto:naionragmc@gmail.com)

Suíomh gréasáin: [www.gmci.ie/naionra](http://www.gmci.ie/naionra)

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## 1. Introduction

Under GDPR, all individuals have a right to request access to their personal information. This procedure outlines how Naíonra Céimeanna Beaga responds to and handles requests made by individuals for access to their personal data.

The purpose of this procedure is to enable Naíonra Céimeanna Beaga to:

- comply with their obligations under GDPR;
- provide better customer care;
- improve transparency;
- enable individuals to verify that information held about them is accurate and up to date; and
- increase the level of trust by being open with individuals about the information that is held about them.

## 2. Who is this procedure for?

All employees either permanent or temporary, all contractors, all volunteers and students need to read and understand this document, so they are fully aligned with the procedure. The procedure is available to parents/guardians on request.

## 3. The Rights of a Data Subject

If personal information is being processed, a data subject i.e. an individual has the following rights:

- To know whether a data controller holds any personal data about them.
- To receive a description of the data held about them and, if permissible and practical, a copy of the data.
- To be informed of the reason(s) for which their data is being processed, and from where it was received.
- To be informed whether the information is being disclosed to anyone apart from the original recipient of the data; and if so, the identity of those recipients.
- The right to data portability. Data subjects can ask that their personal data be transferred to them or a third party in machine readable format (Word, PDF, etc.). However, such requests can only be fulfilled if the data in question is: 1) provided by the data subject to the service, 2) is processed automatically and 3) is processed based on consent or fulfilment of a contract. An example of this would be if a parent wanted their child's file sent to a new service.
- If the data is being used to make automated decisions about the data subject, to be told what logic the system uses to make those decisions and to be able to request human intervention.
- The right to rectify incorrect personal data that is held
- The right to erase personal data. This is only applicable in certain circumstances and is not an absolute right. The data subject can request erasure of their personal data if:
  - the personal data is no longer necessary for the purpose which you originally collected or processed it for
  - If you are relying on consent as your lawful basis for holding the data, and the individual withdraws their consent

#### **4. Data Subject Access Request (“DSAR”)**

A Data Subject Access Request (DSAR) is any request made by an individual (e.g. by a parent or by a parent on behalf of their child) for information held about them by Naíonra Céimeanna Beaga.

A DSAR must be made in writing, either electronically or by post. Verbal requests for information held about an individual will not be considered as valid requests. A Data Subject Access Request Form can be provided to an individual who wishes to make a Data Subject Access Request.

In the event a Data Subject Access Request is made verbally to a staff member of Naíonra Céimeanna Beaga, further guidance should be sought from Owner/Manager, who will direct the individual to the Data Subject Access Request Form and inform the individual that the request should be made in written form. Naíonra Céimeanna Beaga will not provide personal information via social media channels.

#### **5. DSAR Process**

##### **Step 1: Request for information**

To enable Naíonra Céimeanna Beaga to respond to Data Subject Access Requests in a timely manner, the data subject /parent / guardian should:

- Submit his/her request using a [Data Subject Access Request Form](#).
- Provide Naíonra Céimeanna Beaga with sufficient information to validate his/her identity (to ensure that the person requesting the information is the data subject or an authorized person).

Subject to the exemptions referred to in this procedure, Naíonra Céimeanna Beaga will provide information to data subjects where requests are made in writing and are received from an individual whose identity can be validated by Naíonra Céimeanna Beaga.

However, Naíonra Céimeanna Beaga may not provide data where the resources required to identify and retrieve the requested data would be excessively difficult or time-consuming. For example, if the data subject is asking for all data that the Service has ever collected about this person, this might require too much time and resources to fulfil the request. Naíonra Céimeanna Beaga will invite the data subject to request more specific information if the initial request is too onerous.

Requests are more likely to be successful where they are specific and targeted at particular information. Factors that can assist in narrowing the scope of a search include identifying the likely holder of the information, the time period in which the information was processed and being specific about the nature of the data sought (e.g. a copy of a particular form or email records).

##### **Step 2: Identity Verification**

The Owner/Manager must check the identity of anyone making a DSAR to ensure information is only given to the person who is entitled to it. If the identity of the requestor has not already been provided, the Owner/Manager will ask the requestor to provide two forms of identification, one of which must be a photo identity and the other confirmation of address.

If the requestor is not the data subject, written confirmation that the requestor is authorised to act on behalf of the data subject is required.

**Note:** While the right of access by the data subject under Article 15 of GDPR applies to a person’s own personal data, it would also be reasonable to comply with an access request submitted on a person’s

behalf in the case of a child, by a parent or guardian. In this case, the Owner / Manager should be satisfied that the requestor is genuinely acting on behalf of, and in the best interests of the child whose data is being requested.

### **Step 3: Information for the Data Subject Access Request**

Where the Owner/Manager is reasonably satisfied with the information presented by the requestor (i.e. a completed data subject access request form and identification verification if necessary) the Owner/Manager will notify the requestor that his/her DSAR will be responded to within 30 calendar days.. The 30-day period begins from the date that all necessary documents are received from the requestor.

### **Step 4: Review of Information**

The Owner/Manager will gather all the information as requested in the DSAR and will ensure that the information is reviewed by the imposed deadline to ensure the 30-calendar day timeframe is not breached.

### **Step 5: Response to the Access Request**

The Owner / Manager will ensure that a written response is sent back to the requestor. This will be via email, unless the requestor has specified another method by which they wish to receive the response (e.g. post). Naíonra Céimeanna Beaga will only provide information via channels that are secure. When hard copies of information are posted, they will be sealed securely and sent by recorded delivery. When documents are emailed, they will be password protected (encrypted) and the password sent to the requester by separate means (text).

### **Step 6: Archiving**

After the response has been sent to the requestor, the DSAR will be considered closed and archived by the Owner/Manager.

## **6. Exemptions**

An individual does not have the right to access information recorded about someone else, unless they are an authorised representative, or have parental responsibility. Naíonra Céimeanna Beaga is not required to respond to requests for information unless it is provided with sufficient details to enable the location of the information to be identified, and can be satisfied of the identity of the data subject making the request.

In principle, Naíonra Céimeanna Beaga will not normally disclose the following types of information in response to a Data Subject Access Request:

- Information about other people – A Data Subject Access Request may cover information which relates to an individual or individuals other than the data subject. Access to such data will not be granted, unless the individuals involved consent to the disclosure of their data. Information relating to other individuals will be redacted if necessary to ensure anonymity.
- Repeat requests – Where a similar or identical request in relation to the same data subject has previously been submitted and responded to within a reasonable time period, and where there is no significant change to the personal data held in relation to that data subject, any further request made within a 3-month period of the original request will be considered a repeat request, and the service will not normally provide a further copy of the same data.

- Publicly available information – The service is not required to provide copies of documents which are already in the public domain.
- Opinions given in confidence or protected by copyright law – The service does not have to disclose personal data held in relation to a data subject that is in the form of an opinion given in confidence or protected by copyright law.

## **7. Data Subject Access Request Refusals**

There are situations where individuals do not have a right to see information relating to them. For instance:

- If the information is kept only for the purpose of statistics or research, and where the results of the statistical work or research are not made available in a form that identifies any of the individuals involved.
- Requests made for other, non-data protection purposes can be rejected.

If the Owner/Manager refuses a Data Subject Access Request on behalf of Naíonra Céimeanna Beaga, the reasons for the rejection will be clearly set out in writing. Any individual dissatisfied with the outcome of his/her Data Subject Access Request is entitled to make a request for the outcome to be reviewed.

## **8. Responsibilities**

The overall responsibility for ensuring compliance with a DSAR rests with the Owner/Manager.