

C A R L O W
C O U N T Y C O U N C I L
COMHAIRLE CHONTAE CHEATHARLOCHA



COMHAIRLE CHONTAE CHEATHARLACH CARLOW COUNTY COUNCIL

Subject Access Request Policy and Procedures

July 2019

1.0 Purpose

The General Data Protection Regulation (GDPR), which came into effect on 25th May 2018, and the Data Protection Act 2018 which gives further effect to this Regulation provide data subjects with a right to access their personal data. The purpose of this document is to outline Carlow County Council's policy and procedures for processing requests received from data subjects for access to their personal data.

2.0 Definitions

For the purposes of this policy and procedures document the following definitions apply:

- **Data Subject:** is an individual who is the subject of personal data.
- **Data Subject Access Request:** is a request received from a data subject for access to personal data.
- **Personal Data:** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- **Processing:** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

3.0 Scope

The scope of this document applies to all personal data held by Carlow County Council in physical or electronic format relating to members of the public, service users, suppliers and employees.

4.0 Policy

It is the policy of Carlow County Council to ensure that data subject access requests are dealt with in a timely and comprehensive manner that focuses on respecting the rights of the data subject.

5.0 Procedures

The procedures for dealing with data subject access requests are as follows:

5.1 Making a Data Subject Access Request

Data subject access requests are required to be submitted in writing in physical or electronic format e.g. by letter or e-mail.

5.2 Confirming the Identity of a Data Subject

Where it is deemed necessary or appropriate Carlow County Council may request the provision of additional information to confirm the identity of the person submitting a data subject access request.

5.3 Acknowledging a Data Subject Access Request

Carlow County Council shall acknowledge a data subject access request without undue delay and in any event within 2 weeks of receiving the request. The acknowledgement shall specify the expected time frame for issuing a decision on the request and the procedure for making a complaint to the Data Protection Commission in the event that a decision is not made.

5.4 Decision on a Data Subject Access Request

Carlow County Council may grant or refuse a data subject access to his or her personal data.

5.5 Granting Access to Personal Data

In instances where access to personal data is being granted, the following applies:

5.5.1 Carlow County Council shall provide the personal data to the data subject without undue delay and in any event within one month of receipt of the request.

5.5.2 Carlow County Council may however extend the period for providing data subjects with their personal data by 2 further months in cases where the requests are complex or numerous. In such circumstances the data subject shall be informed of the extension within one month of receipt of the request and provided with a reason for the extension.

5.5.3 Carlow County Council will normally provide personal data to a data subject free of charge.

5.5.4 However if a data subject access request is excessive or repetitive, in particular because of its repetitive character, Carlow County Council may charge a reasonable fee taking into account the administrative costs of providing the personal data.

5.5.5 Where the data subject access request is made by electronic means, the personal data shall be provided by electronic means, where possible, unless otherwise requested by the data subject.

5.5.6 The notification of the decision to grant access to personal data shall outline further details regarding the rights of the data subject under the GDPR. Details to be provided to the data subject shall include information relating to:

- The purposes for processing the personal data.

- The categories of personal data concerned.

- The recipients or categories of recipients to whom the personal data has been or will be disclosed.

- Where possible, the envisaged period for which the personal data will be retained or, if not possible, the criteria used to determine that period.

- The rights of the data subject to request the rectification or erasure of personal data or restriction to the processing of personal data concerning the data subject or to object to such processing.

- Where the personal data is not collected from the data subject, any available, information as to its source.

- If automated decision making applies, details of how these decisions are made.

5.5.7 The notification of a decision to grant a request must inform the data subject of his or her right to make a complaint to the Data Protection Commission if he or she is dissatisfied with the decision and outline the process for making such a complaint to the Data Protection Commission.

5.6 Refusing Access to Personal Data

5.6.1 A data subject may be refused access to his/her personal data in the following instances:

- Where a data subject access request is considered to be manifestly unfounded or excessive, in particular because of its repetitive character;
- Where the scope of access is restricted under provisions contained in data protection legislation enacted by the State.

5.6.2 Carlow County Council shall notify the requester of its refusal to a data subject access request within one month of receiving the request.

5.6.3 The reason(s) for refusing a data subject access request shall be outlined in the notification.

5.6.4 The notification of a decision to refuse a request must inform the data subject of his or her right to make a complaint to the Data Protection Commission if he or she is dissatisfied with the decision and outline the process for making such a complaint to the Data Protection Commission.

6.0 Complaints to the Data Protection Commission

6.1 Data subjects may make a complaint in the following circumstances:

- If they experience a delay outside of the prescribed timeframe for making a decision on a data subject access request;
- If they are dissatisfied with a decision by Carlow County Council on their data subject access request;

- If they consider that Carlow County Council's processing of their personal data is contrary to data protection legislation.

6.2 Contact details for the Data Protection Commission are as follows:

Phone Number: 0761 104 800 or Local 1890 252 231

E-mail: info@dataprotection.ie

Website: www.dataprotection.ie

Postal Address: Data Protection Commission

Canal House

Station Road

Portarlinton

Co. Laois

R32 AP23.

7.0 Recording Data Subject Access Requests and Outcomes

7.1 The Data Protection Officer shall maintain a summary record of each data subject access request received by Carlow County Council and the outcome in terms of the decision made on the request.

7.2 Details of any subsequent complaints to the Data Protection Commission and their outcomes shall also be maintained on the summary record.

8.0 Awareness

Carlow County Council shall implement appropriate measures to make its employees aware of the contents of this policy and procedures document.

9.0 Monitoring and Review

Provisions contained in this policy and procedures document shall be subject to on-going monitoring and review.

10.0 Further Information

10.1 Further information and advice on the operation of this policy and procedures document is available from the Data Protection Officer, Carlow County Council.

10.2 Contact details for the County Council's Data Protection Officer are as follows:

Phone: +353 59 9170340

E-mail: dpo@carlowcoco.ie

Website: www.carlow.ie

Postal Address: Carlow County Council, County Buildings, Athy Rd., Carlow R93 E7R7