

Policy Title:	Data Protection Subject Access Request (SAR) Policy and Procedures
Description:	The purpose of this policy is to provide Marino Institute of Education’s intent, objectives and procedures regarding data subject access requests. As we have obligations under the GDPR, we also have a requirement to ensure that adequate procedures, controls and measures are in place and are disseminated to all Staff and Students; ensuring that they are aware of the relevant protocols and procedures. This document supplements the Subject Access Request (SAR) provisions set out in MIE’s Data Protection Policy and Procedures .
Author (Position):	Data Protection Officer (DPO)
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Data Protection Subject Access Request (SAR) Policy and Procedures

1. Context

This document supplements the subject access request (SAR) provisions set out in the Data Protection Policy & Procedures of **Marino Institute of Education** (hereinafter referred to as 'MIE'), and provides the process for individuals to use when making an access request, along with the protocols followed by MIE when such a request is received.

MIE needs to collect personal information to effectively and compliantly carry out our everyday business functions and services and, in some circumstances, to comply with the requirements of the law and/or regulations.

As MIE processes personal information regarding individuals (*data subjects*), we are obligated under the General Data Protection Regulation (GDPR) and relevant data protection legislation to protect such information, and to obtain, use, process, store and destroy it, only in compliance with the GDPR and its principles.

1.1. The General Data Protection Regulation

The General Data Protection Regulation (GDPR) gives individuals the right to know what information is held about them, to access this information and to exercise other rights, including the rectification of inaccurate data. The GDPR is a standardised regulatory framework which ensures that personal information is obtained, handled and disposed of properly.

As MIE is obligated under the GDPR and Irish data protection laws, we abide by the Regulations' principles, ***which ensure that personal information shall be:*** -

- a) processed lawfully, fairly and in a transparent manner in relation to the data subject (***'lawfulness, fairness and transparency'***)
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (***'purpose limitation'***)
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (***'data minimisation'***)

- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (**'accuracy'**)
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed (**'storage limitation'**)
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**'integrity and confidentiality'**).

The Regulation also requires that *'the controller shall be responsible for, and be able to demonstrate, compliance with the GDPR principles' ('accountability')*. MIE has adequate and effective measures, controls and procedures in place, that protect and secure your personal information and guarantee that it is only ever obtained, processed and disclosed in accordance with the relevant data protection laws and regulations.

1.2. What is personal information?

Information protected under the GDPR is known as "personal data" and is defined as: -

"Any information relating to an identified or identifiable natural person; 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."

Further information on what constitutes personal information and your rights under the data protection regulation and laws can be found at www.dataprotection.ie.

2. Purpose

2.1. The Right of Access

Under Article 15 of the GDPR, an individual has the right to obtain from the controller, confirmation as to whether personal data concerning them is being processed. We are committed to upholding the rights of individuals and have dedicated processes in place for providing access to personal information. ***Where requested, we will provide the following information: -***

- the purposes of the processing
- the categories of personal data concerned
- the recipient(s) or categories of recipient(s) to whom the personal data have been or will be disclosed
- If the data has been transferred to a third country or international organisation(s) *(and if applicable, the appropriate safeguards used)*
- the envisaged period for which the personal data will be stored *(or the criteria used to determine that period)*
- where the personal data was not collected directly from the individual, any available information as to its source.

3. Policy

3.1. How to Make a Subject Access Request (SAR)

A subject access request (SAR) is a request for access to the personal information that MIE holds about you, which we are required to provide under the GDPR *(unless an exemption applies)*. The information that we provide is covered in Section 3 of this document.

You can make this request in writing using the details provided in Section 7, or you can submit your access request electronically. Where a request is received by electronic means, we will provide the requested information in a commonly used electronic form *(unless otherwise requested by the data subject)*.

3.2. What we do when we receive an Access Request

Identity Verification

Subject Access Requests (SARs) are passed to the DPO as soon as received, and a record of the request is made. The person in charge will use all reasonable measures to verify the identity of the individual making the access request, especially where the request is made using online services.

We will utilise the request information to ensure that we can verify your identity and, where we are unable to do so, we may contact you for further information or ask you to provide evidence of your identity prior to actioning any request. This is to protect your information and rights. If you do not provide the information required to enable us to verify your identity, we are not required to respond to the request.

If a third party, relative, or representative is requesting the information on your behalf, we will verify their authority to act for you and, again, may contact you to confirm their identity and gain your authorisation prior to actioning any request.

Information Gathering

If you have provided enough information in your SAR to collate the personal information held about you, we will gather all documents relating to you and ensure that the information required is provided in an acceptable format. If we do not have enough information to locate your records, we may contact you for further details. This will be done as soon as possible and within the timeframes set out below.

Information Provision

Once we have collated all the personal information held about you, we will send this to you in writing (*or in a commonly used electronic form if requested*). The information will be in a concise, transparent, intelligible and easily accessible format, using clear and plain language.

4. Fees and Timeframes

We aim to complete all access requests within one month, and provide the information free of charge. Where the request is made by electronic means, we provide the information in a commonly used electronic format, unless an alternative format is requested.

Whilst we provide the information requested without a fee, further copies requested by the individual may incur a charge to cover our administrative costs.

MIE always aims to provide the requested information at the earliest convenience, but at a maximum of one month from the date the request is received. However, where the retrieval or provision of information is particularly complex or is subject to a valid delay, the period may be extended by two further months. If this is the case, we will write to you within one month, keep you informed of the delay, and provide the reasons.

5. Your Other Rights

Under the GDPR, you have the right to request rectification of any inaccurate data held by us. Where we are notified of inaccurate data, and agree that the data is incorrect, we will amend the details immediately as directed by you and make a note on the system (*or record*) of the change and reason(s).

We will rectify any errors within one month informing you in writing of the correction and, where applicable, provide the details of any third-party to whom the data has been disclosed.

If for any reason, we are unable to act in response to a request for rectification and/or data completion, we will always provide a written explanation to you and inform you of your right to complain to the Supervisory Authority and to seek a judicial remedy.

In certain circumstances, you may also have the right to request from MIE, the erasure of personal data or to restrict the processing of personal data where it concerns your personal information; as well as the right to object to such processing. You can use the contact details in Section 7 to make such requests.

6. Exemptions and Refusals

The GDPR contains certain exemptions from the provision of personal information. If one or more of these exemptions applies to your subject access request or where MIE does not act upon the request, we shall inform you at the earliest convenience or, at the latest, within

one month of receipt of the request.

Where possible, we will provide you with the reasons for not acting and any possibility of lodging a complaint with the Supervisory Authority and your right to seek a judicial remedy. Details of how to contact the Supervisory Authority are laid out in Section 7 of this document.

There are certain exceptions to data subject requests in general which include:

- **Legal Privilege**

Data Subject Rights will not apply where the Personal Data is processed for the purpose of seeking legal advice, where the Personal Data may be subject to legal privilege such as in communications between MIE and their legal advisors or if granting the request would constitute a contempt of court.

- **Unable to identify the Data Subject**

Where MIE is unable to identify a Data Subject who has made a SAR, MIE may request additional information to enable his or her identification. If the individual does not provide this information MIE is not required to respond to the SAR.

- **Request is manifestly unfounded or excessive**

Where a request is manifestly unfounded or excessive in particular because of their repetitive nature, MIE may either: (a) charge a reasonable fee to deal with the SAR; or (b) refuse to comply with the SAR.

There are other restrictions to Data Subjects Rights generally which means MIE may not comply with a SAR. However, MIE will always inform the individual of the decision within one month of the request.

- **Legal proceedings**

Where there are current or future legal proceedings before a court, tribunal, statutory body or otherwise, Data Subjects Rights may be restricted if to comply with a SAR would inhibit MIE or another party in pursuing or defending current or future legal claims. This is separate to the exception based on legal privilege mentioned above.

- **Debt is owed to a Public Body**

MIE may choose not to comply with a SAR where to comply with the request would interfere with the collection of taxes or another debt owing to the Government, Revenue, a local authority or other public body.

- **Investigation of criminal offences**

MIE may choose not to comply with a SAR where to do so would interfere with the prevention and detection of criminal offences or the investigation or prosecution of criminal offences and the execution of criminal penalties.

- **Expression of opinion**

MIE may choose not to comply with a SAR if the Personal Data is part of an expression of opinion given to another person in confidence and where the other person had a legitimate interest in receiving the information.

- **Court proceedings, national security and defence**

MIE may choose not to comply with a SAR where the disclosure of Personal Data to a Data Subject would necessarily prejudice government confidentiality, judicial independence and court proceedings, parliamentary privilege, national security, defence and the international relations of the State.

- **Enforcement of a civil claim**

Where a controller or processor, be that MIE or a third party, is held liable for damages on the basis of a civil law claim it may be that MIE cannot comply with a SAR in order for that claim to be enforced against the Controller or Processor.

- **Estimating liability**

MIE may choose not to comply a SAR where to do so would prejudice the determination of the amount of damages owed by MIE in relation to a claim for a sum of money.

- **Data kept for archiving purposes in the public interest, scientific or historical research or statistical purposes**

Where data is kept for archiving purposes in the public interest, scientific or historical research or statistical purposes MIE may choose not to comply with a SAR to the extent that the exercise of the rights would be likely to render impossible or seriously impair the purpose for which the data is kept.

7. Submission and Lodging a Complaint

To submit your SAR, you can contact us at dpo@mie.ie or visit our Subject Access Request page on our website. You can also submit your request in writing using the [form](#) available here and in Appendix 1 and sending the request to: -

Eileen Jackson,
Data Protection Officer,
Marino Institute of Education,

Griffith Avenue,
Dublin 9,
D09 R232.

Telephone: +353 1 8535114

e-mail: dpo@mie.ie

If you are unsatisfied with our actions or wish to make an internal complaint, you can contact us in writing at: -

Dr Seán Delaney,
Registrar,
Marino Institute of Education,
Griffith Avenue,
Dublin 9,
D09 R232.

Telephone: +353 1 805 7722

e-mail: sean.delaney@mie.ie

7.1. Supervisory Authority

If you remain dissatisfied with our actions, you have the right to lodge a complaint with the Irish Data Protection Supervisory Authority. The Data Protection Commission can be contacted at:

Data Protection Commission,
21 Fitzwilliam Square South,
Dublin 2,
D02 RD28.

Telephone: +353 76 104800

E-mail: info@dataprotection.ie

Appendix 1

Data Protection Subject Access Request Form

Please complete this form (using block capitals) and return it by email to dpo@mie.ie with 'Personal Data Access Request' in the subject line.

Section 1 – Personal details (Data Subject)

Surname	
First Name(s)	
Previously known as (if applicable)	
Current address (including Eircode)	
Previous address (if applicable)	
Contact telephone number	
Contact email address	

Section 2 – Relationship with Marino Institute of Education (MIE)

Your relationship with MIE eg student; former student; employee, former employee; visitor; other (please specify)		
Student: ID number and years registered (if applicable)		
Staff: department, line manager, and years (if applicable)		
Other (please provide details)		

Section 3 – Details of personal data requested

In order to assist us to address your request, please indicate (as fully as possible) the (i) <u>source</u> (to include dates of connection with MIE) and (ii) <u>nature</u> of the personal data requested.	(i)
	(ii)

Section 4 – Identification

<p>Please provide 2 forms of identification, eg</p> <ul style="list-style-type: none"> copy passport (page with signature) copy of Driving Licence (page with signature) copy of recent utility bill 	
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Section 5 – Agent details (if applicable)

If you wish to appoint an agent (eg a family member, solicitor, etc) to act on your behalf in connection with your personal data access request, please complete this section.

<p>I confirm that I wish to appoint the individual named below to act as an agent on my behalf in relation to the personal data access request which is the subject of this form, and I consent that my personal data may be shared with this person.</p>	
Name	
Address (including Eircode)	
Contact telephone number	
Contact email address	
Relationship to me	

Section 6 – Declaration

This section should be completed by the data subject.

<p>I confirm that I am the data subject named in Section 1 above. In accordance with Article 15 (Individual Right of Access) of the GDPR, I request a copy of the personal data held on me by Marino Institute of Education. I confirm that the details set out by me on this form are, to the best of my knowledge, true and accurate.</p>	
Signed	
Date	

This section should be completed by the agent (if applicable).

<p>I confirm that I agree to act as an agent for the data subject named in Section 1 above. I confirm that the details set out on this form are, to the best of my knowledge, true and accurate.</p>	
Signed	
Date	