

Policy Identifier: Data Subject Access Request (DSAR) Policy & Procedures

Policy Title:	Data Subject Access Request (DSAR) Policy and Procedures
Description:	The purpose of this policy is to provide Marino Institute of Education's 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 Data Subject Access Request (DSAR) provisions set out in MIE's Data Protection Policy and Procedures.
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Data Subject Access Request (DSAR) Policy and Procedures

1. Context

This document supplements the data subject access request (DSAR) 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. Your Rights Regarding Your Personal Information

You have specific rights concerning your personal data, and we have established processes to

enable you to exercise these rights.

2.1 Right of Access

This right is commonly referred to as a Data Subject Access Request (DSAR). If you wish to know whether we are processing personal data relating to you and to access such data, you can submit a request to us via our [DSAR webform](#) or email dpo@mie.ie. To provide you with a copy of the personal data we hold, we will need to verify your identity.

You have the right to access any personal information that [Name of Organisation] processes about you and to request information regarding:

- What personal data we hold about you
- The purposes of the processing
- The categories of personal data concerned
- The recipients to whom your personal data has been or will be disclosed
- The intended duration of storage for your personal data
- If we did not collect the data directly from you, information about the source

2.2 Right to Rectification

If you believe that we hold any incomplete or inaccurate data about you, you have the right to request that we correct and/or complete this information. We will endeavour to make the necessary changes as quickly as possible, unless there is a valid reason for not doing so, in which case you will be notified.

If you wish to update any inaccurate personal data we hold about you, you can do so directly by submitting a request to us via our [DSAR webform](#) or emailing dpo@mie.ie. Depending on the nature of the personal data you believe is inaccurate, we may request further proof to ensure that the correction is made appropriately. If we are satisfied that the personal data is indeed inaccurate, we will make the necessary amendments.

2.3 Right to Erasure

You also have the right to request the erasure of your personal data or to restrict processing (where applicable) in accordance with data protection laws, as well as to object to any direct marketing from us. Where applicable, you have the right to data portability of your

information and the right to be informed about any automated decision-making we may employ.

You can request the erasure of your personal data under certain circumstances. However, this right does not apply where we are required to comply with a legal obligation or where we need your personal data for the establishment, exercise, or defence of legal claims. Additionally, if you opt out of marketing communications, we must retain a record of your opt-out preference to ensure that we do not contact you in the future.

2.4 Right to Restriction

You have the right to request that the processing of your personal data is restricted under certain circumstances. However, we will still process the personal data for storage purposes, for the establishment, exercise, or defence of legal claims, or with your consent.

2.5 Right to Object

Where we are relying on legitimate interests as a legal basis for processing your data, you have the right to object to such processing on grounds relating to your particular situation.

2.6 Right to Portability

In certain circumstances, you may request that we provide your personal data to you in a commonly used format. If you wish to make such a request, please submit a request to us via our [DSAR webform](#) or emailing dpo@mie.ie.

2.7 Right to Complain

If you are unhappy with how your personal data has been used, please email us at dpo@mie.ie.

If you are unsatisfied with our actions, or wish to make an internal complaint, you may contact us at registrar@mie.ie.

You have the right to lodge a complaint with the Data Protection Commission. More details may be found on their website at <https://dataprotection.ie/en>.

For additional information or to exercise your data protection rights, please contact us using

the details provided above.

If we receive a request from you to exercise any of the rights mentioned above, we may ask you to verify your identity before proceeding with the request; this is to ensure that your data remains protected and secure.

3. Fees and Timeframes

MIE 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.

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, additional copies of information requested by the individual may incur a charge to cover our administrative costs.

4. 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 DSAR, 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 DSAR.

- **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 DSAR; or (b) refuse to comply with the DSAR.

There are other restrictions to Data Subjects Rights generally which mean that MIE may not comply with a DSAR, which include

- **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 DSAR 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 DSAR 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 DSAR 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 DSAR 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 DSAR 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 DSAR in order for that claim to be enforced against the Controller or Processor.

- **Estimating liability**

MIE may choose not to comply a DSAR 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 DSAR 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.

MIE will always inform the individual of the decision within one month of the request.