



# ICHAS

## Section 9 – Procedures Associated with Information and Data Management

Subject:	Procedure Associated with Data Subject request		
<i>Date Approved by Academic Council:</i>			June 2021
Policy Version	1/2021	Date due for Revision	February 2024
Parent Policy	Policy on Data Subject Request		

### INTRODUCTION

The College only collects and processes data that it is lawfully permitted to collect; that is relevant to the functions of the College and that is necessary for statutory, regulatory purposes and/or necessary for obligations that the College may have for professional accreditation purposes or similar requirements. ICHAS recognises its responsibility under the Freedom of Information Acts 1997, 2003 & 2014 and the right of students or anyone whose data is stored and maintained by ICHAS to gain access to information held on them by the College and is set out in the following data subject request procedure.

The data subject rights under the GDPR include: the right to be informed if, how, and why your data are being processed have the right but not limited to the following.

- the right to access and get a copy of your data.
- the right to have your data corrected or supplemented if it is inaccurate or incomplete.
- the right to have your data deleted or erased.
- the right to limit or restrict how your data are used.

### RESPONSIBILITIES

ROLE/ PERSON	RESPONSIBILITY
Data Protection Officer	Will deal with all matters in relation to Data subject Access request

Data Subject	Makes a data subject request to the Data Protection Officer
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### Procedure Access Request

- A data subject can make a request to obtain personal data held in relation to them by the College at any time.
- If you wish to make an access request, it must be made via email to the data protection officer at [marie.mulcahy@ichas.ie](mailto:marie.mulcahy@ichas.ie)
- To help us to respond to your request, please be as specific as possible about the information you wish to access.
- A thorough check will be completed on each request to access and the validity of the access request will be reviewed.
- The DPO will log the date of receipt of the valid request.
- The DPO will confirm the request has been received and make the data subject aware of the Policy and Procedure in relation to Data Subject Access Request.
- Where a request to have personal data deleted or erases the requester will be fully appraised of the implications of erasure or deletion of any personal data from College systems must especially with respect to attendance records assessment records, or any data critical to attained qualification and certification, and will be required to provide a signed formal directive to erase or delete and personal information.
- The DPO will ensure that sufficient information to locate the data has been supplied. If it is not clear what kind of data is being requested then the data subject has to be contacted for more information. This could involve identifying the databases, locations or files to be searched or giving a description of the interactions, the individual has had with the College.
- To ensure personal data is only disclosed to the intended person, the DPO will also request proof of identity before any data is released.
- If data relating to a third party is involved, this cannot be disclosed without the consent of the third party or unless the data can be anonymised in such a way that this would conceal the identity of the third party.
- The DPO will keep note of all steps taken to locate and collate data – if different divisions of the College are involved.
- The DPO will supply the data in an intelligible form (include an explanation of terms if necessary).

### Timeline for Subject Access Data Request

- The DPO is responsible for ensuring that Data requests are responded to within a 1 month period. (the date of the confirmation of the receipt of the request is the beginning on the 1 month period)
- In some cases where data requests are complex they can extend the period for a further 2 month period

- In the case of an extension the DPO will notify the data subject and inform them of an expected time frame to complete the request.

### **Limits pertaining to Subject Access Data Request**

- *Under Article 12(5) GDPR, in limited circumstances, where an access request is 'manifestly unfounded or excessive', a controller may also, where appropriate, refuse to act on the request.*
- *The GDPR (in Article 15(4)) states that the right to obtain a copy of your personal data should not 'adversely affect the rights or freedoms of others'. This means that when responding to an access request, the controller should consider the rights of third parties, such as their data protection rights.*

### **Refusal of Access to Personal Data**

Section 5 of the Data Protection Acts set out some exemptions to the right of access where access to personal data may be refused. These include:

- Where the data being held is being used by particular bodies such as the Gardaí for the prevention, detection, investigation or prosecution of a crime, or to prevent fraud.
- If the data is subject to legal professional privilege, meaning the data was created following legal advice from a solicitor, and/or the data was created specifically for an upcoming court case.
- Where the requester is involved in a claim against an organisation, seeking compensation, and the information reveals details of the organisation's decision process in relation to their claim.
- If the information is held for statistical purposes, is not shared with any other person or organisation and cannot be identified as belonging to any particular individual.
- If releasing the data would mean that personal data about another individual would be unfairly disclosed. (Personal data may be released in redacted form so as to protect the other individual's data.)
- Where the data being sought involves personal opinions that have been expressed by another individual. Specifically, if the opinion was given in confidence, and it can be proven that the person providing the opinion at the time did so in the expectation of confidence, it does not have to be released. (If the opinion was given as part of regular business communications, does not involve personal opinions, and was given without the expectation of confidentiality, it should be released.)
- In the case of a request for access to personal medical information or social work records, access may be denied if there is reason to believe that releasing the information may cause serious risk to the physical or mental health of the individual. The decision not to release such data must be made after consulting

the medical professional(s) most recently responsible for the care/ treatment of the data subject.

- If the personal data requested is impossible to supply, or supplying it would be extremely difficult (disproportionate effort).
- If the personal data has already been supplied in accordance with an access request, but identical requests continue to be made (unless new data has been created since the previous records were released, in which case the updated data must be provided).
- If the data that is requested is not the personal data of the requester, it cannot be released under an access request.

### **Completion of Request**

- When all requested data has been obtained it will be shared with the data subject using a secure electronic medium.
- The DPO will issue a response letter to accompany the data requested.
- The DPO retains all Data subject request in a secure location

### **Linked Policies and Procedures**

<b>Linked Policies</b>	Policy on Data Collection, usage and Management Policy on Access, Admissions and Applications
<b>Linked Procedures</b>	Procedures associated Data Collection, usage, and Management. Procedures associated with Access, Admissions and Applications