

Subject Access Request Procedure

Why we have a procedure?

Individuals have a legal right to see information that the LGFA holds about them, subject to certain exemptions and unless there are compelling reasons not to do so. Requests for access to records are currently governed by the following legislation:

General Data Protection Regulations

Article 15 (*See Appendix 1*)

Data Protection Act (1988 – 2018)

Section 60 Data Protection Act 2018 Exemptions (*See appendix 2*)

General Data Protection Regulations

Article 5 – principles relating to processing of personal data (*See appendix 3*)

General Data Protection Regulations

Article 12 – transparency, information, communication and modalities for the exercise of the rights of the data subject (*See appendix 4*)

Who does the procedure apply to?

All staff are responsible for adhering to the timescales highlighted within this policy and aiding the Information Management Unit with access to request information. LGFA has a legal obligation to respond for SAR's within 1 month of receipt.

When should the procedure be applied?

The procedure should be applied for all requests of personal information.

How to carry out this procedure

Access to personal information is referred to as a Data Access Request. The following flow chart shows this process broken down into 6 stages.

Request Received

- Relevant club data protection representative (DPR)
- Acknowledgement sent by DPR

Identity Checked

- The DPR obtains confirmation of identity
- Where a third party is requesting information; consent from the individual is gained (where applicable)

Record(s) Located

- The records are located and reviewed by DPR

Exemption Review

- Exemptions applied where appropriate under advise of DPR

Copy Records

- The requested records are copied (where manual records are held) or downloaded/printed where electronic records are held

Response

- Information to be released is placed within the agreed format for the requester, i.e. manual or electronic
- A full response is provided; where information cannot be released this is explained within the final response
- Complaint process is provided within the response

Stage 1 – Request Received

Formal requests for access to records must be made in writing which can include email. LGFA does not require a formal application to be completed. However if the individual would prefer to complete an application form which is available at www.ladiesgaelic.ie

All formal requests are dealt with by the DPR.

If members ask for advice on applying for access, they should be advised that they will need to:

- Put their request in writing (provide a copy of the application form where necessary)
- Provide the LGFA with any relevant information that is required to sufficiently confirm their identity (May include: PPS No, Staff ID number, copy of Passport/Drivers Licence/PPS Card)
- If the individual requires help to put the request in writing the staff member should aid the individual in either writing the request or completing the application form.

Stage 2 – Identity Checks

The following individuals are able to apply for access to records:

- The Member
- The member's representative, with the member's consent
- A parent or guardian may apply for access on behalf of a child
- An Garda Síochána (Section 41(b))

N.B Requests on behalf of the deceased cannot be processed as GDPR does not apply

Appropriate ID should accompany the request to verify the requester's identity. If not supplied the DPR will request same however, processing of the request should proceed in the interim -awaiting verification cannot be used as grounds to extend the legislative timeframe.

Identity checks are completed for the individual requesting their records by the DPR. Checks may also be made of the person's representative to ensure they are able to receive the information. The following table shows what documentation or identity types are required for each requester type:

Requester	Consent Required?	ID Documents Required	Any other documentation required	Additional Information
The Data Subject (the person to whom the information refers)	No: as the request is made by the individual then further consent is not required	Photo ID document such as Passport/Driving Licence/PPS Card Unique Identifier such as PPS Number/Staff ID number	No	
Relatives, Carers, Next of Kin, patient personal representative	Yes (where applicable)	Photo ID document such as Passport/Driving Licence/PPS Card Confirmation to show relationship with requester, for example the requesters birth certificate showing parents details		
Courts	Yes	N/A	Court Order (where consent is not obtained)	Staff should always seek advice from the DPO before releasing information.
An Garda Síochána	Yes		Request for information must be signed by a Superintendent/Inspector	Section 41(b) Data Protection Act 2018
Solicitors	Yes	Photo ID document such as Passport/Driving Licence/PPS Card Unique Identifier such as PPS Number/Staff ID number	Signed consent (authority) form completed by the requester (or their representative) from solicitors	
Third Parties (other organisations not listed)	Yes	Photo ID document such as Passport/Driving Licence/PPS Card Unique Identifier such as PPS Number/Staff ID number	Consent is required to provide information to third parties. Where the requester is unable to give consent a relative, carer etc. is able to do this on their behalf.	

Stage 3 – Record(s) Located

Following acknowledgement the DPR will forward the request to all units it deems may hold records. Each section should then carry out a review to identify all records relating to the requester. If a section finds they do not hold any records they should advise the DPR accordingly.

Stage 4 – Exemption Review

Once all records have been gathered they should be reviewed to ascertain if exemptions apply. Each decision to rely on an exemption under S60 of the Data Protection Act 2018 must be documented.

Stage 5 – Copy Record (s)

Once records have been identified and reviewed for exemptions they should be collated and copied/downloaded in the form of access requested by the requester.

Stage 6 – Release Information

Records should be released to the requester via the form of access requested ensuring that they arrive within the legislative timeframe (within 1 month of request).

Appendix 1: Rights of the data subject

Article 15. Right of access by the data subject

- 1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:
 - (a) the purposes of the processing;
 - (b) the categories of personal data concerned;
 - (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
 - (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
 - (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - (f) the right to lodge a complaint with a supervisory authority;
 - (g) where the personal data are not collected from the data subject, any available information as to their source;
 - (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- 2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.
- 3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
- 4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

Appendix 2—Section 60 Data Protection Act 2018

Restrictions on obligations of controllers and rights of data subjects for important objectives of general public interest

60. (1) The rights and obligations provided for in Articles 12 to 22 and Article 34, and Article 5 in so far as any of its provisions correspond to the rights and obligations in Articles 12 to 22—
- (a) are restricted to the extent specified in *subsection (3)*, and
 - (b) may be restricted in regulations made under *subsections (5) or (6)*.
- (2) *Subsection (1)* is without prejudice to any other enactment or rule of law which restricts the rights and obligations referred to in that subsection.
- (3) Subject to *subsection (4)*, the rights and obligations referred to in *subsection (1)* are restricted to the extent that—
- (a) the restrictions are necessary and proportionate—
 - (i) to safeguard cabinet confidentiality, parliamentary privilege, national security, defence and the international relations of the State,
 - (ii) for the prevention, detection, investigation and prosecution of criminal offences and the execution of criminal penalties,
 - (iii) for the administration of any tax, duty or other money due or owing to the State or a local authority in any case in which the non-application of the restrictions concerned would be likely to prejudice the aforementioned administration,
 - (iv) in contemplation of or for the establishment, exercise or defence of, a legal claim, prospective legal claim, legal proceedings or prospective legal proceedings whether before a court, statutory tribunal, statutory body or an administrative or out-of-court procedure,
 - (v) for the enforcement of civil law claims, including matters relating to any liability of a controller or processor in respect of damages, compensation or other liabilities or debts related to the claim, or
 - understanding that it would be treated as confidential to a person who has a legitimate interest in receiving the information, or
 - (c) the personal data concerned are kept—
 - (i) by the Commission for the performance of its functions,
 - (ii) by the Information Commissioner for the performance of his or her functions, or
 - (iii) by the Comptroller and Auditor General for the performance of his or her functions.
- (4) The Minister may prescribe requirements to be complied with when the rights and obligations referred to in *subsection (1)* are restricted in accordance with *subsection (3)*.
- (5) Subject to *subsection (9)*, regulations may be made by a Minister of the Government where he or she considers it necessary for the protection of a data subject or the rights and freedoms of others restricting the rights and obligations referred to in *subsection (1)*—
- (a) (i) if the application of those rights and obligations would be likely to cause serious harm to the physical or mental health of the data subject, and
 - (ii) to the extent to which, and for as long as, such application would be likely to cause such serious harm,
- and
- (b) in relation to personal data kept for, or obtained in the course of, the carrying out of social work by a public authority, public body, a voluntary organisation or other body.
- (6) Subject to *subsection (9)*, regulations may be made restricting the rights and obligations referred to in *subsection (1)* where such restrictions are necessary for the purposes of safeguarding important objectives of general public interest and such regulations shall include, where appropriate, specific provisions required by Article 23(2).
- (7) Important objectives of general public interest referred to in *subsection (6)* include:
- (a) preventing threats to public security and public safety;

- (b) avoiding obstructions to any official or legal inquiry, investigation or process, including any out-of-court redress procedure, proceedings pending or due before a court, tribunal of inquiry or commission of investigation;
- (c) preventing, detecting, investigating and prosecuting breaches of discipline by, or the unfitness or incompetence of, persons who are or were authorised by law to carry on a profession or any other regulated activity and the imposition of sanctions for same;
- (d) preventing, detecting, investigating or prosecuting breaches of ethics for regulated professions;
- (e) taking any action for the purposes of considering and investigating a complaint made to a regulatory body in respect of a person carrying out a profession or other regulated activity where the profession or activity is regulated by that body and the imposition of sanctions on foot of such a complaint;
- (f) preventing, detecting, investigating or prosecuting, whether in the State or elsewhere, breaches of the law which are subject to civil or administrative sanctions and enforcing such sanctions;
- (g) the identification of assets which are derived from, or are suspected to derive from, criminal conduct and the taking of appropriate action to deprive or deny persons of those assets or the benefits of those assets and any investigation or preparatory work in relation to any related proceedings;
- (h) ensuring the effective operation of the immigration system, the system for granting persons international protection in the State and the system for the acquisition by persons of Irish citizenship, including by preventing, detecting and investigating abuses of those systems or breaches of the law relating to those systems;
- (i) safeguarding the economic or financial interests of the European Union or the State, including on monetary, budgetary and taxation matters;
- (j) safeguarding monetary policy, the smooth operation of payment systems, the resolution of regulated financial service providers (within the meaning of the Central Bank Act 1942), the operation of deposit-guarantee schemes, the protection of consumers and the effective regulation of financial service providers (within the meaning of the Central Bank Act 1942);
- (k) protecting members of the public against—
 - (i) financial loss or detriment due to the dishonesty, malpractice or other improper conduct of, or the unfitness or incompetence of, persons concerned in the provision of banking, insurance, investment or other financial services or in the management of bodies corporate or other entities,
 - (ii) financial loss or detriment due to the conduct of individuals who have been adjudicated bankrupt, or

(iii) financial loss or detriment due to the conduct of individuals who have been involved in the management of a body corporate which has been the subject of a receivership, examinership or liquidation under the Act of 2014;

(l) protecting—

(i) the health, safety, dignity, well-being of individuals at work against risks arising out of or in connection with their employment, and

(ii) members of the public against discrimination or unfair treatment in the provision of goods or services to them;

(m) the keeping of public registers for reasons of general public interest, whether the registers are accessible to the public on a general or restricted basis;

(n) safeguarding the integrity and security of examinations systems;

(o) safeguarding public health, social security, social protection and humanitarian activities.

(8) Where the rights and obligations referred to in *subsection (1)* are restricted in regulations made under *subsection (6)* on the basis of important objectives of general public interest of the State, other than the objectives referred to in *subsection (7)*, the important objective or objectives of general public interest shall be identified in those regulations.

(9) Subject to *subsection (10)*, regulations may be made under *subsection (5) or (6)*—

(a) by the Minister following consultation with such other Minister of the Government as he or she considers appropriate, or

(b) by any other Minister of the Government following consultation with the Minister and such other Minister of the Government as he or she considers appropriate.

- (10) The Minister or any other Minister of the Government shall consult with the Commission before making regulations under *subsection (5) or (6)*.
- (11) The Commission may, on being consulted under *subsection (10)*, make observations in writing on any matter which is of significant concern to it in relation to the proposed regulations and, if the Minister or any other Minister of the Government proposes to proceed to make the regulations notwithstanding that concern, that Minister shall, before making the regulations, give a written explanation as to why he or she is so proceeding to—
- (a) the Committee established jointly by Dáil Éireann and Seanad Éireann known as the Committee on Justice and Equality or any Committee established to replace that Committee, and
 - (b) any other Committee (within the meaning of *section 19(1)*) which that Minister considers appropriate having regard to the subject matter of the regulations.
- (12) Regulations made under this section shall—
- (a) respect the essence of the right to data protection and protect the interests of the data subject, and
 - (b) restrict the exercise of data subjects' rights only in so far as is necessary and proportionate to the aim sought to be achieved.

Appendix 3: Principles

Article 5. Principles relating to processing of personal data

- 1. Personal data 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; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('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').

Appendix 4: Rights of the data subject

Article 12. Transparent information, communication and modalities for the exercise of the rights of the data subject

- 1. The controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means.
- 2. The controller shall facilitate the exercise of data subject rights under Articles 15 to 22. In the cases referred to in Article 11(2), the controller shall not refuse to act on the request of the data subject for exercising his or her rights under Articles 15 to 22, unless the controller demonstrates that it is not in a position to identify the data subject.
- 3. The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject.
- 4. If the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy.
- 5. Information provided under Articles 13 and 14 and any communication and any actions taken under Articles 15 to 22 and 34 shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either:
 - (a) charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
 - (b) refuse to act on the request.
- The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.
- 6. Without prejudice to Article 11, where the controller has reasonable doubts concerning the identity of the natural person making the request referred to in Articles 15 to 21, the controller may request the provision of additional information necessary to confirm the identity of the data subject.
- 7. The information to be provided to data subjects pursuant to Articles 13 and 14 may be provided in combination with standardised icons in order to give in an easily visible, intelligible and clearly legible manner a meaningful overview of the intended processing. Where the icons are presented electronically they shall be machine-readable.
- 8. The Commission shall be empowered to adopt delegated acts in accordance with Article 92 for the purpose of determining the information to be presented by the icons and the procedures for providing standardised icons.

Data Access Request Form

<u>Request Details</u>	
Full Name	
Date of Birth	
PPS Number <i>(only required in cases where Housing records or DCC staff employment records are sought)</i>	
Address	
<u>Information Required</u> <i>(Please select as appropriate)</i>	
I require:	
A copy of full records	<input type="checkbox"/>
To view full records	<input type="checkbox"/>
To have a copy of part of record <i>(Please provide information on what you require)</i>	<input type="checkbox"/>
<u>Consent to release records</u>	
I confirm that I am the above person and consent to LGFA releasing the information to me as requested within this form.	
Print name:	
Sign:	Date:
OR: I confirm that I am and I consent to LGFA releasing the information requested within this form to: Relationship:	
Date:	
<u>Form of Access</u> <i>(Please select as appropriate)</i>	
My preferred form of access is:	To receive photocopies by post <input type="checkbox"/>
	To receive photocopies by hand <input type="checkbox"/>
	To receive soft copy by email <input type="checkbox"/>

Requests for personal information must be accompanied by a copy of appropriate photo ID (Passport/Drivers Licence).

Once completed forward this form to:
Data Protection Officer,
Address

Or by email to dataprotection@lgfa.ie

How to complete requests for Information

