

Process Id# :: 0001
Process Name :: NSSO Subject Access Request Process (Clients)
Date Last Updated :: 26/4/2019

Description ::

Chapter III of the GDPR sets out the 'Rights of the data subject. Article 15 sets out the standards that must be met to ensure 'Rights of access by the data subject'. It states ::

'15 (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:'

'15 (3) The controller shall provide a copy of the personal data undergoing processing. ²For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. ³Where 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.'

Receipt of a subject access request from a data subject ::

As the NSSO operates as a processor on behalf of controllers, it is important all data subjects initially direct their Subject Access Requests (SARs) to the appropriate controllers. As a controller they have ultimate responsibility for compliance with the Regulation and determine which material should be released and which should not.

As a processor the NSSO has no legal discretion or authority to release any data under a SAR to anyone but the controller. Therefore the NSSO cannot accept any SARs that should legally be directed to a PSB. Where such a request has been received the NSSO will inform the data subject of that fact and direct the data subject to make contact with the PSB.

SAR request to a PSB :: SAR process and the NSSO obligations

The NSSO is aware of the short window for compliance with a valid SAR and is committed to providing requested material to our PSB clients within a window that enables the controller to fulfil their legal obligations.

1. The data subject will submit a valid SAR to the appropriate controller PSB.
2. The PSB will evaluate the request to determine where the material lies.
3. If the PSB decides the NSSO may have material to contribute to the request it will request the NSSO to provide that data to them.
4. The PSB will address the email to the NSSO to each of dpo@nssso.gov.ie, dataprotection@pssc.gov.ie and FOI@peoplepoint.ie with the request. This helps ensure all relevant areas (HRSS & PSS) are aware of the request.
5. The appropriate unit will respond to the PSB confirming receipt and action.
6. The NSSO aims to provide that material within 20 days to the controller.
7. The controller will assess the material provided by the NSSO.
8. The controller is the sole body entitled to determine what material shall be released, redacted or refused and shall be the sole body communicating with the data subject on said matters.