

Process Id# :: 0002
Process Name :: NSSO Subject Access Request Process (Internal)
Date Last Updated :: 11/10/2019

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 ::

The NSSO operates as a controller on behalf of its staff and own organisational data, it is important all data subjects initially direct their Subject Access Requests (SARs) to the appropriate division. As a controller the NSSO has responsibility for compliance with the Regulation and determine which material should be released and which should not.

Please note: if you are a relative/representative requesting information on behalf of the person concerned, you must supply the individual's consent for the release of their personal data. If you have been appointed to act for someone, you must confirm your capacity to act on their behalf and explain why you are entitled to access their information.

Format of a valid SAR request to the NSSO ::

The NSSO is aware of the short window for compliance with a valid SAR and is committed to providing requested material to data subjects within a window that complies with the Regulations.

1. The data subject will submit a valid SAR to NSSO HR at NSSOResourcing@per.gov.ie. It should be noted that a SAR can technically be made to any staff member, but that staff member should immediately refer it to NSSOResourcing@per.gov.ie.
2. The data subject will be asked to complete a Personal Data Access Form so that the request is clearly defined. Again this is not a legal requirement and cannot be insisted upon, but it removes any ambiguity to the request.
3. The NSSO will then take reasonable and proportionate measures to verify the data subjects identity, as per [Recital 64](#). Once the identity has been confirmed the SAR is considered valid and the clock begins (see 11.)
4. The NSSO does not charge a fee for Subject Access Requests.
5. If it is considered by NSSO HR that more information is needed, you may be asked to clarify your request to enable them to respond appropriately.
6. The NSSO HR will gather any manual or electronically held information and identify any information provided by a third party or which identifies a third party.
7. When responding to a SAR that involves providing information that relates both to the individual making the request and to another individual, NSSO HR is not obliged to comply with the request if to do so would mean disclosing information about another individual who can be identified from that information, except where:
 - a. The other individual has consented to the disclosure; or

- b. It is reasonable in all the circumstances to comply with the request without that individual's consent
 - c. The release of the data will not adversely affect the rights and freedoms of others, as per [Article 15\(4\)](#).
- 8. The decision to disclose will be based on balancing the data subject's right of access against the third party's individual rights in respect of their own personal data as per Article 15(4). If the third party consents to disclosure then it would be unreasonable not to do so. However, if consent is withheld, NSSO HR will need to consider the following in deciding what may be disclosed. NSSO HR will decide whether it is 'reasonable in all the circumstances' to disclose the information and will consider the following in deciding what may be disclosed:-
 - a. Is there any duty of confidentiality owed to the third party;
 - b. Any steps we have taken to try and obtain third-party consent;
 - c. Whether the third-party is capable of giving consent; and
 - d. Any stated refusal of consent by the third-party.
- 9. Once any queries around the information requested have been resolved, copies of the information in a permanent form will be sent, by NSSO HR to you. GDPR does not change the current options of format available to you: i.e. electronic version or paper file.
- 10. Any complex terms or abbreviations contained in the information will be explained or defined when it is shared with you.
- 11. The GDPR allows for a period of one month, starting from when we have received all the information necessary to identify you (as per point 3), to identify the information requested, to provide you with the information or to provide an explanation about why we are unable to provide the information.
- 12. NSSO HR may extend the time to respond to your SAR by a further two months if the request is particularly complex or if you have placed several requests.
- 13. Should an extension be required, NSSO HR will contact you without delay and at least within one month of receiving the request in order to explain why an extension is required.
- 14. If you have made a previous subject access request, the NSSO may consider if a reasonable interval has elapsed since the previous request, in line with the provisions of [Article 12\(5\)](#). A reasonable interval will be determined upon the nature of the information, the time that has elapsed, and the number of changes that have occurred to the information since the last request.
- 15. GDPR does not alter your existing right to update data held about you. If NSSO HR agrees that the information is inaccurate, they will correct it and where practicable, destroy the inaccurate information. NSSO HR will also consider informing any relevant third party of the correction.
- 16. If NSSO HR does not agree or, if it feels unable to decide whether the information is inaccurate, a note of the alleged error will be made and kept on file
- 17. If you need any further information, or updates on your SAR, you can contact NSSO HR for further details.
- 18. You may also contact the Data Protection Officer of the NSSO, Adam Egan at dpo@nssso.gov.ie or the team at dataprotection@peoplepoint.ie.
- 19. Should you remain dissatisfied, you have the right to refer the matter to the Data Protection Commission at:
 - Data Protection Commission
 - Canal House, Station Road, Portarlinton, Co. Laois,
 - R32 AP23
 - info@dataprotection.ie
- 20. This policy will be reviewed periodically so as to ensure continued compliance with relevant legislation. Policy reviews will be undertaken by the Data Protection Officer and other internal stakeholders.
- 21. SARs will be kept on file for a year. This is to assist in where a series of requests are received which potentially could be viewed as vexatious or repetitive in nature.