

**Process Id# ::** 0010  
**Process Name ::** NSSO Freedom of Information Process (Clients)  
**Date Last Updated ::** 4/4/2022

### **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'. [Article 86](#) relates to public access to official documents and is reflected in Section 44 of the [Data Protection Act, 2018](#).

The [Freedom of Information Act, 2014](#), is a separate legislative vehicle to the GDPR with access to data (personal and non-personal) treated in a different manner. However the NSSO has no more contractual right to disclose records than it does to disclose personal data.

### **Receipt of a Freedom Of Information 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 Freedom of Information Requests (FOIs) to the appropriate controllers. As a controller they have ultimate responsibility for compliance with the Act and, crucially, determine which material should be released and which should not.

As per our binding contractual agreement with our clients, the NSSO as a processor has no legal discretion or authority to release any data, documents, information or records under FOI to anyone but the controller. Therefore the NSSO cannot accept any FOI requests that should legally be directed to a PSB. Where such a request has been received the NSSO will inform the data subject or requester of that fact and direct the requester to make contact with the PSB.

### **FOI request to a PSB :: FOI process and the NSSO obligations**

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

Ownership of the FOI remains with the client / controller at all times. The NSSO's function is to assist in the search and retrieval of records which the NSSO is processing on the clients behalf. 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.

1. The requester will submit a valid FOI request 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 relevant to the FOI query it will request the NSSO to provide that data to them.
4. The PSB will do this by sending the request to [FOIenquiries@nssso.gov.ie](mailto:FOIenquiries@nssso.gov.ie) . The query will be forwarded from there to the appropriate sections within the NSSO (HR, Payroll & Finance Shared Services)
5. [FOIenquiries@nssso.gov.ie](mailto:FOIenquiries@nssso.gov.ie) will respond to the PSB confirming receipt and action.
6. The NSSO aims to provide that material within 14 days to the controller.
7. The controller will assess the material provided by the NSSO.
8. Again, 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.