

Document Name and Version	10.4 Data Protection. Subject Access Request (SAR) Policy
Policy Number	10.4
Policies that interact with Policy 104	10.1 Data Policy; 10.2 Data Protection Processing Principles 10.3 Data Management and Retention Policy; 10.5 Data Breach Policy; 10.6 Webpage Privacy and Cookie Notice; 10.7 Your Right of Access to Personal Information held by IICP College;
Approval Body	Board of Directors
Date of Approval	February 2020
Date Policy Comes into Force	25 th January 2021
Date of Review	2025
Revisions	

1. Preamble.

1.1. This policy addresses how individuals can enforce their rights to access and change their personal data.

2. Scope.

2.1. This policy applies to all individuals about whom IICP College holds personal data.

3. Purpose.

3.1. The purpose of this policy is to provide individuals with a process through which they can access and change their personal data.

3.2. This policy is complemented the following guides:

- *Your Right of Access to Personal Information held by IICP College;*
- *How to make an Access Request (SAR).*

3.2.1. These guides provide a procedure and supporting documents to assist individuals to enforce their rights under the GDPR.

3.3. This policy addresses the following legislative and regulatory requirements:

- General Data Protection Regulation [GDPR].
- QQI Sector-Specific Quality Assurance Guidelines for Independent/ Private Providers: Management of legislative and regulatory compliance.

4. Roles and Responsibilities.

4.1. The Board of Directors is responsible for formally approving this policy and for overseeing its implementation.

4.2. The Senior Management Team is responsible for the scheduling and implementation of staff and learner training requirements for the implementation of this policy and related Data Protection policies.

4.3. The Data Protection Contact is responsible for the operation of this policy and for the creation and implementation of associated policies and procedures.

5. Policy.

5.1. *Data Subject Rights (DSR)*. IICP College ensures that data subjects know their rights and how to enforce them. These rights are:

- The right to be informed;
- The right of access;
- The right to rectification;
- The right to erasure;
- The right to restrict processing;
- The right to data portability;
- The right to object;
- Rights in relation to automated decision making and profiling.

5.2. A data subject has the right of access to personal data which has been collected concerning him or her by IICP College.

5.3. An application for access to data is called a **Subject Access Request** [SAR].

5.4. To assist the request process, the College has developed a standard SAR form which can be completed for all access requests. Data controllers are required, where possible, to provide remote access to a secure system which the data subject can have direct access to his or her own personal data. IICP College is currently not in a position to provide remote access.

6. Procedure

6.1. In accordance with the GDPR, IICP College provides information on data subject's rights, and how to enforce those rights, in accessible forms and in plain language, to data subjects.

6.2. A data subject has the right to obtain the following information from IICP College, which is contained on the College's Data Register.

- Confirmation of whether or not personal data concerning them is being processed;
- Where personal data concerning them is being processed, a copy of their personal information;
- Where personal data concerning them is being processed, additional information as follows:
 - Purpose(s) of the processing;
 - Categories of personal data;
 - Any recipient(s) of the personal data to whom the personal data has or will be disclosed, in particular recipients outside the EU and EEA areas or international organisations, as well as information about appropriate safeguards;
 - The retention period or, if that is not possible, the criteria used to determine the retention period;
 - The existence of the following rights:
 - The right to be informed;
 - The right of access;
 - The right to rectification;
 - The right to erasure;
 - The right to restrict processing;
 - The right to data portability;
 - The right to object;
 - Rights in relation to automated decision making and profiling.

5.3 A person may exercise access rights using the precedent SAR form below.

5.4 A person may also request the erasure, restriction or suppression of their personal data. These are not absolute rights and only apply in certain circumstances. Any right other than access may be exercised through a letter outlining what they wish to happen in relation

to their data. Guidance for letters can be found on the Data Protection Commission website, and in their booklet “GDPR and you¹” (Available at <http://gdprandyou.ie/>).

5.5 All correspondence must be in writing (not electronic mail) to the Data Protection Contact.

5.6 A Data Protection request to IICP College also covers third party processors of IICP College data. Consequently, IICP College has identified third party processors, and will inform them of any request, where necessary.

5.7 IICP College reserves the right where requests from a data subject are unfounded or excessive in nature to refuse to act upon the request. The College may also refuse to act upon a subject access request under GDPR in the following circumstances:

- Where it would breach the rights of someone else;
- Where it is the subject of an ongoing legal case;
- Where it would be illegal to do so;
- Where the identity of the requester cannot be determined.

5.8 The Data Protection Contact [DPC] upon receipt of the request shall:

- (i) Contact the data subject or their representatives confirming receipt of the request along with the date the request was received. In addition, if there is any doubt regarding the identity of the requestor, the Data Protection Contact may request a valid photo ID as additional proof of identity.
- (ii) Determine if the request should be refused under the GDPR. If the request is to be refused, then the Data Protection Contact shall contact the data subject to inform them of this and shall set the status of the request as closed providing details of the case closure.
- (iii) Determine the effort involved in satisfying the request. If the Data Protection Contact determines that the effort involved means that the request cannot be satisfied within the 1-month GDPR timeline but can be satisfied with an extension, then the Data Protection Contact shall contact the requester and inform them of:

¹ Data Protection Commission. (2017). *The GDPR and You: General Data Protection Regulation. Preparing for 2018*. Available through <http://gdprandyou.ie/> (Accessed 27 October 2018).

- the need for an extension;
- the reason why an extension is required;
- an approximation of when the request requirements will be met.

(iv) This contact shall be documented on the open request.

(v) Where necessary, the DPO shall communicate any decisions regarding a DP application to third parties holding the applicant's personal data.

(vi) Once the request is completed then the Data Protection Contact shall contact the requester telling them that the request is available in the format that they requested (or an alternative format, where this is not possible) and that they should call for collection, or if it is an external requestor, that the request will be sent via official correspondence once their identity has been confirmed (see next step).

(vii) The Data Protection Contact shall verify the identity of the requester by their employee ID card/learner ID card or official ID documentation (e.g. passport, driver's license) (if external requestor) before the transfer of data is complete.

(viii) The Data Protection Contact shall close the case.

7. Supporting Documentation

7.1. Subject Access Request [SAR]

Before completing this form, read IICP College's information leaflets:

- Your Right of Access to Personal Information held by IICP College
- How to make an Access Request (SAR)

1. Contact Details

Full Name: _____

Address: _____

Contact number: _____

Email address: _____

2. To help locate your personal data, please state your status with the college (Learner, Staff, prospective learner etc.)

3. Please provide a brief account of the nature of the contacts you have had with this College

- Please note: This access request must be accompanied with a copy of photographic identification e.g., passport or drivers licence.

PART ONE: Details of Data Subject

IICP College holds different data about different data subjects (Please see IICP College's *Data Protection Policy* for a thorough list of the types of data held for different data subjects). You can request personal information held under one or more of these data holdings by specifying in the appropriate box.

Category of data subject: staff or learner _____

Please ensure that you fill out the right form (Blue box learners; green box for staff)

LEARNER FORM

CATEGORY	Please specify	For Office Use Only
<i>Personal details:</i> name, date of birth, country of birth, nationality, telephone numbers, addresses (home and term addresses), PPS number, gender, email address. The College may gather information such as car registration number, ID number, depending on specific circumstances.		
<i>Financial information:</i> Bank details including IBAN, BIC, name of bank/building society, credit card details (which are not retained), details of funding and fees paid and outstanding.		
<i>Information on others:</i> Next of kin/emergency contact details. The College may collect further information such as parents' socio-economic grouping, parents' occupation, parents' employment status depending on the circumstances		
<i>Application Information:</i> Original records of application, references, resumé, qualifications, certificates, transcripts, personal statements and essay, and related data.		
<i>Academic information:</i> Academic history, academic grades, relevant work experience, exam scripts, continuous assessments, academic marks qualifications awarded, attendance record, library information and related data.		
<i>Clinical information and materials:</i> Clinical logs, personal therapy records and letters, professional body membership, insurance schedule, supervision records, clinical readiness assessments, clinical placement forms, logs and reports, and related data.		
<i>Sensitive personal data:</i> Health and disability information, medical assessments, religion, ethnic origin, criminal convictions (for certain programmes which involve contact with minors). This sensitive personal		

data is collected to meet Government requirements, to monitor whether our equal opportunities policies are working and to ensure that learners with disabilities and other under-represented groups receive appropriate support. We are obliged to keep this special category of data as securely and as confidential as possible.		
<i>Interaction details:</i> Engagement with IT system, Moodle activity and use of facilities such as the library. Texts, emails and hard copy correspondence.		
<i>Online services:</i> IP address.		
<i>Garda Vetting Information:</i> Garda vetting documents		
<i>Other personal information:</i> Disciplinary information; images and voice recordings in assessments, records of any serious injuries/accidents and related matters.		

STAFF FORM		
CATEGORY	Please specify	For office use only
<i>Personal Details:</i> Title, name, address, contact details, email address, PPS number, date of birth, etc.		
<i>Job application, selection and probation.</i> Original records of application, references, resumé, qualifications, transcripts, psychometric testing results, etc.		
<i>Record of appointments to promotion posts</i>		
<i>Work records:</i> Details of approved absences (sick leave, annual leave, career breaks, parental leave, study leave etc.)		
<i>Interaction details:</i> Engagement with IICP College Staff, Moodle activity and use of facilities such as the library. Texts, emails and hard copy correspondence.		
<i>Online services:</i> IP address;		

<i>Garda Vetting Information: Garda vetting documents may be required;</i>		
<i>Other personal information: Disciplinary information; images and voice recordings in assessments, records of any serious injuries/accidents and related matters; Details of complaints and/or grievances including consultations or competency discussions, action/improvement/evaluation plans and record of progress</i>		
<i>Other</i>		

I declare that all the details I have given in this form are true and complete to the best of my knowledge.

I have included a copy of photographic identification.

Signature of Applicant Date:

Please return the completed form to Data Protection Contact, IICP College,