

**COMHAIRLE CHONTAE CHILL CHAINNIGH**

**KILKENNY COUNTY COUNCIL**

**Subject Access Request**

**Policy and Procedures**

 **June 2019**

**Contents Page No.**

**1.0 Purpose** ....................................... 3

**2.0 Definitions** ....................................... 3

**3.0 Scope** ....................................... 3

**4.0 Policy** ....................................... 4

**5.0 Procedures** ....................................... 4

**6.0 Complaints to the Data Protection Commission** ....................................... 6

**7.0 Recording Data Subject Access Requests and Outcomes** ........................... 7

**8.0 Awareness** ....................................... 7

**9.0 Monitoring and Review** ....................................... 7

**10.0 Further Information** ....................................... 7

1. **Purpose**

The GENERAL DATA PROTECTION REGULATION (GDPR), which came into effect on 25th May 2018, and the DATA PROTECTION ACT 2018 which gives further effect to this Regulation provide data subjects with a right to access their personal data. The purpose of this document is to outline Kilkenny County Council’s policy and procedures for processing requests received from Data Subjects for access to their personal data.

1. **Definitions**

For the purposes of this policy and procedures document the following definitions apply:

* **Data Subject:** is an individual who is the subject of personal data.
* **Data Subject Access Request:** is a request received from a data subject for access to personal data.
* **Personal Data:** any information relating to an identified or identifiable natural person (‘Data Subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
* **Processing:** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
1. **Scope**

This scope of this document applies to all personal data held by Kilkenny County Council in physical or electronic format relating to members of the public, service users, suppliers and employees.

1. **Policy**

It is the policy of Kilkenny County Council to ensure that Data Subject access requests are dealt with in a timely and comprehensive manner that focuses on respecting the rights of the data subject.

1. **Procedures**

The procedures for dealing with Data Subject access requests are as follows:

**5.1 Making a Data Subject Access Request**

Data subject access requests are required to be submitted in writing in physical or

electronic format e.g. by letter or e-mail.

**5.2 Confirming the Identity of a Data Subject**

Where it is deemed necessary or appropriate Kilkenny County Council may

request the provision of additional information to confirm the identity of the person

submitting a data subject access request.

**5.3 Acknowledging a Data Subject Access Request**

Kilkenny County Council shall acknowledge a data subject access request without

undue delay and in any event within 2 weeks of receiving the request. The

acknowledgement shall specify the expected timeframe for issuing a decision on the

request and the procedure for making a complaint to the Data Protection

Commission in the event that a decision is not made.

**5.4 Decision on a Data Subject Access Request**

Kilkenny County Council may grant or refuse a data subject access to his or her personal data.

**5.5 Granting Access to Personal Data**

In instances where access to personal data is being granted, the following applies:

**5.5.1** Kilkenny County Council shall provide the personal data to the data subject

without undue delay and in any event within one month of receipt of the request

**5.5.2** Kilkenny County Council may however extend the period for providing data

subjects with their personal data by 2 further months in cases where the requests

are complex or numerous. In such circumstances the data subject shall be informed

of the extension within one month of receipt of the request and provided with a

reason for the extension.

**5.5.3** Kilkenny County Council will normally provide personal data to a data subject

free of charge.

**5.5.4** However if a data subject access request is excessive or repetitive, in particular

because of its repetitive character, Kilkenny County Council may charge a

reasonable fee taking into account the administrative costs of providing the personal

data.

**5.5.5** Where the data subject access request is made by electronic means, the personal

data shall be provided by electronic means, where possible, unless otherwise

requested by the data subject.

**5.5.6** The notification of the decision to grant access to personal data shall outline further

details regarding the rights of the data subject under the GDPR. Details to be

provided to the data subject shall include information relating to:

* The purposes for processing the personal data.
* The categories of personal data concerned.
* The recipients or categories of recipients to whom the personal data has been or

will be disclosed.

* Where possible, the envisaged period for which the personal data will be

retained or, if not possible, the criteria used to determine that period.

* The rights of the data subject to request the rectification or erasure of personal

data or restriction to the processing of personal data concerning the data subject

or to object to such processing.

* Where the personal data is not collected from the data subject, any available,

information as to its source.

* If automated decision making applies, details of how these decisions are made.

**5.5.7** The notification of a decision to grant a request must inform the data subject of his

or her right to make a complaint to the Data Protection Commission if he or she is

dissatisfied with the decision and outline the process for making such a complaint to

the Data Protection Commission.

**5.6 Refusing Access to Personal Data**

**5.6.1** A data subject may be refused access to his/her personal data in the following

instances:

* Where a data subject access request is considered to be manifestly unfounded

or excessive, in particular because of its repetitive character;

* Where the scope of access is restricted under provisions contained in Data

Protection legislation enacted by the State.

**5.6.2** Kilkenny County Council shall notify the requester of its refusal to a data subject

access request within one month of receiving the request.

**5.6.3** The reason(s) for refusing a data subject access request shall be outlined in the

notification.

**5.6.4** The notification of a decision to refuse a request must inform the data subject of his

or her right to make a complaint to the Data Protection Commission if he or she is

dissatisfied with the decision and outline the process for making such a complaint to

the Data Protection Commission.

**6.0: Complaints to the Data Protection Commission**

**6.1** Data subjects may make a complaint in the following circumstances:

* If they experience a delay outside of the prescribed timeframe for making a

decision on a data subject access request;

* If they are dissatisfied with a decision by Kilkenny County Council on their

data subject access request;

* If they consider that Kilkenny County Council’s processing of their personal

data is contrary to data protection legislation.

**6.2 Contact details for the Data Protection Commission are as follows:**

Phone Number: 0761 104 800 or Local 1890 252 231

E-mail: info@dataprotection.ie

Website: www.dataprotection.ie

Postal Address: Data Protection Commission

Canal House

Station Road

Portarlington

Co. Laois

R32 AP23.

**7.0 Recording Data Subject Access Requests and Outcomes**

**7.1** The Data Protection Officer shall maintain a summary record of each data subject

access request received by Kilkenny County Council and the outcome in terms of

the decision made on the request.

**7.2** Details of any subsequent complaints to the Data Protection Commission and their

outcomes shall also be maintained on the summary record.

**8.0 Awareness**

Kilkenny County Council shall implement appropriate measures to make its employees aware of the contents of this policy and procedures document.

**9.0 Monitoring and Review**

Provisions contained in this policy and procedures document shall be subject to on-going monitoring and review.

**10.0 Further Information**

**10.1** Further information and advice on the operation of this policy and procedures

document is available from the Data Protection Officer, Kilkenny County Council.

**10.2** Contact details for the County Council’s Data Protection Officer are as follows:

Name: Eamonn Tyrrell

Phone: (Direct)353-56-7794277

E-mail: dataprotection@kilkennycoco.ie

Website: www.kilkennycoco.ie

Postal Address: Kilkenny County Council, County Hall, John Street, Kilkenny R95 A39T