

NALA

Subject Access

Request Policy

**Your right to see information
we hold about you**



NALA

National Adult Literacy Agency
Áisíneacht Náisiúnta Litearthachta do Aosaigh

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Introduction

The General Data Protection Regulation (GDPR) details what your rights are when someone handles your personal information. GDPR consists of 99 sections known as articles and 173 recitals which give extra information. These articles and recitals are mentioned in this document.

'Data' means any information about people that is collected by another person or organisation. 'Data processing' is a phrase used to describe the different ways information is used and stored.

NALA gathers data about:

- employees
- learners
- clients
- our members
- other individuals
- our suppliers.

NALA is a 'data controller'

This means that we control information and are a 'data controller'. As a data controller the law says we must comply with the rights in the legislation. We must be able to supply data when appropriate, and to enforce the law on data privacy.

Under the General Data Protection Regulation (GDPR), you have a right to access and receive the personal data processed by us about you.

What is a Subject Access Request?

A 'subject' means a person whom we hold data about.

A Subject Access Request (SAR) is when you, the subject, want to ask us for access to the data we hold about you. An SAR enables you to find out:

- what personal data we have about you

- if and why we have used (processed) your data
- any other organisation or person to whom we may have sent your data.

When you ask for this data under an SAR, we will send you a copy of the data about you that we hold.

Aim of this policy

The aim of this policy is to provide clear instructions for anyone who wishes to ask us about the data we hold about them – a ‘Subject Access Request’ (SAR). This policy outlines what we must do as a data controller when responding to an SAR.

This policy also provides instructions for NALA’s Governance and Compliance Officer who will be NALA’s Subject Access Request Coordinator (SAR Coordinator) or will appoint a SAR Coordinator.

The SAR is responsible for:

- handling Subject Access Requests
- how we respond to a request
- the timeline in which we must respond.

What type of data does this policy cover?

The policy covers both personal and sensitive personal data we hold about people. The policy applies to data held in manual and automated form.

We will treat all personal and sensitive data with equal care. We will refer to both categories equally as ‘personal data’ in this policy, unless specifically stated otherwise.

Your rights to access data

(Right of access by the data subject, GDPR, Article 15)

If we have collected personal data about you, you have the right to get the following information from us:

- why we are using your data
- what type of data about you we have collected
- any other people or organisations to whom we have given your data
- how long we will keep your data for
- what your rights are about your data
- where we got your data from if not directly from you.

We don't currently use automated decision making or profiling, but if we ever do, you will have the right to know that we do this.

You also have the right to lodge a complaint with the Data Protection Commission.

If we hold a large amount of data about you, before we give you information, we may ask you to specify the data you require.

What NALA must do about your request

What way we must respond

We must give you a copy of the personal data we hold about you. When you submit your 'Subject Access Request' (see Appendix A for Subject Access Request Form), generally we will return the data you ask for by email. However, you may ask us to post it to you instead.

Some requests for data are ones we would ordinarily deal with within the normal course of business. We will decide if your request is a formal Subject Access Request, or if we can manage it as 'business-as-usual'.

In order to be valid, a Subject Access Request must be in writing. It should also include proof of your identify.

Costs

Generally, we must answer Subject Access Requests free of charge. However, if we decide an access request is unfounded or excessive, we may charge a reasonable fee. This will take into account the administrative costs of providing the data.

The General Data Protection Regulation (GDPR) allows us to charge for subsequent requests that we decide are unfounded or excessive. We decide this type of fee based on the facts and context of the request.

Response time

The General Data Protection Regulation (GDPR) says that we must process a Subject Access Request within 30 days.

We may extend this one-month period for two further months based on the complexity of the request and the number of the requests received. If we are going to extend the 30 days, we will tell you within one month of receiving your request. We will also tell you the reasons for the delay.

Proving your identity

We will use reasonable measures to prove the identity of anyone who submits a Subject Access Request. If we don't know the person or we have reasonable doubts about the identity of the person making the request, we may ask them to provide extra information to confirm their identity.

If we know the identity of the person looking for data, for example, they are an employee, we do not need to ask for additional information to confirm their identity.

When we can refuse to provide data

Under GDPR, there are limited circumstances where we can refuse a Subject Access Request. Not all of the restrictions apply in the same way. This means we look at each restriction carefully to see how it applies to a particular request. (For more information, please see Appendix B).

How we can refuse a request

(Transparent information, communication and modalities for the exercise of the rights of the data subject, GDPR, Article 12 [4])

If we are refusing to answer a Subject Access Request, we must inform you without delay and at the latest within one month of receiving your request. We must tell you:

- why we are refusing to answer all or part of your request
- that you may complain to the Data Protection Commission
- that you have the right to seek independent legal advice.

Someone else can ask for data on your behalf

You can ask someone else to make a Subject Access Request on your behalf, for example, a solicitor.

If you do this, we need to be satisfied that the third party making the request is entitled to act on your behalf. We can ask them to provide evidence that they are doing so.

If the third party has power of attorney over your affairs, we would consider this satisfactory proof that they have the authority to ask for the data.

A power of attorney is a legal device in Ireland that can be set up by you to allow another specially appointed person to take actions on your behalf.

External data processors

An external data processor is a person or organisation who processes data on behalf of a data controller like NALA. They do not control or have any responsibility for the data.

If we use a data processor, then we must tell them when someone makes a Subject Access Request (SAR). We must have a contract in place with any data processor we use to make sure they can deal efficiently with SARs.

Subject Access Request response procedure

Subject Access Request (SAR) received

When a NALA employee receives a SAR from you, they must immediately forward the request details to the NALA Subject Access Request (SAR) Coordinator.

The SAR Coordinator records the date that the NALA employee received the request.

The SAR coordinator will communicate directly with you. They will acknowledge receiving your SAR and tell you they will respond appropriately within 30 days.

[See Appendix C for acknowledgement letter.]

Proving your identity

If we know the identity of the person making the Subject Access Request, for example, they are an employee, we do not need to ask for additional information to confirm their identity. If we don't know the person or we have reasonable doubts about their identity, we may ask them to provide extra information to confirm their identity, like:

- photocopy of proof of identity, for example, a passport or driver's licence
- proof of address, for example, a utility bill like gas or electricity.

Contacting you for more information

It is unlikely that our first contact from you will give us all the relevant information we need about your Subject Access Request (SAR). This means that our SAR Coordinator must write to you to ask for more clarification. (See Appendix D.)

When we have verified your identity and understand the type of data you are looking for, our SAR Coordinator can conduct the search for your personal data.

The SAR Coordinator is allowed to have a direct conversation with you to clarify what you want from your SAR. This type of conversation helps because often the data subject is looking for a specific document and will state this in conversation. This makes it more efficient to provide the data you require.

However, you may be adamant that you wish to receive a copy of everything that we hold about you. If so, we will carry out a complete and comprehensive search of the computerised and manually held data in our organisation.

Identify personal data held

Our SAR Coordinator should engage with NALA management and staff. They will help to identify where personal data about the individual concerned might be held. They will also help to locate that data.

We use a system called the Record of Processing Activities (RoPA). It helps us to make sure a map of the personal data is clearly understood and that we capture all data.

The SAR Coordinator may need to search:

- central electronic filing systems
- manual personnel records
- shared computer drives
- databases
- email folders and archives
- other communication tools.

Our SAR Coordinator is responsible for issuing requests for data to the relevant stakeholders within the organisation and for receiving all the returns.

Our SAR Coordinator will then print out all computerised data which has been returned to them by each department or stakeholder. They will also have received photocopies of all relevant manual files. They will collate two sets of material:

- one of computer printouts
- the other of photocopied manual files.

Review what personal data can or cannot be disclosed

After our SAR Coordinator has collected the relevant personal data held about you, they must review it to find out if they should disclose it to you. They must do this on a case-by-case basis for each individual piece of data. In some cases, they may have to disclose only part of the personal data in relation to documents.

1. Check identity

First our SAR Coordinator will check that the data stored is about the person concerned and not about someone else with the same name. The SAR Coordinator should only print out records, documents or emails that are about the individual making the subject access request.

2. Eliminate duplicates

Our SAR Coordinator will screen out any duplicate records. For example, if there has been an e-mail exchange with some colleagues, the NALA employee only needs to print out the last email in the exchange if copies of all the other emails are part of the last email.

3. Only disclose data about you

The SAR Coordinator should only disclose data which is about you and your Subject Access Request.

If a document contains personal data about a number of people, including you, the coordinator should not disclose the data about the other people to you.

If the record is mainly about you, with incidental data about others, the SAR Coordinator should redact (black out) the data about other people. If the record is mainly about other people, the coordinator should only give you the document if it is possible to black out the data about the other people.

4. We must not destroy relevant data

We must not destroy relevant records after you have asked us for data, but we have not fully completed your request.

5. Prepare and review the data

Once our SAR Coordinator has identified all the data that they can send you in response to your Subject Access Request, they will carry out a final review of this data. They will then collect it together. They must make sure that by gathering all the data together, they avoid revealing data about other people.

A member of our NALA management team will review all the data before we send it to you.

Sending data

Our SAR Coordinator should use the SAR checklist in Appendix E before they respond to you. This is to make sure that they have got all the data and are giving you all the data they can as detailed in the General Data Protection Regulation (GDPR).

Our SAR Coordinator will refer to Appendix F when they formally respond to you.

Generally, they will give you the data in electronic format, unless you tell them you would like a physical copy posted to you. If there is a lot of data, it may be provided electronically and securely on a USB stick.

Our coordinator will send you the data by secure, registered delivery. We will ask you to let us know when you receive it.

We will keep records of the data we have sent you. If there is ever any dispute about this in the future, we will use these as evidence that we responded appropriately and on time to your SAR.

Document the request

Our SAR Coordinator should log Subject Access Requests in the NALA Individual Rights Log spreadsheet.

Our SAR Coordinator will create a folder for each Subject Access Request. The filename should be made up from the reference number and initials of the applicant.

Example of details to use in reference tag					
SAR	Reference number	Year	Month	Day	Applicant's initials
SAR	20	21	04	05	JS
Resulting reference tag SAR20210405 – JS					

Our SAR Coordinator should Include the following in each SAR file:

- copies of correspondence between them, you and any other relevant people
- a record of any phone conversation that may have been required to verify your identity
- a record of their decisions and how they came to those decisions
- copies of the data sent to you.

Exemptions

There is some material that does not have to be included when we respond to a Subject Access Request.

If we are negotiating with you when you submit your Subject Access Request, we do not have to reveal requested data if it would be likely to prejudice those negotiations. Once the negotiations are complete and have been put into effect, the whole file becomes subject to Subject Access Request in the normal way.

Related documents

- [NALA Data Protection Policy](#)
- [Subject Access Request Form](#)

Appendix A: Subject Access Request Form

National Adult Literacy Agency
Subject Access Request Form

Request for a copy of personal data under Articles 15 to 22 of the General Data Protection Regulation 2018.

Please return this form to:

Governance and Compliance Officer

NALA

Sandford Lodge

Sandford Close

Ranelagh

Dublin D06 YF65.

You can also contact us by:

- **phone, 01-412 7900; or**
- **email, info@nala.ie.**

Section 1: Your personal details

Full name (please use CAPITAL letters)

Postal address

Eircode

Phone

Email

Section 2: Details of data required

To help us to find the data you are requesting, please include as many specific details as possible. Please tell us the relevant:

- period of time, for example, 01 January 2020-31 December 2020
- reference numbers.

Description of data including dates

National Adult Literacy Agency
Subject Access Request Form

Section 3: Proof of your identity

To prove your identity, we need two pieces of ID:

- photographic ID, and
- proof of address.

For example, a copy of your passport and a utility bill.

Types of ID I have supplied

Section 4: Declaration

The information which I have supplied in this request is correct, and I am the person to whom it relates. I understand that NALA may need to obtain more information from me to comply with this request.

Signature

Date

Please write name in CAPITAL letters

Sections 5, 6 and 7 should only be completed if the application is being made by a representative applying on your behalf.

Section 5: Representative details

(If completed NALA will reply to the address you provide in this section)

Name of representative (CAPITALS)

Company name

National Adult Literacy Agency
Subject Access Request Form

Postal address

Eircode

Phone

Email

Section 6: Proof of the representative's identity

To prove the representative's identity, we need two pieces of ID:

- photographic ID, and
- proof of address.

For example, a copy of their passport and a utility bill.

Types of ID supplied

Section 7: Authority to release data to a representative

The representative must get permission from the data subject before we can release their personal data. The representative should obtain your signature below or provide a separate note of authority. This must be an original signature, not a photocopy (tip: using blue ink often helps verification).

I give my authority for the representative named in Section 5 of this form to make a Subject Rights Request on my behalf under Data Protection Legislation.

Signature of data subject

Date

Signature of representative

Date

For NALA internal use only

Reference No: _____

Date received: _____

Date of acknowledgement of data subject: _____

Identity verified: _____

Date of response to data subject: _____

Appendix B:

When NALA does not have to give you data

Excessive or unreasonable requests – Article 12 (5) GDPR

If we think your request for data is unfounded or excessive, we can:

- request a 'reasonable fee' to deal with the request, or
- refuse to deal with the request.

In either case, we must justify our decision and document the facts that lead to us to make this decision. For example, if the request for data is extremely repetitive, we may decide it is unreasonable.

You already have the data – Article 13 (4) GDPR

If you already have the data, we do not have to give it to you.

Too difficult to answer or legal reasons – Article 14 (5) of the GDPR

We do not have to give you data when:

- it would be impossible or involve a disproportionate effort
- there is a legal obligation for us to process the data
- your personal data must be kept confidential for 'professional secrecy' or other legal reasons

If it may damage other people – Article 15 (4) GDPR

We will not give you personal data if it would adversely affect the rights and freedoms of other people.

Remote or limited access – Recital 63 GDPR

Where possible, we should give you remote access to a secure system that would give you direct access to your personal data. However, if we cannot do so, we should provide the data in another way.

If we have a large quantity of data about you, we can ask you to specify the data or processing activities related to your request.

Other times we do not have to give or delete your data

Article 23 (1) GDPR

Security and crime

We may refuse to give or delete data if necessary to protect:

- national security
- defence
- public security
- against criminal activity.

Public interest

We may refuse to give or delete data for important objectives of general public interest. This includes important economic or financial interest including:

- monetary
- budgetary
- taxation
- public health
- social security.

Justice

If withholding data is necessary to protect judicial independence or judicial proceedings, we will not give or delete data.

We will not give you or delete data connected to the enforcements of civil law claims.

Ethics

We will not give or delete data where it is needed in cases of breaches of ethics to:

- prevent
- investigate
- detect
- prosecute.

Protect you and others

We will not give or delete data if needed to protect the rights and freedoms of you or others.

Data Protection Act – exceptions to revealing or deleting

Section 60 (3) Data Protection Act [DPA] 2018

The Data Protection Act 2018 also details when we do not have to reveal or delete personal data.

Government

We may not have to reveal or delete data if necessary to safeguard:

- cabinet confidentiality
- parliamentary privilege
- national security
- defence
- international relations of the State.

Crime

We may not have to reveal or delete data if it is necessary to prevent, detect, investigate and prosecute criminal offences.

Tax

We may not have to reveal or delete personal data if it will prejudice any case involving money owed to the state, like taxes or duties.

Legal cases

We may not have to reveal or delete personal data in connection with a legal case.

Civil law cases

We may not have to reveal or delete personal data relating to any civil law claims, damages or compensation.

Financial liability

We may not have to reveal or delete data estimating any liability for damages or compensation that might damage our commercial interests.

Confidential opinion

We may not have to reveal or delete any opinions given to us by someone else about you.

Held by State organisations

We may not have to reveal or delete your personal data that must be kept by the:

- Data Protection Commission for the performance of its functions
- Information Commissioner for the performance of their functions
- By the Comptroller and Auditor General for the performance of their functions.

Minister may change the law

Section 60 (5) of the DPA 2018

Regulations may be made by a Minister of the Government where they consider it necessary for the protection of a data subject or the rights and freedoms of others.

They may restrict the rights and obligations if:

- a) the application of those rights and obligations would be likely to cause serious harm to the physical or mental health of the data subject; and
- b) if personal data was kept for, or obtained in the course of, the carrying out of social work by:
 - o a public authority
 - o public body
 - o a voluntary organisation or other body.

Section 60 (6) of the DPA 2018 sets out that regulations may be made restricting the rights and obligations if needed to safeguard important objectives of general public interest.

Legal advisers

Section 162 of the DPA 2018

The rights and obligations of General Data Protection do not apply to personal data consisting of communications between NALA and its legal advisers.

Nor do they apply where using those rights would constitute a contempt of court.

Appendix C: Acknowledgement of request

[Insert Date]

[Insert Address]

[Insert Address]

[Insert Address]

REF: *[Insert Reference Number]*

About: Subject Access Request under Article 15 of the General Data Protection Regulation 2018

Dear *[Sir/Madam]*

Thank you for sending us your Data Access Request. We received this at our office on *[Insert Date]*.

I have sent your request on to the relevant department in our organisation. They will deal with your request within 30 days of us receiving it.

Yours sincerely,

Mr/Ms Will Benamed

Data Protection Team

Appendix D: We need more information

[Insert Date]

[Insert Address]

[Insert Address]

[Insert Address]

REF: *[Insert Reference Number]*

About: Subject Access Request under Article 15 of the General Data Protection Regulation 2018

Dear *[Sir/Madam]*

Thank you for sending us your request to access data. We received this at our office on *[Insert Date]*.

We need the following information to process your application, proof of your:

- identity, for example, a copy of your passport or driver's licence
- address, for example, copies of utility bills like gas or electricity.

We cannot start processing your request until we receive this information. We will deal with your request within 30 days of receiving this information.

It would be a great help to us if you would kindly complete the attached Subject Access Request Form. It would help us to deal with your request more efficiently.

If you need any more information, please see the Data Protection section of our website: <https://www.nala.ie/privacy-statement/>

Yours sincerely,

Mr/Ms Will Benamed

Data Protection Team

I enclose: Access Request Form

Appendix E: Subject Access Request checklist

#	Process	Purposes	Categories of Personal Data	Recipients of Personal Data	Retention Period	Disclosure of data? (Y/N)	Restrictions to Disclosure	International Transfers	Automated Decision Making

Appendix F: Response to Access Request

Private and confidential

[Insert Date]

[Insert Address]

[Insert Address]

[Insert Address]

REF: *[Insert Reference Number]*

About: Subject Access Request under Article 15 of the General Data Protection Regulation 2018

Dear *[Sir/Madam]*

I am writing to about your request to access data. We received it on the *[Insert Date]*.

You asked for this data based on the right to access data under Article 15 of the General Data Protection Regulation 2018.

I enclose a copy of the data that the National Adult Literacy Agency holds about you. We have withheld data about other people. This is in accordance with Article 15(4) of the General Data Protection Regulation 2018.

If you are not satisfied with this reply you may contact us. Please note that you have the right to complain to the Data Protection Commission.

Data Protection Commission

Dublin Office
21 Fitzwilliam Square
Dublin 2
D02 RD28
Ireland.

Yours sincerely,

Mr/Ms Will Benamed

Data Protection Team