

NALA

**Data Subject Rights
Policy**

**Your personal information
and your rights**



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 – your ‘data’.

‘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.

This means that we control data and we 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.

Your data and your rights

This policy is about your data and your rights.

These data rights are defined in the General Data Protection Regulation (GDPR) and in the Data Protection Act 2018. We have put in place organisational and technical systems so we can respond appropriately to any requests about the data we hold about people.

This policy outlines what the law requires us to do in relation to the following.

'Rectification'

You can have your data corrected.

'Erasure'

You can ask to have your data wiped from our records.

'Restriction'

You have the right to challenge how we use your data.

'Objection'

You can object to us using your data.

'Portability'

You can get your data from us and reuse it across different services or in more than one organisation.

Your right to access data is in a separate policy document

Your right to request a copy of the data we hold about you is contained the Subject Access Request Policy.

‘Rectification’: right to have data corrected

(Right to rectification, GDPR, Article 16)

If you think data we have stored about you is inaccurate, you have the right to ask us to correct it.

If your data on our system is incomplete, you can ask us to complete the data or to add extra data, this is called ‘a supplementary statement’.

Notifying individuals and third parties

If you ask us to update your data, we will send you a receipt to show we have received the request. We will later let you know the outcome of your request.

When we correct your data, we will pass that correction on to everyone who previously received the incorrect data. We will let you know who these people or organisations are.

‘Erasure’: right to have data wiped

(Right to erasure [Also known as ‘right to be forgotten’], GDPR, Article 17)

In the following circumstances, you have the right to ask us to delete or remove your data.

- We no longer need your data for the purposes for which it was obtained.
- You withdraw consent and there is no legal reason why we should hold on to it.
- You object to us handling your data and there are no good reasons for us to do so.
- We are illegally processing your data.
- The law requires us to delete your data.

Exemptions

You do not have an absolute ‘right to be forgotten’. We do not have to erase your data if we need it:

- to exercise the right of freedom of expression and data
- to comply with a legal obligation
- to perform a task carried out in the public interest
- for public health reasons
- for archiving, research, or statistical purposes in the public interest
- to set up, exercise or defend any legal claims.

This is detailed under the GDPR Article 17(3).

Notifying individuals and third parties

If you ask us to erase your data, we will send you a receipt to show we have received the request. We will later let you know the outcome of your request.

If we have made any of your data public, we must take reasonable steps to contact other controllers who are processing the data. We must tell them that you have asked for your data to be erased. However, we will only do this if we have access to the necessary technology and it is affordable for us to do so.

When we have finished dealing with your request to erase your data, we will contact you. We will also tell you of any other organisations or people we contacted about your request.

‘Restriction’: right to challenge use of your data

(Right to restriction of processing, GDPR, Article 18)

If you ask us to limit how we use your data, we will do so if the following circumstances apply. You must send us an official request.

Inaccurate

If you tell us that the details we hold about you are inaccurate, we may limit how much we use your data while we find out if this is true.

Illegal

There is certain information for which it is illegal for us to ask about – for example, what someone’s ethnicity is. But sometimes people volunteer this information. You may ask us not to delete this information but instead to restrict how we use it.

Legal claims

You may ask us to keep your data if we no longer need it, but you need us to keep it in relation to a legal claim.

While we are answering your request

If you have already asked us to do something about the data we hold about you, you may ask us to limit the use of your data until we have dealt with that issue.

What happens when your data has been ‘restricted’

If your data has been restricted, we will store it and only further use it where:

- you have given consent
- it is needed for a legal claim
- we need to protect the rights of someone else
- it is needed due to important public interest like public health or safety matters.

This is detailed in GDPR Article 18(2).

Notifying individuals and third parties

If you ask us to restrict your data, we will send you a receipt to show we have received your request. We will later let you know the outcome of your request.

If we do restrict your data and we have already disclosed any of your data to others, we will tell them that the data is now restricted. However, we will not do this if it would take an undue amount of effort.

We will tell you of any other organisations or people we have told that your data is restricted.

‘Objection’: objecting to use of your data

(Right to object, GDPR, Article 21)

You have the right to object to the processing of your data if it is used for:

- direct marketing
- scientific research
- historical research
- statistical analysis.

You may not object if your data is used legally in the public interest, or for legitimate interest or profiling.

If you object to us handling your data, we may only continue to do so if we have compelling legitimate reasons. These reasons must be more important than your rights and freedoms; or your data must be needed in connection with a legal claim.

Notifying individuals and third parties

If you send us a request that you object to us using your data, we will send you a receipt to show that we have received it. If we can comply with your request, we will let you know when we have finished doing so.

If we have disclosed your data to others, we will tell them that you object to your data being used. However, we will not do this if it would take undue effort.

When we have finished dealing with your objection, we will tell everyone who the decision affects. We will also tell you of any other organisations or people we contacted about your request.

‘Portability’: you can reuse your data elsewhere

(Right to data portability, GDPR, Article 20)

You have the right to get your data from us and reuse it across different services or in different organisations (‘data portability’). This includes data you have provided to us directly and any data we have gathered about you through dealing with you.

Where technically feasible, we must give you this data in a structured, commonly used format that a computer can understand. This allows you to move, copy or transfer data easily from one IT environment to another. It makes this safe and secure and your data easier to use. You have the right to reuse any data you gave us.

Exemption: when your data is needed in the public interest

In rare occasions, you will not have a right to ‘portability’. This means you may not get your data from us and reuse it across different services or in different organisations. These occasions include if we have processed your data to:

- carry out a task in the public interest
- exercise our official authority as data controller.

Notifying individuals

If you want to reuse data we hold about you:

- first you ask us for the data
- then we will write to you to confirm we have received your request
- later we will write to you again to let you know the outcome of your request.

The procedures we use for dealing with requests

Standard procedure for dealing with requests

Generally, there are four steps to completing requests about your rights related to data. They are slightly different depending on the type of request. The specific processes for each type of request are outlined on the next pages.

Step 1: Managing the request

We identify how we received the request, for example:

- email
- application form
- phone.

Identify ways to prove the person's identity.

Handle requests made by a third party. For example, a third party may ask us for data due to health and safety issues.

Contact the person or people when we receive the request.

Contact the person or people for more data.

Meet the deadline – one month is allowed.

Step 2: Assessing the request

We assess every request at this stage except those that relate to 'rectification'. For rectification we go straight on to step 3.

Step 3: Completing the request

We complete the request.

Step 4: Closing the request:

Contact the person who made the request. Let them know we have completed their request.

Give data:

- on the outcome
- about any other organisations or people whom we have informed.

Enter all requests into the NALA Individual Rights Log.

Procedures for 'rectification' requests

For this type of request, we go straight to Step 3: Completing the request

- Find the data relevant to the request.
- Identify the location of the data, for example, various systems and files.
- Update the data at the relevant locations.
- Contact other data controllers or third parties where necessary.

Procedures for 'erasure' requests

Go straight to Step 2: Assessing the request

- Find out the reasons for the request.
- Find out if there are any reasons ('exemptions') why we should not fulfil the request.

Move on to Step 3: Completing the request

Find out what data we hold.

Find the location of the data, for example:

- various systems
- websites
- files.

If applicable, find out if there are reasonable ways we could delete publicly available data, for example, from websites.

- Decide on the ways to delete the data.
- Delete the data in the required locations.
- Contact other data controllers or third parties where necessary.

Procedures for 'restriction' requests

Go straight to Step 2: Assessing the request

- Find out the reasons for the request.
- Find out if there are any reasons ('exemptions') why we should not fulfil the request.

Move on to Step 3: Completing the request

Find out what data we hold.

Find the location of the data, for example:

- various systems
- websites
- files.

Decide how to restrict the data.

- Contact other data controllers or third parties where necessary.

Procedures for 'objection' requests

First, complete as detailed in Step 2: Assessing the request

Then go to Step 3: Completing the request

Find out what data we hold.

Find the location of the data, for example:

- various systems
- websites
- files.

Identify reasonable steps we can take to stop the processing of publicly available data if applicable, for example on websites.

Contact other data controllers or third parties where necessary.

Procedures for 'portability' requests

First, complete as detailed in Step 2: Assessing the request

Then go to Step 3: Completing the request

Find out what data we hold.

Find the location of the data, for example:

- various systems
- websites
- files.

Portability requests

Gather data into a structured, commonly used, and machine-readable format.

Contact other data controllers or third parties where necessary.

Give the data to the person requesting it and confirm if other data controllers or third parties were contacted.

Appendix A: Data Right Request Form

This is the form for those who wish to exercise their rights about their data.

This is detailed in Articles 15 to 22 of the General Data Protection Regulation (GDPR) 2018.

You have rights in relation to the data about you that we have on our National Adult Literacy Agency (NALA) records. If you wish to exercise these rights, please contact us clearly stating that you are applying under GDPR. You may do so by:

- filling in the NALA Data Rights Request Form
- writing to us
- using other electronic means.

You also need to give us proof of your identity.

Please send your request to this address

FAO: Governance and Compliance Officer
National Adult Literacy Agency
Sandford Lodge
Sandford Close
Ranelagh
Dublin 6
D06 YF65

To help us answer your rights request, please be as specific as possible about why you are contacting us. Please tell us which data right you are contacting us about:

- rectification
- erasure
- restriction
- objection
- portability.

Please give as much data as you can to help us find it.

You are legally entitled to a decision regarding your request within 30 days of us receiving your request. However, our Governance and Compliance Officer will try to deal with your request as soon as possible.

Please note that regardless of your rights, there are situations where we can refuse a request, for example, if a legal case is pending.

If you are unhappy with our decision, you have the right to complain to the Data Protection Commission who will investigate the matter for you. The Data Protection Commission has legal powers to make sure that your rights are upheld. You may also seek legal assistance.

The Data Protection Commission oversees compliance with data protection legislation. The Data Protection Commission has a wide range of enforcement powers, including investigative and corrective powers.

National Adult Literacy Agency Data Rights Request Form

Request for a copy of 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

National Adult Literacy Agency Data Rights 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 data 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 data 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)

National Adult Literacy Agency Data Rights Request Form

Company name

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 data. The representative should obtain the data subject's 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

National Adult Literacy Agency
Data Rights Request Form

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 we need more data

[Insert Date]

[Insert Address]

[Insert Address]

[Insert Address]

REF: [Insert Reference Number]

About: Data rights request under Articles 16 to 22 of the General Data Protection Regulation and Data Protection Act 2018.

Dear *[Sir/Madam]*

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

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

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

We cannot process your request until we receive the above data. When we do, we will get back to you about your request within 30 days.

It would really help us if you would also kindly complete the attached Data Rights Request Form. This would help us to deal with your request more efficiently.

If you need any more data, please see our Privacy Statement at:

<https://www.nala.ie/privacy-statement/>

Yours sincerely,

Mr/Ms Will Benamed
Title

Enclosed: Data Rights Request Form

Appendix C: Acknowledgement of request

Private and confidential

[Insert Date]

[Insert Address]

[Insert Address]

REF: *[Insert Reference Number]*

About: Request to exercise rights under Article 16 to 22 of the General Data Protection Regulation and Data Protection Act 2018.

Dear *[Sir/Madam]*

Thank you for sending us your request to exercise your data protection rights. 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

Title

Appendix D: Response to data rights request

Private and confidential

[Insert Date]

[Insert Address]

REF: [Insert Reference Number]

About: Request to exercise rights under Article 16 to 22 of the General Data Protection Regulation and Data Protection Act 2018.

Dear *[Sir/Madam]*

Thank you for your data rights request received by us on the *[Insert Date]*. We can give you the following details:

A. We have been able to complete your request

NALA has been able to complete your request.

Or

B. We cannot complete your request

However, I confirm that we have collected data about you including your:

- address
- PPS number.

Other rights – please contact us

You may have the right to: c) 'Rectification', d) 'Erasure', e) request 'Restriction of processing', f) object to us 'Processing' your data at all.

Please contact me for more information if you would like to use any of these rights.

C. Right to 'Rectification'

We will be happy to update your data if there is mistake in the data.

D. Right to 'Erasure'

You may have the right to ask us to delete any data about you that we have.

E. Right to request 'Restriction of processing'

You may have the right to ask us to limit how we use your data.

F. Right to object to the processing

In certain circumstances, you also have the right to ask us not to process your data.

Complaints

If you are not happy with this reply, then please contact us and we can discuss if we can identify and provide any more data.

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

Data Protection Commission

Dublin Office

21 Fitzwilliam Square

Dublin 2

D02 RD28

Ireland.

If you have any questions about this letter, please contact us and we will try to answer them. Please note that we can only disclose data about other people who were involved in this case if we get their consent.

Yours sincerely,

Mr/Ms Will Benamed

Title