

Data Subject Rights Policy

DP017 - Version 2.0



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18.1.0 Document Data

Department: Corporate Services	
Business Procedure: CS - Data Protection Unit	
Document Title: Data Subject Rights Policy	
Prepared By: Data Protection Officer	Consultation Process: Management Team / Senior Officers Date: 26/10/2022
Approved by: Director of Services Corporate Affairs and Governance	Date: 26/10/2022
Related Policies	Data Protection Policy – 5.13

No.	Date	Description	Prepared by:	Effective Date:
V 1.0	05/06/2018	Data Protection Policy 5.13 - Data Subject Rights Policy	DPO	5/6/2018
V 2.0	30/09/2022	Data Subject Rights Policy	DPO	26/10/2022

1.1 Glossary of Terms

Personal data

The term “personal data” means 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 by reference to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Examples of personal data include, but are not limited to, the following: name, address, email address, date of birth, telephone number, salary details, bank account information, and personal opinions.

Processing

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.

Data Controller

A “data controller” refers to a person, company, or other body which determines the purposes and means of processing of personal data.

Data Processor

A “data processor” refers to a person, company, or other body which processes personal data on behalf of a data controller.

Data Protection Commission

The Data Protection Commission (DPC) is the national independent authority responsible for upholding the fundamental right of individuals to have their personal data protected. The DPC is the Irish supervisory authority for the General Data Protection Regulation (GDPR).

DPO

Designated under GDPR a Data Protection Officer (DPO).

Data Protection Liaison Officer

Data Protection Liaison Officer (‘DPLO’) means a Council Department Employee who is the key intermediary between their Council Department and the Council’s DPO

GDPR

The ‘General Data Protection Regulation’ (GDPR) is the law which applies to most kinds of processing of personal data and it applies directly in Ireland (and across the EU), along with further national rules set out in the Irish Data Protection Act 2018.

1.2 Introduction

This policy applies to all Personal Data within the meaning of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 held by Meath County Council both in physical and electronic format relating to Data Subjects.

2.0 Purpose

The purpose of this Policy document is to clearly identify how Meath County Council will facilitate Data Subjects in exercising their rights in relation to the processing of their Personal Data by the Council.

3.0 Scope

This policy applies to all Council employees (permanent and temporary). All staff have a personal responsibility to ensure compliance with data protection principles and to adhere to the Council's Data Subject Rights Policy.

4.0 Policy

It is the policy of Meath County Council to ensure that Data Subjects rights are fully respected and that Data Subjects who wish to exercise any of their rights are facilitated in so doing in a timely and comprehensive manner.

This policy sets out how the Council will respond to Subject Access Requests (SAR) for personal data and the responsibilities of the Council and the rights of the individual.

5.0 Data Subject Rights

1. The right to Information (to be Informed)
2. Right of Access
3. Right to Rectification
4. Right to Erasure (sometimes referred to as the Right to be Forgotten)
5. Right to Restriction of processing
6. Right to Data Portability
7. Right to Object to Direct Marketing
8. Right to Object to Automated Decision Making, including Profiling.

6.0 The Right to be Informed

Data Subjects have the right to be informed of the following upon collection of their Personal Data by Meath County Council:

1. the purpose of the processing
2. the legal basis for processing
3. the categories of personal data held
4. the recipients or categories of recipient of their personal data
5. whether personal data has been or is intended to be transferred to recipients in third countries (countries outside the EU member states) or international organisations
6. the retention period for which the personal data shall be stored
7. the data subjects' rights in relation to the processing of his/her Personal Data
8. information pertaining to the above is provided by Meath County Council through its Privacy Notices on the [Council's website](#).

7.0 Right of Access

Data subjects have the right to obtain from the Council confirmation as to whether or not personal data concerning him or her are being processed, and where that is the case, a copy of their personal data and the following additional information:

1. the purpose(s) of the processing
2. the categories of personal data concerned
3. the recipients or categories of recipients to whom the personal data has or will be disclosed, in particular recipients in third countries or international organisations
4. the retention period for which the data concerned will be retained, or if not possible, the criteria used to determine that period
5. the existence of the following rights-
6. right to rectification -right to erasure – right to restrict processing – right to object
7. the right to lodge a complaint with the Office of the Data Commission
8. source of the personal data if not collected from the Data Subject
9. the existence of automated decision-making, including profiling.

8.0 Right to Rectification

1. Data subjects have the right to have their data rectified by this Council if the personal data is inaccurate
2. If personal data is incomplete, they have the right to have data completed including by means of providing supplementary information

9.0 Right to Erasure- Right to Object- Right of Restriction

Data Subjects have the right to Erasure also known as 'right to be forgotten', Right to Object and Right of Restriction on the processing of their Personal Data and may exercise any of these rights if:

1. the Personal Data is no longer necessary in relation to the purpose it was collected
2. the Data Subject withdraws their consent (if lawful basis for processing their personal data was based on consent)
3. the Data Subjects personal data was unlawfully processed
4. where personal data has to be erased to comply with a legal obligation

These Rights shall not apply where processing is necessary for:

5. exercising the right of freedom of expression and information
6. the Council's Compliance with a legal obligation, the performance of a task carried out in the public interest or in the exercise of official authority.
7. archiving purposes in the public interest, scientific or historical research or statistical purposes
8. reasons of Public Interest in the area of public health
9. establishment, exercise or defence of legal claims

10.0 Right to data portability

The right to data portability allows Data Subjects to obtain and reuse their personal data for their own purposes in another context. They have the right to obtain their Personal Data from in a format that makes it easier to reuse and for them to transmit their data to another Data Controller of the Data Subjects choosing without hindrance to usability.

This right only applies where processing of personal data is carried out by automated means, and to the extent that it does not affect the rights and freedoms of others.

11.0 Rights in relation to automated decision making - profiling

Data subjects have the right not to be subjected to a decision based solely on automatic processing, including profiling, that have a legal or similarly significant effect on them.

12.0 How Data Subjects can exercise their Rights

1. Data Subjects who wish to exercise any of their rights in relation to the Council's processing of their Personal Data should forward their request to the Council's DPO

Contact Details: Data Protection Officer (DPO)
Buvinda House,
Dublin Road,
Navan
Co. Meath. C15 Y291

Email: dataprotection@meathcoco.ie

2. The Council shall respond to a request by a data subject as soon as may be and, in any event, not later than one month after the date on which request is made.
3. The Council may extend that period up to a further 2 months where necessary by notice in writing to the individual making the request.

13.0 Making a Subject Access Request

1. Where a request is made by electronic means, the personal data will be provided electronically, where possible unless otherwise requested by data subject.
2. Where it is deemed necessary or appropriate Meath County Council may request the provision of additional information to confirm the identity of the person submitting a data subject access request.
3. The Council shall acknowledge a data subject access request without undue delay and in any event within 2 weeks of receiving the request. The acknowledgement will specify the expected timeframe for issuing a decision on the request. The acknowledgement shall also advise on the making of a complaint to the office of the Data Protection Commission in the event that a decision is not made.
4. The Council has implemented procedures to ensure that all such requests (SAR) are responded to as soon as possible and in any event within one month of receipt of the request.
5. That period may be extended by two further months where necessary, taking into account the nature and complexity of the request. In this instance the data subject will be contacted and informed of the delay and reasons for same.
6. While we will provide the information requested free of charge, further copies or repetitive requests may incur a fee to cover reasonable administrative costs.
7. The notification of a decision on a request shall inform the data subject of the right to make a complaint to the Data Protection Commission if they are dissatisfied with the decision and the process for making such a complaint.

Subject Access Request Form - DP0007 can be found [here](#):

14.0 Access Request- Exemptions and Refusals

A data subject may be refused access to their personal data where-

1. The scope of access is restricted under provisions contained in data protection legislation enacted by the state.
2. These exemptions include avoiding obstruction to official or legal enquiries, investigations or avoiding prejudice to prevention, detection, investigation or prosecution of criminal offences.
3. The data subject access request is considered to be manifestly unfounded or excessive, in particular because of its repetitive nature.
4. The identity of the Data Subject cannot be verified.

15.0 Right to make a complaint to Data Protection Commission

If a Data Subject is not satisfied with the outcome of a Subject Access Request, they are entitled to make a complaint to the Data Protection Commission:

Contact Details - Data Protection Commission

21 Fitzwilliam Square South
Dublin 2
D02 RD28
Ireland

Telephone: 01 7650100 / 1800437 737

Website: <https://www.dataprotection.ie/en/contact/how-contact-us>

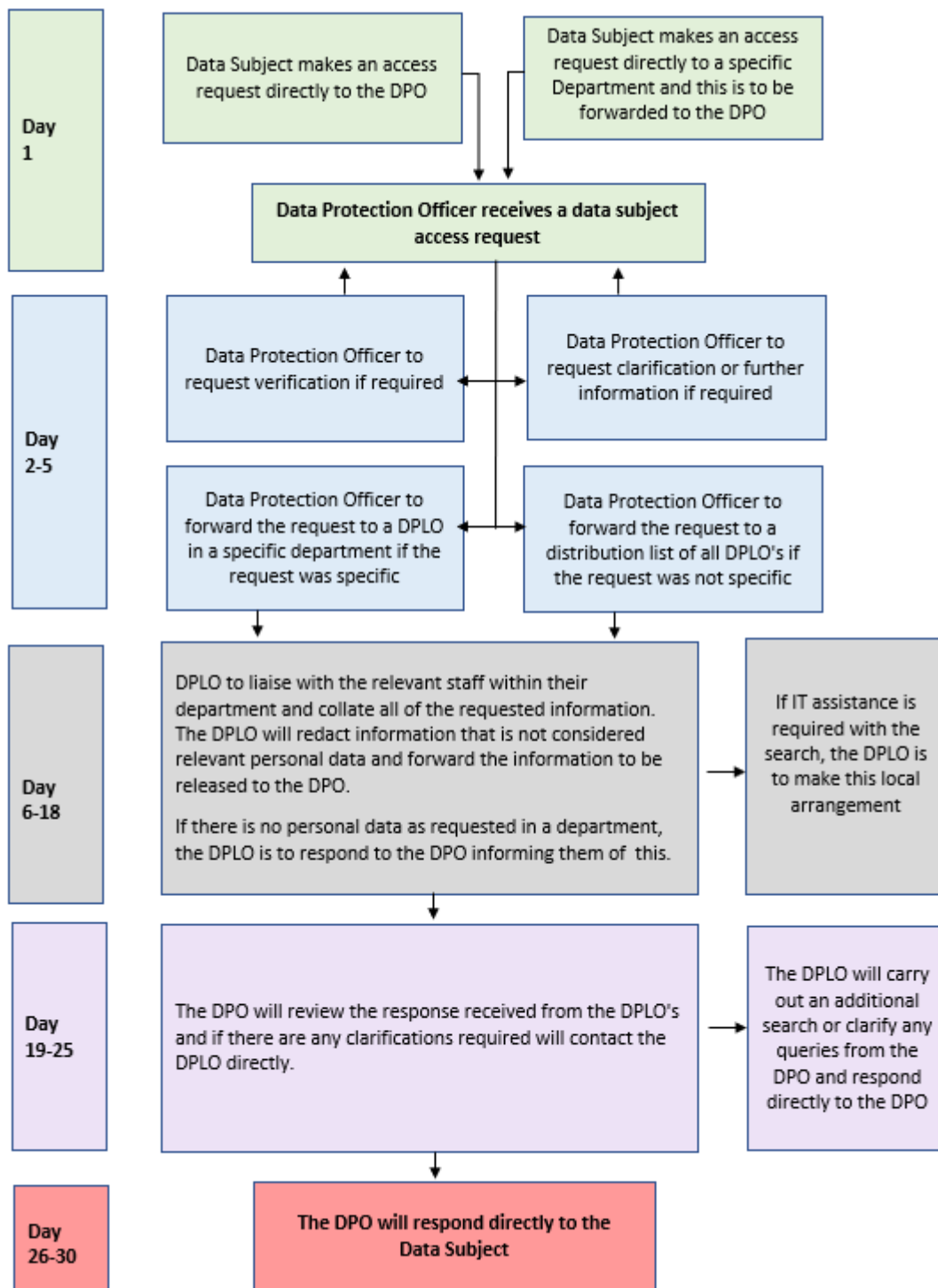
For further information or guidance on this Data Subject Rights Policy please contact the Council's Data Protection Officer dataprotection@meathcoco.ie

16.0 Procedure on receipt of a Data Subject Access Request

Council Departments must notify the DPO immediately upon receipt of a Data Subject information request and forward hard copy request to the Data Protection Unit or electronic requests by email to: dataprotection@meathcoco.ie

All Departments must provide the DPO with all necessary support to allow a response in accordance with regulatory timeline as set out below.

The DPO will deliver a request response directly to the Data Subject.



Appendix 1 – Subject Access Request Form DP0007

Meath County Council

Access Request Form

Under the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and Data Protection Act 2018, Data Subjects have the right to request access to Personal Data held by Meath County Council (the Council).

Please Note

1. A request can be made in writing in physical or electronic format e.g. by letter or email and sent to dataprotection@meathcoco.ie
2. Requests must be accompanied by photographic identification **and** proof of address to help verify identity of requester.
3. The Council will respond to your request for your personal data within one month. However, where complex requests are received, the response period may be extended by a further two months.
4. Where requests are excessive, of a repetitive nature or where more than one copy is requested, a fee may apply.
5. If the application is made through a solicitor, a signed form consenting to the release of data to the solicitor is required.
6. Third-party requests received on behalf of a data subject must also include photographic identification **and** proof of address for the third-party.

The information you supply in this form will only be used for the purposes of identifying the personal data you are requesting and responding to your request. You are not obliged to complete this form to make a request but doing so will make it easier for us to process your request in a more timely manner.

For further information on how your personal data is processed please refer to the Council's Access Request Policy and privacy notices at <https://www.meath.ie/council/your-council/your-data-and-access-to-information/data-protection/privacy-notice>

Please complete all parts.

SECTION 1: Details of the Data Subject

Name:	
Address:	
Contact telephone number:	
Email address:	

SECTION 2: Details of Request

To assist us in identifying and locating the personal data you are requesting, please specify below:

THE INFORMATION YOU ARE LOOKING FOR

PLEASE TICK THE DEPARTMENT YOU WERE DEALING WITH

<input type="checkbox"/>	Arts Office	<input type="checkbox"/>	Human Resources
<input type="checkbox"/>	Age Friendly Programme	<input type="checkbox"/>	Information Technology (IT)
<input type="checkbox"/>	Community	<input type="checkbox"/>	Local Enterprise Office (LEO)
<input type="checkbox"/>	Corporate Affairs & Governance	<input type="checkbox"/>	Library
<input type="checkbox"/>	Economic Development	<input type="checkbox"/>	Motor Tax
<input type="checkbox"/>	Environment	<input type="checkbox"/>	Planning
<input type="checkbox"/>	Finance – Loans/Rents	<input type="checkbox"/>	Tourism
<input type="checkbox"/>	Fire Office	<input type="checkbox"/>	Transportation
<input type="checkbox"/>	Health & Safety	<input type="checkbox"/>	Water Services
<input type="checkbox"/>	Housing	<input type="checkbox"/>	

PLEASE SUPPLY ANY ACCOUNT/REFERENCE NUMBER(S)

PLEASE SPECIFY RELEVANT DATES OR TIMELINE INVOLVED: (i.e. the relevant dates e.g. 01 January 2021 – 31 December 2021 for which you are seeking the personal data):

SECTION 3: Verification of Identity

In order for us to verify your identity, please provide:

- 1.** Copy of **one** of the following forms of photographic identification:
 - Current Passport
 - Current Driving Licence
 - Public Services card

And

- 2.** Copy of a recent Utility Bill or Government issued Letter.

SECTION 4: Declaration

Data Subject Declaration:

I certify that the information provided on this form is correct to the best of my knowledge and that I am the person to whom it relates.

Name:

Signature:

Date:

Section 5: Permission for a Third Party to Access Personal Data

Part 1: Data Subject

Full name: _____

Address: _____

I acknowledge that _____ (insert name of third party) may receive personal data on my behalf for the following purpose:

Signed: _____ **Date:** _____

Data Subject

Part 2: Third Party

Full name: _____

Address: _____

Telephone no.: _____

Email address: _____

I confirm that I will take suitable and specific measures to safeguard the fundamental rights and freedoms of the person this enquiry relates to.

Signed: _____ **Date:** _____

Third Party

For office use only:

Check box if complete

- | | | | |
|---------------------------|--------------------------|----------------------------------|--------------------------|
| 1. Data Subject ID | <input type="checkbox"/> | 2. Data Subject Signature | <input type="checkbox"/> |
| 3. Third Party ID | <input type="checkbox"/> | 4. Third Party Signature | <input type="checkbox"/> |

Application Checklist

Please check that you have:

1. Completed the Subject Access Request (SAR) form in full?
2. Signed and dated the SAR form?
3. Included photographic identification for all parties?
4. Included the data subjects signed consent?
5. Included evidence of address for all parties?

Please Tick

Please return the completed form to:

Postal Address: Data Protection Officer
Meath County Council
Buvinda House
Dublin Road
Navan
Co Meath
C15 Y291

Email: dataprotection@meathcoco.ie

Telephone: 046-9097000