



**An Roinn Leanáí, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige**
Department of Children, Equality,
Disability, Integration and Youth

**Department of Children, Equality,
Disability, Integration and Youth**

Data Subject Rights Policy

The purpose of this policy is to define what your rights are and how to exercise them in relation to any processing of your personal data by this Department. This includes any processing carried out on our behalf and/or under our instructions.

June 2019

Table of Contents

1. Introduction.....	3
2. Purpose.....	3
3. Scope	3
4. Your rights under the GDPR	3
5. Exercising your rights.....	4
6. Acknowledgement and response	4
7. Verification of identity.....	4
8. Children’s access to their personal data.....	5
9. Compliance with data subject rights requests and fees.....	5
10. To report a concern	5
11. Review and Update	6
Appendix A	7

Data Subject Rights Policy

1. Introduction

The Department of Children, Equality, Disability, Integration and Youth (the Department) is committed to fulfilling its responsibilities under national legislation and the General Data Protection Regulation (GDPR) with regard to the rights of the individual (the data subject). This *Data Subject Rights Policy* specifically addresses data protection rights around transparency, accountability and the rights of individual data subjects.

2. Purpose

The purpose of this policy is to define what your rights are and how to exercise them.

3. Scope

This Policy applies to any processing of personal data and includes any processing carried out on our behalf and/or under our instructions.

4. Your rights under the GDPR

The GDPR requires us as data controllers to be transparent about the data we collect, the way it is used, where it is shared and how long it is stored for. You can read about how we manage personal data in our [privacy notice](#) available on our website.


Under data protection legislation and the GDPR you have the right to:

- **Information:** you have the right to know why your personal data is being collected and used. Typically, this is done in the form of a 'Privacy Notice', which outlines the circumstances of the Department's use of the data;
- **Access:** you have the right to obtain a copy of any or all of your personal data that we process, including the purpose for processing, the categories of personal data we process, any recipients of your data, and the rules for determining how long we will retain it. This is known as a *Subject Access Request*;
- **Rectification:** you have the right to request the correction of any inaccurate personal data held by us;
- **Erasure:** you have the right to request that we erase personal data that is no longer required for legal, regulatory or justified operational record-keeping purposes;
- **Restrict processing:** you have the right to request that we restrict processing where the accuracy of the personal data is contested, the processing is unlawful, or where the personal data and/or evidence of its processing is required by you to establish, exercise or defend legal claims;
- **Data portability:** you have the right to receive your personal data in a common, machine-readable format (where you have provided it initially in this format), to facilitate its transfer by you to another controller, where technically feasible and subject to specified conditions;

- **Object to processing:** you have the right to object to processing where it is taking place on the basis of the Department’s exercise of official authority, or in its performance of a task carried out in the public interest;
- **Challenge automated decision making:** you have the right not to be subject to a decision based solely on automated processing (including profiling);
- **Complain to the Supervisory Authority:** you have the right to complain to the Supervisory Authority (the Data Protection Commission, Canal House, Station Road, Portarlinton, Co. Laois, R32 AP23) where you believe there has been an data protection infringement;
- **An effective judicial remedy:** you have right to make a legal claim where you have been affected by the Department (including its processors) not complying with relevant data protection obligations.

5. Exercising your rights

To exercise any of your rights under this Policy, you can contact our Data Protection Officer (DPO) via:

	General Enquiries	dpocontact@equality.gov.ie
	Subject Access Request	sar@equality.gov.ie
	Postal Address	Data Protection Officer Department of Children, Equality, Disability, Integration and Youth, Block 1, Miesian Plaza 50 - 58 Lower Baggot Street Dublin 2 D02 XW14

You may be requested to complete a *Subject Access Request Form* (Appendix A) in order to assist us in targeting our searches and providing the information requested as quickly as possible.

The [Data Protection Commission](#) website provides very helpful information about data protection rights and responsibilities and making a subject access request.

6. Acknowledgement and response

We will acknowledge receipt of your request to exercise your rights promptly and will provide our response to your request without undue delay. We will respond within one month where it is possible to do so. Where it is not possible to respond on this timescale we will notify you of this, together with the reasons for the delay.

7. Verification of identity

In order to comply with any request to exercise your rights as a data subject, we must first be satisfied as to your identity, or, if you are acting on behalf of someone else, that you are authorised to act on their behalf.

We will therefore make reasonable efforts to verify your identity before processing a *Subject Access* or other request, or enforcing other rights. You may therefore be requested to submit a copy of a photographic ID such as a driver's licence or passport. Proof of address (e.g. utility bill) may also be required.

If you are a parent applying on behalf of a child under 16 years of age, we will require proof of your identity and address **and** that of the child, together with the birth certificate of the child.

If you are a legal guardian applying on behalf of a child under 16 years of age, we will require proof of your identity and address **and** that of the data subject, together with proof of authority to act as legal guardian **and** the birth certificate of the child.

If you are an agent acting on someone's behalf (e.g. a solicitor applying on behalf of a client), we may require proof of your identity and address **and** that of the data subject, **and** proof that the data subject has given consent to your acting on their behalf.

8. Children's access to their personal data

Individuals under the age of 18 are deemed to be children. However, we will accept *Subject Access Requests* from children aged 16 and over. We consider that, as a general rule, a child of 16 and over is mature enough to understand the request they are making, and should be in a position to make that request. Such requests will require additional internal consideration as to the release of personal data, in line with guidance from the Data Protection Commission. All requestors will be required to verify their identity.

Where personal data is sought in respect of a child below the age of 16, a parent or guardian must submit the *Subject Access Request*. Any response will be directed to the parent or guardian. We will need to be satisfied as to the identity of the parent or guardian, and that they are acting in the best interests of the child, before issuing personal data in respect of the child.


9. Compliance with data subject rights requests and fees

In certain circumstances, there may be limits to data subject rights. This is provided for under data protection legislation and the GDPR. In any such circumstance, we will make it very clear to you what limits are being placed on the information requested and the reasons why.

In relation to fees, if the request is considered manifestly unfounded, excessive or repetitive in nature, we may decide to charge a reasonable fee to administer the request. In this unlikely circumstance, we will write to you setting out the reason we are proposing to charge a fee and inform you of your right to lodge a complaint with the Data Protection Commission.

10. To report a concern

If you are dissatisfied with our response or believe there has been an infringement of your rights under data protection legislation, you can complain to the Supervisory Authority - the Data Protection Commission - directly via:

	General Enquiries	info@dataprotection.ie
	Website	www.dataprotection.ie
	Postal Address	<p>(i) 21 Fitzwilliam Square Dublin 2 D02 RD28</p> <p>(ii) Canal House, Station Road Portarlinton Co Laois R32 AP23</p>

11. Review and Update

This policy may be reviewed from time to time in order to take into account any changes in the organisational structure of the Department, business practices and/or changes in legislation.

Appendix A



An Roinn Leanaí, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige
Department of Children, Equality,
Disability, Integration and Youth

Subject Access Request Form

Request for access to Personal Data
General Data Protection Regulation (GDPR) and Data Protection Acts 1988-2018

Please complete all parts of this Form in full.

Part I – Data Subject Details

Name _____

Address _____

Previous Address(s) _____

Date of Birth _____

Preferred Contact method By post

By phone Phone no. _____

By email Email: _____

Part II – Details of Request

To assist us in locating the data you are requesting, please include as much specific detail as possible in relation to your interactions with us in the past (e.g. please state the area(s) of the Department you have corresponded with/the types of applications you may have made etc.).

Please tell us the relevant period of time or timelines involved (i.e. the relevant dates e.g. 01 January 2018 - 31 December 2018) for which you are seeking the personal data.

From	To	Any other comment

Please provide us with any reference numbers relating to your contact with us in the past (e.g. previous correspondence references, case reference numbers, etc.).

Please provide us with any other specific details that you feel are relevant in assisting us in locating your personal data, including any keyword searches you feel would be of benefit (*by providing us with as much detail as possible in relation to your access request, we will be able to assist you more efficiently*).

Part III – Declaration A

This section must be signed by the data subject making the request (if aged 16 or over)

I confirm that the information supplied is correct and that I am the person to whom it relates.

Signature _____

Date _____

Part III – Declaration B

Declaration of authority to act on behalf of a data subject

[Please note that information can only be disclosed to those parents/guardians/agents who have signed the form. Therefore, both parents should sign the form if this is a joint application on behalf of a child under 16.]

I confirm that I have the authority to act on behalf of the data subject named in this request and that their information will be disclosed to them through me.

Signature _____

BLOCK CAPITALS _____

Date _____

Relationship to data subject _____



Signature _____

BLOCK CAPITALS _____

Date _____

Relationship to data subject _____

Please return the completed form to:

	Postal Address	Data Protection Officer Department of Children, Equality, Disability, Integration and Youth, Block 1, Miesian Plaza 50 - 58 Lower Baggot Street Dublin 2 D02 XW14
	Email	sar@equality.gov.ie

Checklist

- Have you completed the Subject Access (SAR) Request form in full? Yes No
- Have you signed and dated the appropriate Declaration? Yes No
- Have you provided us with sufficient details to locate your personal data? Yes No
- Are you enclosing adequate proof of identity? Yes No

Please note:

1. In order to respond to your request for personal data, you will need to provide adequate proof of identity (see under 'Verification of Identity' on the policy document).
2. We will only keep a copy of proof of identity documents until your subject access request has been fully processed and issued to you.
3. You may contact our Data Protection Officer to assist you in the completion of this Form.
4. Where a request is manifestly unfounded, excessive, of a repetitive nature or where more than one copy of the data is sought, a fee may be applied by the Department.