

# Quality and Qualifications Ireland Data Subject Rights Policy and Procedure

## Document Version Information

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| Name           | QQI Data Subject Rights Policy & Procedure |
| Version        | 1.0  |
| Approved by    | EMT  |
| Approval date  | 8 May 2023                                 |
| Effective date | 1 June 23                                  |
| Review date    | By 1 June 26                               |

## Table of Contents

|  |    |
|--|----|
| 1. Introduction .....  | 3  |
| 2. Scope .....   | 3  |
| 3. Definitions .....   | 3  |
| 4. Rights of the data subject .....                              | 4  |
| 5. Right to rectification.....                                   | 4  |
| 5.1. Notifying individuals and third parties .....               | 4  |
| 5.2. Procedures for rectification requests .....                 | 4  |
| 6. Right to erasure (“right to be forgotten”).....               | 5  |
| 6.1. Exemptions .....  | 5  |
| 6.2. Notifying individuals and third parties.....                | 5  |
| 6.3. Procedure for erasure.....                                  | 6  |
| 7. Right to restriction.....                                     | 6  |
| 7.1. Further processing.....                                     | 6  |
| 7.2. Notifying individuals and third parties .....               | 7  |
| 7.3. Procedure for restriction .....                             | 7  |
| 8. Right to object .....   | 8  |
| 8.1. Exemptions .....  | 8  |
| 8.2. Notifying individuals and third parties.....                | 8  |
| 8.3. Procedure for objection .....                               | 8  |
| 9. Right to data portability .....                               | 9  |
| 9.1. Exemptions .....  | 9  |
| 9.2. Notifying the individuals.....                              | 9  |
| 9.3. Procedure for data portability .....                        | 9  |
| 10. Right to not to be subject to automated decision making..... | 10 |
| 10.1. Exemptions.....  | 10 |
| 11. Right to complain.....                                       | 10 |
| Appendix A – Data Right Request Form .....                       | 12 |

## 1. Introduction

The General Data Protection Regulation (“GDPR”) identifies a number of rights to data subjects surrounding the use of their personal data. As a data controller, Quality and Qualifications Ireland (“QQI”) must be able to comply with these rights and fulfil / enforce requests where applicable. In this regard, this policy outlines the legislative requirements under the GDPR for adhering to requests surrounding the rights to; rectification, erasure, objection and restriction.

This policy also outlines QQI’s procedures for managing and enforcing a data subject request regarding the processing of personal data which should be followed upon receipt of the request.

Subject access requests are dealt with in a separate document and are not subject of this document.

## 2. Scope

QQI has put in place organisational and technical measures to respond to requests from data subjects to invoke their data rights. These data rights are defined in the GDPR and in the Data Protection Act 2018. The data rights are the right to rectification, right to erasure (“right to be forgotten”), right to the restriction of processing, right to data portability, right to object, right not to be subject to automated processing and the right to complain. The policy applies to all QQI functions which process personal data in relation to identified or identifiable natural person, including the processing performed on learners’, employees’, suppliers’ and any other personal data QQI processes from any source.

## 3. Definitions

| Term                                       | Definitions   |
|--|---|
| <b>Data Subject</b>                        | A Data Subject is an individual who is the subject of personal data which is held by a data controller or processed by a data processor.  |
| <b>Personal Data</b>                       | Data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller (e.g. Name, Address, Email)   |
| <b>Special Categories of Personal Data</b> | Any personal data relating to a person’s racial origin; political opinions or religious or other beliefs; physical or mental health; sexual life; trade union membership.   |
| <b>Processing</b>                          | 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. |
| <b>Data Controller</b>                     | The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.  |
| <b>Data Processor</b>                      | A natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.  |

#### 4. Rights of the data subject

QQI will design and maintain appropriate policies, procedures and training to implement the following rights of data subjects. QQI has a separate policy and procedure for handling subject access requests and therefore the right to access is not detailed in this list.

#### 5. Right to rectification

Article 16 of the GDPR grants data subjects the right to request the rectification of personal data being processed by QQI in relation to them if the data is deemed to be inaccurate.

Where personal data is incomplete, the data subject can request QQI to complete the data or to record a supplementary statement.

##### 5.1. Notifying individuals and third parties

QQI will contact the data subject to confirm receipt of the request and update the data subject on the outcome of the request thereafter.

On completion of a request for rectification, QQI will notify all recipients of the data impacted. Additionally, QQI will inform the data subject of all third parties notified.

##### 5.2. Procedures for rectification requests

A rectification request must be processed by QQI without undue delay.

QQI have implemented appropriate controls to ensure that all personal data held is accurate and as up to date as reasonably possible. QQI have developed procedures, as outlined below, to be followed for the rectification of personal data on receipt of a valid request from the data subject.

Outlined below is a procedure to follow for Rectification Request;

- Managing the request:
  - Identify the form of request (e.g., email, application form, telephone).
  - Identify methods for proof of identification.
  - Handle requests made by a third party.
  - Contact the individual(s) upon receipt of request.
  - Contact the individual(s) for more information.
  - Meet the time period (without undue delay).
- Completing the request:
  - Identify the personal data as part of the request.
  - Identify the location of the data (e.g. various systems, files).
  - Update the data across the required locations.
  - Contact the other data controllers or third parties where necessary.
- Closing the request:
  - Contact the data subject upon completion of request and provide information of the outcome and the third parties who have been informed.

- Document all requests in QQI Data Subject Rights Register

## 6. Right to erasure (“right to be forgotten”)

Article 17 of the GDPR grants data subjects the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing. The right to erasure does not provide an absolute “right to be forgotten”.

The data subject has the right to seek the erasure of their personal data by QQI, where:

- The personal data is no longer required for the purposes for which it was obtained;
- The data subject has withdrawn consent and there is no other lawful basis for the processing;
- The data subject objects to the processing and there are no overriding legitimate grounds for the processing;
- The personal data is being unlawfully processed;
- The personal data requires deletion in line with legal requirements.

### 6.1. Exemptions

As outlined under the GDPR Article 17(3), QQI will not be required to fulfil an erasure request if the associated processing activity is necessary for:

- Exercising the right or freedom of expression and information;
- Compliance with legal obligation or for the performance of task carried out in the public interest;
- For public health reasons;
- Archiving, research, or statistical purposes in the public interest;
- The establishment, exercise or defence of legal claims.

### 6.2. Notifying individuals and third parties

QQI will contact the data subject to confirm receipt of the request and update the data subject on the outcome of the request thereafter.

Where QQI have made personal data public, and where it is required to erase the data, QQI must take reasonable steps with regard to available technology and the cost of implementation, to contact other controllers who are processing the data and inform them that the data subject has requested the erasure of the data.

If the data has been disclosed to others, QQI will notify the recipients about the restriction of processing, unless a disproportionate effort would be required to do so.

On completion of a request for erasure, QQI will notify all recipients of the data impacted. Additional, QQI will inform the data subject of all third parties notified.

### 6.3. Procedure for erasure

QQI have developed procedures, as outlined below, to be followed to assess the request for erasure and complete the request where applicable.

Outlined below is the procedure for dealing with an erasure request:

- Managing the request:
  - Identify the form of the request (e.g. email, application form, telephone);
  - Identify methods for proof of identification;
  - Process requests made by a third party;
  - Contact the individual(s) upon receipt of the request;
  - Contact the individual(s) for more information;
  - Meet the time period (without undue delay).
- Assessing the request:
  - Determine grounds for the request;
  - Determine whether any exemptions to the request exist.
- Completing the request:
  - Identify the personal data held;
  - Identify the location of the data (e.g. various, websites, files).
  - Identify reasonable steps to delete publicly available personal data if applicable (e.g. websites)
  - Identify the methods of deletion;
  - Delete the data across the required locations;
  - Contact other data controllers or third parties where necessary.
- Closing the request:
  - Contact the data subject upon completion of request and provide information on the outcome and the third parties who have been informed;
  - Document all requests in QQI Data Subject Rights Register.

## 7. Right to restriction

As per Article 18 of the GDPR, data subjects have the right to restrict the extent of processing of personal data on receipt of a valid request if the following apply:

- Where the accuracy of the personal data is contested by the data subject, the personal data may be restricted pending verification.
- The processing of personal data is unlawful, but the data subject opposes the erasure of the data and requests restriction instead;
- The personal data is no longer required by the data controller, but the retention is required by the data subject for the establishment, exercise or defence of a legal claim;
- The data subject has a pending objection to the processing of the personal data based on whether the legitimate grounds of QQI override those of the data subject.

### 7.1. Further processing

Where processing has been restricted, QQI will store the data and only further process it where:

- The data subject has provided consent;
- For the establishment, exercise or defence of legal claims;
- The protection of the rights of another natural or legal person;
- For reasons of important public interest.

## 7.2. Notifying individuals and third parties

As per Article 18 of the GDPR, QQI will contact the data subject to confirm receipt of the request for the restriction of data processing. Where the request for restriction is fulfilled, QQI will inform the data subject upon completion.

If the data has been disclosed to others, QQI will notify the recipients about the restricted processing, unless this involves a disproportionate effort.

On completion of a request for restriction, QQI will notify all recipients affected by the data. Additionally, QQI will inform the data subject of all third parties which have been notified.

## 7.3. Procedure for restriction

QQI have developed procedures, as outline below, to be followed to assess whether a data subject to restrict the processing of personal data can be implemented and how to implement the restriction where applicable.

- Managing the request:
  - Identify the form of request (e.g. email, application form, telephone).
  - Identify methods for proof of identification;
  - Dealing with requests made by a third party;
  - Contact the individual(s) upon receipt of a request;
  - Contact the individual(s) for more information.
  - Meet the time period (without undue delay).
- Assessing the request:
  - Determine grounds for the request;
  - Determine whether any exemptions to the request exist.
- Completing the request:
  - Identify the personal data held;
  - Identify the location of the data (e.g. various systems, websites, files).
  - Identify reasonable steps to restrict publicly available personal data if applicable (e.g. websites).
  - Identify methods of restricting the data;
  - Contact other data controllers or third parties where necessary.
- Closing the request:
  - Contact the data subject upon completion of request and provide information on the outcome and third parties who have been informed.
  - Document the request in QQI Data Subject Rights Register.

## 8. Right to object

As per Article 21 of the GDPR, data subjects have the right to object to the processing of personal data, where:

- The data is processed for direct marketing purposes;
- The data is processed for scientific, historical or statistical research purposes;
- Processing is undertaken on the lawful bases of public interest, legitimate interest or profiling.

### 8.1. Exemptions

Where the data subject objects to the processing of personal data, QQI may only proceed with the processing under compelling legitimate grounds which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

### 8.2. Notifying individuals and third parties

QQI will contact the data subject to confirm receipt of the objection request to data processing and where the request for restriction is fulfilled, QQI will inform the data subject upon completion.

If the data has been disclosed to others, QQI will notify the recipients about the objection to the processing, unless this involves a disproportionate effort.

On completion of the objection request, QQI will notify all recipients who the data impacts. Additionally, QQI will inform the data subject of all third parties notified.

### 8.3. Procedure for objection

QQI have developed procedures, as outlined below, to be followed to assess whether a data subject request to object to the processing of personal data can be implemented and how to implement the objection where applicable.

- Managing the request:
  - Identify the form of the request (e.g. email, application form, telephone);
  - Identity methods for proof of identification;
  - Dealing with request made by a third party;
  - Contact the individual(s) upon receipt of requests;
  - Contact the individual(s) for more information;
  - Meet the time period.
- Assessing the request:
  - Determine grounds for the request;
  - Determine whether exemptions to the request exist.
- Completing the request:
  - Identify the personal data;
  - Identify the location of the data (e.g. various systems, websites, files).



- Identify reasonable steps to stop the processing of publicly available personal data if applicable (e.g. websites)
- Identify methods to stop the processing of data;
- Contact other data controllers or third parties where necessary.
- Closing the request:
  - Contact the data subject upon completion of request and provide information on the outcome and the third parties who have been informed.
  - Document the request in the QQI Data Subject Rights Register.

## 9. Right to data portability

As per Article 20 of the GDPR, data subjects have the right to the provision of personal data which they have provided to QQI or to have it transferred to a specific third party in a structured, commonly used and machine-readable format where it is technically feasible to do so.

A data subject will have the right to portability where the following applies:

- Personal data which the data subject has provided to QQI;
- Processing is completed on the basis of a contract or steps preparatory to a contract;
- Processing is completed based on the provision of consent by the data subject;
- Personal data is processed by automated means.

Personal data which the individual “has provided” is interpreted widely. This is not limited to forms completed by the individuals but also information gathered by the QQI in the course of its dealings with the individuals.

### 9.1. Exemptions

An exemption exists for the right to portability where the processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority of the data controller.

### 9.2. Notifying the individuals

QQI will contact the data subject informing the receipt of the request and updating the data subject on the outcome of the request thereafter.

### 9.3. Procedure for data portability

QQI have developed procedures, as outlined below, to be followed to compile and transfer the relevant personal data in the required format.

- Managing the request:
  - Identify the form of request (e.g. email, application form, telephone).
  - Identify methods for proof of identification.
  - Dealing with requests made by a third party.
  - Contact the individual(s) upon receipt of request.
  - Contact the individual(s) for more information.

- Meet the time period (without undue delay).
- Assessing the request:
  - Determine grounds for the request.
  - Determine whether any exemptions to the request exist.
- Completing the request:
  - Identify the personal data held.
  - Identify the location of the data (e.g. various systems, websites, files).
  - Identify reasonable steps to compile information into a structured, commonly used and machine-readable format.
  - Contact other data controllers or third parties where necessary.
  - Consider methods of providing the personal data.
- Closing the request:
  - Contact the data subject upon completion of request and provide information on the outcome and the third parties who have been informed.
  - Document all requests in the QQI Data Subject Rights Register.

## 10. Right to not to be subject to automated decision making

As per Article 22 of the GDPR, data subjects have the right not to be subjected to a decision based solely on automated processing. Processing is considered “automated” where it is carried out without human intervention and where it produces legal effects or significantly affects the data subject. Automated processing includes profiling.

### 10.1. Exemptions

Automated processing is permitted only where:

- The data subject has given express consent
- It is necessary for the performance of a contract
- It has been authorised by EU law.

Where one of these exceptions applies, suitable measures must be in place to safeguard the data subject’s rights, freedoms and legitimate interests.

QQI does not currently use automated means to process personal data of data subjects.

## 11. Right to complain

As per Article 77 of the GDPR, data subjects have the right lodge a complaint with the Data Protection Commission where:

- They experience a delay outside of the prescribed timeframe for making a decision on a data subject right request;
- They are dissatisfied with a decision by QQI on their data subject right request;
- They consider that QQI’s processing of their personal data is contrary to data protection legislation.

## Contact details for the Data Protection Commission

Phone Number: 01 765 0100

Local: 1800 437 737

Email: [Info@dataprotection.ie](mailto:Info@dataprotection.ie)

Website: [www.dataprotection.ie](http://www.dataprotection.ie)

Postal Address: Data Protection Commission

21 Fitzwilliam Square South

Dublin 2

D02 RD28

## Appendix A – Data Right Request Form

Under the General Data Protection Regulation (“GDPR”), you have the right to invoke certain data rights upon personal data about you held and processed by Quality and Qualifications Ireland (“QQI”).

Data rights requests can be submitted by written or electronic means. You may use QQI’s data rights request form, write a letter or submit your request using other electronic means clearly stating that you are applying under the GDPR.

All requests along with proof of identity should be addressed to:

Data Protection Officer  
27 Denzille Lane  
Dublin  
D02 P266

If you would prefer to submit your request by electronic means, it should be addressed to:

Email: [dpo@qqi.ie](mailto:dpo@qqi.ie)

To help us fulfil your rights request, please be as specific as possible about the data right you wish to use and give as much information as you can to fulfil that request.

You are entitled to a decision regarding your rights request within one month of QQI receiving your request. However, every effort will be made by QQI to deal with your request as soon as possible.

Please note that your rights under the GDPR are not absolute and there are circumstances where they may be refused or limited. If you are unhappy with the decision of QQI, you have the right to complain to the Data Protection Commission who will investigate the matter or you. The Data Protection Commission has legal powers to ensure that your rights are upheld.

| <b>Data Rights Request Form</b>         |  |
|---|--|
| <b>Section 1 – Data Subject Details</b> |  |
| Title                                   |  |
| Forename(s):                            |  |
| Surname:                                |  |
| Current Address:                        |  |
|   |  |
| Eircode:                                |  |
| Telephone No:                           |  |
| Email Address:                          |  |

**Section 2 – Proof of Data Subject Identity**

In order to prove your identity, we will need you to provide additional documentation to confirm your address and PPS Number. Please provide one item from List A **and** one from List B below. Please indicate which ones you are supplying.

**List A (Proof of ID)****List B (Proof of Address)**

|                              |                          |  |                          |
|------------------------------|--------------------------|--|--------------------------|
| Copy of Public Services Card | <input type="checkbox"/> | Utility bill showing current address                               | <input type="checkbox"/> |
| Tax Assessment               | <input type="checkbox"/> | Bank Statement or Building Society Book                            | <input type="checkbox"/> |
| PAYE Notice of Tax Credits   | <input type="checkbox"/> | Document issued by a Government department that shows your address | <input type="checkbox"/> |
| Passport<br>Driving License  | <input type="checkbox"/> | Statement of Liability from Revenue                                | <input type="checkbox"/> |

**Section 3 – Details of Rights Being Invoked**

I, \_\_\_\_\_ [Insert Name] wish to invoke my data rights in relation to the personal data I believe QQI retains on me as outlined below [Please include any relevant information to assist us]

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Signed \_\_\_\_\_

Date \_\_\_\_\_

**Section 4 – Representative Details**

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

|                         |  |
|-------------------------|--|
| Name of Representative: |  |
| Company Name            |  |
| Address                 |  |
|                         |  |
|                         |  |
| Eircode                 |  |
| Telephone No:           |  |
| Email Address:          |  |

### Section 5 – Proof of Representatives Identity

Please provide copies of two pieces of identification, one from List A and one from List B below and indicate which one you are supplying.

Please DO Not send an original passport, driving licence or identity card

**List A (photocopy of one from below)**

**List B (plus one original from below)**

|                                |                          |   |                          |
|--------------------------------|--------------------------|---|--------------------------|
| Passport / Travel Document     | <input type="checkbox"/> | Utility Bill showing current address    | <input type="checkbox"/> |
| Photo Driving Licence          | <input type="checkbox"/> | Bank Statement or Building Society Book | <input type="checkbox"/> |
| Foreign National Identity Card | <input type="checkbox"/> |   |                          |

### Section 6 – Authority to release information to a Representative

A representative needs to obtain authority from the data subject before personal data can be released. The representative should obtain the data subject's signature below or provide a note of authority.

This must be an original signature, not a photocopy.

**If the representative is signing as the guardian of a child under 16, proof of legal guardianship must also be provided.**

I hereby give my authority for the representative named in Section 4 of this form to make a Subject Rights Request on my behalf under the GDPR.

Signature of Data Subject:

Date:

Signature of Representative:

Date: