

# Quality and Qualifications Ireland Subject Access Request Policy and Procedure

## Document Version Information

Name	QQI Subject Access Request 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. Purpose.....	3
3. Scope .....	3
4. Definition.....	3
5. Rights of the Data Subject.....	4
5.1. Right of access.....	4
6. Subject Access Request Requirements .....	5
6.1. Format of the response .....	5
6.2. Costs .....	5
6.3. Response time.....	5
6.4. Restrictions .....	5
6.5. Refusing a request.....	5
6.6. Verifying an identity.....	6
6.7. Request on behalf of others.....	6
6.8. Data Processors .....	6
7. Subject Access Request Response Procedure .....	6
7.1. Receipt of a request .....	6
7.2. Validation of a SAR and verification of identity.....	6
7.3. Contacting the Data Subject for more information .....	7
7.4. Identifying personal data held .....	7
7.5. Restrictions.....	7
7.6. Screen what personal data can or cannot be disclosed .....	7
7.7. Sending information .....	8
7.8. Document the request.....	8

## 1. Introduction

Quality and Qualifications Ireland (“QQI”) processes and stores personal data on an ongoing basis. Under the General Data Protection Regulation (“GDPR”), data subjects have a right to access and receive a copy of the personal data processed by QQI in relation to them.

A Subject Access Request (“SAR”) enables individuals to find out what personal data is processed on them by QQI, why the data is processed, who the third-party recipients of the data are, and to be provided with a copy of the data held by QQI.

## 2. Purpose

This policy aims to explain individuals’ right of access to personal data processed by QQI in relation to them; and to outline the responsibilities of QQI, as the data controller, in responding to SARs.

This policy also aims to provide guidance as to the requirements of a SAR under the GDPR, and to provide clear insight into QQI procedures for dealing with a SAR in order to ensure compliance under the GDPR and Data Protection Act 2018.

## 3. Scope

This policy applies to all QQI departments which process personal data in relation to identified or identifiable natural persons, including the processing performed on learners, employees, suppliers and any other personal data QQI process from any source. It applies to all personal data held by QQI in physical or electronic format relating to members of the public, service users, suppliers and employees.

The following is a non-exhaustive list of forms of personal data which will apply under this policy:

- IT systems which capture, process, and store personal data pertaining to a data subject;
- Any manual or physical documentation with personal data pertaining to a data subject;
- Any personal data processed by a data processor, on behalf of the Controller, in relation to the data subject.

QQI shall implement appropriate measures to make its employees aware of the contents of this policy.

## 4. Definition

Term	Definitions
<b>Data Subject</b>	The individual to whom some personal data relates.
<b>Personal Data</b>	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 to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

<b>Special Categories of Personal Data</b>	Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.
<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.

## 5. Rights of the Data Subject

### 5.1. Right of access

Under Article 15 of the GDPR, an individual has a right to access personal data concerning them which has been collected by QQI. An individual can make a SAR to QQI verbally or in writing (including by social media, letter etc.). We would ask that data subjects use our Subject Access Request Form when making requests to allow us to more quickly and accurately respond to your request.

Article 15 of the GDPR allows an individual to access that personal data and be provided with the following information:

- a) The purpose of processing;
- b) The categories of personal data concerned;
- c) The recipients or categories of recipients to whom the personal data concerned has been disclosed;
- d) The period the personal data will be retained;
- e) Information on the rights of the individuals;
- f) The right to lodge a complaint with a Supervisory Authority;
- g) If personal data has not been collected directly, the source of the personal data; and
- h) Information regarding the existence of automated decision making and/or profiling relating to the personal data.

Where a QQI processes a large amount of data in relation to the data subject, QQI may request that the data subject specifies the information to which the request relates prior to providing the information.

## 6. Subject Access Request Requirements

### 6.1. Format of the response

QQI must provide a copy of the personal data to the data subject. In line with Article 15 of the GDPR, where the data subject submits an access request by electronic means, the information should be provided to the data subject in electronic format, unless otherwise requests by the data subject.

### 6.2. Costs

SARs should be free of charge. Where access requests are “manifestly unfounded or excessive” considering the administrative costs of providing the information as outlined under Article 15 and Article 12 of the GDPR, QQI may charge a reasonable fee.

### 6.3. Response time

The time specified under the GDPR for processing an access request is one month.

In some cases, this one-month period may be extended by two further months, taking into account the complexity and number of the requests received. QQI shall inform the data subject of any such extension within one month of receipt of the request, together with the reason for the delay in line with Article 12 of the GDPR.

### 6.4. Restrictions

A SAR may be refused only where it is deemed “manifestly unfounded or excessive, in particular because of its repetitive character”. The burden of demonstrating that a request is manifestly unfounded will rest with QQI as outlined under Article 12 of GDPR.

Restrictions may also apply under Article 23 of the GDPR, relating to a request for access to personal or special categories of data. Each SAR will need to be carefully assessed on a case by case basis to determine which, if any, restrictions apply. (Please consult Appendix A for the full list of restrictions).

### 6.5. Refusing a request

Under Article 12(4) of the GDPR, where QQI refuses to fulfil a SAR, QQI shall inform the data subject without delay and at the latest within one month of receipt of the request of the following:

- Reasons for the refusal / restriction;
- The right to lodge a complaint with the Data Protection Commission; and
- The right to seek a judicial remedy.

## 6.6. Verifying an identity

QQI shall use reasonable measures to verify the identity of an individual who submits a SAR.

Where QQI has reasonable doubts concerning the identity of the individual making the request, QQI may request the provision of additional information necessary to confirm the identity of the data subject.

Where the identity of the data subject is known (e.g. employee), QQI does not need to ask for additional information to confirm the identity.

## 6.7. Request on behalf of others

The GDPR does not prevent a data subject from making a SAR through a third party; for example, a solicitor may make a SAR while acting on behalf of the data subject.

In this case, QQI needs to be satisfied that the third party making the request is entitled to act on the data subject's behalf and must request that the third party provides evidence of the fact.

A power of attorney or another form of written authority would be considered satisfactory proof.

## 6.8. Data Processors

If QQI use a data processor, then QQI must notify the processor of the SAR and ensure that contractual arrangements are in place to guarantee that SAR's are dealt with efficiently by all processors.

# 7. Subject Access Request Response Procedure

## 7.1. Receipt of a request

The QQI employee who receives a SAR must notify the DPO immediately via email at [dpo@qqi.ie](mailto:dpo@qqi.ie). The DPO records the data that the request was received in order to determine the due date for the SAR.

The DPO should send the data subject an acknowledgement of their request and inform them that they will receive a response within one month. The letter of acknowledgement should be sent without undue delay and in any event within two weeks of receiving the request.

## 7.2. Validation of a SAR and verification of identity

As outlined in Section 6.6 (above), if the data subject's identity is in question, the DPO will verify the identity of the data subject who has submitted the SAR. The DPO should keep a record of what measure they have taken to do so.

### 7.3. Contacting the Data Subject for more information

It is unlikely that the first contact from the data subject will provide all the relevant information regarding the scope of their SARs, in which case the DPO team must contact the data subject requesting further clarification.

Once the identity of the data subject has been verified and the type of personal data specified, the DPO team can conduct the search for personal data.

### 7.4. Identifying personal data held

The DPO and relevant business areas should decide where personal data about the data subject might be held and then locate that information. The Record of Processing Activities should be used to ensure a map of the personal data is clearly understood.

Identifying personal data held may include the need to search:

- Central electronic filing systems;
- Manual personnel records;
- Shared drives;
- The Intranet;
- Private filing systems;
- Databases;
- Backup and archive files;
- Email folders and archives; and
- Communication tools.

### 7.5. Restrictions

The DPO will verify if there are any restriction on providing personal data to the data subject. If a restriction exists, the DPO will notify the data subject in writing.

### 7.6. Screen what personal data can or cannot be disclosed

Once the DPO has collected the relevant personal data it must be examined to establish if it should be disclosed; this must be done on a case-by-case basis for each individual piece of information. In some documents, only part of the personal data may have to be disclosed.

The DPO should:

- Check that the record is about the person concerned and not about someone else with the same name; only records/documents/e-mails which are about the individual making the SAR should be provided. It is necessary to redact records which contain personal data relating to third party individuals;
- Screen out any duplicate records; for example, if there are multiple copies of the same record (e.g. CV, certificate, qualifications, etc.), only one copy should be provided.
- Only disclose information which is about the person making the SAR. Where a document contains personal data about several individuals, including the data subject, they should redact all third-party information to avoid disclosure to the data

subject. If the record is primarily about the data subject, with incidental information about others, they should redact the third-party information. If the record is primarily about the third parties, it should be withheld if redaction is not possible.

QQI must not destroy record relating to data subjects, except when and if in line with QQI's retention policy or where the data subject has made an erasure request, and in no case after a SAR has been filed.

**Once the relevant personal data has been collated, a final review will take place.**

### 7.7. Sending information

QQI will, prior to responding to the data subject ensure that they have obtained all requested information and are providing the data subject with all required information under the GDPR.

### 7.8. Document the request

The DPO will record all SARs in the SAR Log and include all information requested in the spreadsheet. Details of any subsequent complaints to the Data Protection Commission and their outcomes shall also be maintained on the summary record.

The DPO will create a folder for each SAR – the filename should be made up from the data that the SAR was received and initials of the applicant e.g. 10/01/2023 – JS. The following should be included in each file:

- Copies of the correspondence between the DPO and the data subject and other parties;
- A record of any telephone conversation used to verify the identity of the data subject;
- A record of the DPO decisions and how they came to those decisions;
- Copies of the information sent to the data subject.

The folder should be kept in line with the QQI retention policy and then securely destroyed. At all stages of responding to a SAR, the DPO must be consulted for advice and guidance on this policy.



## Appendix A – Restrictions on obligations of QQI and rights of data subjects

Under Article 23 of the GDPR the data controller may restrict the scope of the obligations and rights of data subjects when such restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure to safeguard:

- a) national security;
- b) defence;
- c) public security;
- d) the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security;
- e) other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, including monetary, budgetary and taxation matters, public health and social security;
- f) the protection of judicial independence and judicial proceedings;
- g) the prevention, investigation, detection and prosecution of breaches of ethics for regulated professions;
- h) a monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority in the cases referred to in points (a) to (e) and (g);
- i) the protection of the data subject or the rights and freedoms of others;
- j) the enforcement of civil law claims

## Appendix B – Subject Access Request Form

### Section 1 – Data Subject Details

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 PPS Number)

#### List B (Proof of Address)

Copy of Public Services Card	<input type="checkbox"/>	Utility Bill showing current home 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 address	<input type="checkbox"/>
Passport Driving licence	<input type="checkbox"/>	Statement of Liability from Revenue	<input type="checkbox"/>

### Section 3 – Details of Information Required

Please use this space to give us details about the types of personal data you are requesting. Please tell us the relevant time period or timelines involved (i.e. the relevant dates e.g. 01 Jan 22 – 31 Dec 22)

			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

If you have selected other, please specify the types of personal data you are requesting:

Outline personal data being requested:
--

--

**Section 4 – Declaration**

The information which I have supplied in this application is correct, and I am the person to whom it related or a representative acting on their behalf. I understand that QQI may need to obtain further information from me / my representative in order to comply with this request.

<b>Signature of Data Subject:</b>	<b>Date:</b>
-----------------------------------	--------------

Sections 5, 6 and 7 should only be completed if the application is being made by a representative (i.e. someone other than the data subject themselves)

**Section 5 – 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 6 – Proof of the Representative’s 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 home 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 7 – 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 name in Section 5 of this form to make a Subject Access Request on my behalf under the GDPR.	
Signature of Data Subject:	Date:
Signature of Representative:	Date:

## Appendix C – Acknowledgement of Request

[Insert Date]

[Insert Address]

[Insert Address]

[Insert Address]

Reference: [Insert Reference Number]

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

Dear [Sir/Madam],

I wish to acknowledge the receipt of your data access request which was received into our offices on [Insert Date].

Your request has been forwarded to the relevant QQI unit(s) where it will be dealt with within one month of date of receipt of your request.

Kind Regards,

---

Data Protection Officer

## Appendix D – Additional Information Required

[Insert Date]

[Insert Address]

[Insert Address]

[Insert Address]

Reference: [Insert Reference Number]

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

Dear [Sir/Madam],

I wish to acknowledge the receipt of your data access request which was received into our offices on [Insert Date].

The following information is required in order to process your application:

1. **Proof of PPS Number** (Copy of Public Services Card, Tax Assessment, PAYE Notice of Tax Credits)
2. **Proof of Address** (Utility Bill showing current home address, Bank Statement or Building Society Book, Document issued by a Government department that shows address, Statement of Liability from Revenue)

Please be advised that your request will not be processed (the one month in which to deal with the request will not commence) until we receive the above information.

Also, it would be of assistance to us if you would kindly complete the attached Subject Access Request Form which will help us to deal with your request more efficiently. If you require any further information, please see the Data Protection section of our website:

<https://www.qqi.ie/data-protection>

Yours sincerely,

---

Data Protection Officer

Enclose: Subject Access Request Form [Appendix B]

## Appendix E – Response to Access Request Letter

Private and Confidential

[Insert Date]

[Insert Address]

[Insert Address]

[Insert Address]

Dear [Sir/Madam],

I refer to your data access request received on the [Insert Date] by QQI requesting information pursuant to the right to access under Article 15 of the General Data Protection Regulation 2018.

A copy of the information retained on you by QQI is enclosed.

Information relating to other individuals have been withheld 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. However, please note that you have the right to make a complaint to the Data Protection Commission:

Data Protection Commission  
21 Fitzwilliam Square  
Dublin 2  
D02 RD28.

Yours sincerely,

---

Data Protection Officer