



**AIIHPC**

All Ireland Institute of  
Hospice and Palliative Care

<b>TITLE: Data Protection Subject Access Request Policy</b>	<b>REFERENCE NO: ADM 004.2</b>
<b>Author: Paula Pinto</b>	<b>Revision No 2</b>
<b>APPROVED BY: Karen Charnley</b>	<b>EFFECTIVE FROM: January 2022</b>
<b>REVIEW DATE: January 2024</b>	<b>Pages 8</b>

**DESCRIPTION**

**TITLE:** Data Protection Subject Access Request Policy  
**AREA:** Data Protection  
**REFERENCE:** ADM 004.2

**CREATION**

**AUTHOR:** Paula Pinto  
Programme Manager, AIIHPC

**SIGNATURE**

**APPROVAL**

**APPROVED BY:** Karen Charnley  
Director, AIIHPC

**SIGNATURE:**

**CONTROL DATES**

**EFFECTIVE FROM:** January 2022  
**REVIEW DATE:** January 2024



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## 1. Policy

Among the rights conferred by the GDPR on 'data subjects' is the right to obtain a copy of their personal data which is being processed by All Ireland Institute of Hospice and Palliative Care (AIIHPC). The present policy outlines the process for data subjects to exercise their right.

## 2. Scope

This policy applies to anyone who has had communication / interaction with AIIHPC.

## 3. Definitions

**AIIHPC** – All Ireland Institute of Hospice and Palliative Care

Under the Acts, 'data' means information in the form in which it can be processed. Data in this context refers to both automatic and manually processed data.

Under legislation there are different classes of data. They include:

**Automatic Data** – refers to information that is processed by means of equipment operating automatically

**Manual Data** – is defined as information that is recorded as part of a relevant filing system or with the intention that it should form a relevant filing system

**Personal Data** – means data relating to a living individual who can be identified either directly from the data or from other related information in the possession of the data controller

**Sensitive Personal Data** – is defined in specific ways, such as

- Racial or ethnic origin, political opinions of the data subject
- Religious or philosophical beliefs of the data subject
- Trade Union membership or affiliation of the data subject
- Physical, mental health or condition, sexual orientation of the data subject
- Commission or alleged commission of any offence or offences by the data subject, any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

## 4. Policy Statement

### Data Subjects' Rights

#### Your rights in connection with personal information



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Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the DPO or Privacy Officer:

AllHPC, Education & Research Centre, Our Lady’s Hospice & Care Services, Harold’s Cross, Dublin 6W or electronically by email to [info@aaihpc.org](mailto:info@aaihpc.org)

### **Submitting a Subject Access Request (SAR)**

You must complete a Subject Access Request (SAR) form (a copy is available in the Appendix of this document but if you should have any issues, please request a copy from our DPO or Privacy Officer to the email or address provided above) of this document in order to request a copy of your own personal information from us. This form must be completed in full and sent to our DPO or Privacy Officer. You will also need to supply us with adequate proof of identity as part of this process. You should try to be as specific as possible in identifying the personal information that you are seeking from us. This will assist us in providing you with an effective and efficient service.



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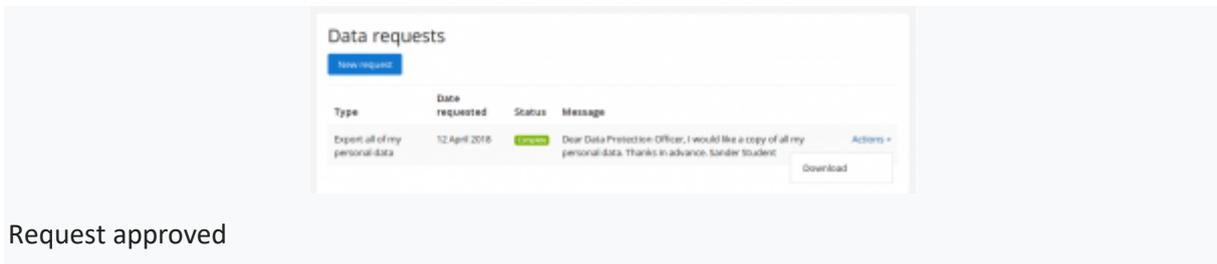
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Individuals registered in The Learning Platform may submit a data request (SAR) through platform via the Data privacy functionality by following the steps outlined below. For more information please see: [https://docs.moodle.org/311/en/Data\\_privacy#Data\\_requests](https://docs.moodle.org/311/en/Data_privacy#Data_requests).

Any user can send a message to the privacy officer via the 'Contact the privacy officer' link on their profile page.

In addition, they can request a copy of all of their personal data or request that their personal data should be deleted as follows:

1. Go to your profile page (via the user menu).
2. Click the link 'Data requests' then click the 'New request' button.
3. Select 'Export all of my personal data' or 'Delete all of my personal data' as appropriate.
4. Save changes.



Request approved

The privacy officer will then receive a data request notification.

If the user has requested a copy of all of their personal data, once the request is approved, they will receive a notification to inform them that their personal data may be downloaded from their Data requests page.

**Note:** Users on Windows computers are advised to use a program such as 7zip to extract their data from the downloaded folder, as the standard Windows unzipping feature will display an error message.

If the user has requested that their personal data should be deleted, once the request is approved, they will receive an email to inform them and they will no longer be able to log in to the site.

### **Exception to the right of access**

In a small number of circumstances your right to access personal records can be limited. This is necessary in order to strike a balance between the rights of the individual, on the one hand, and some important needs of civil society, on the other hand. The GDPR states that the right to obtain a



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copy of your personal data must not adversely affect the right and freedoms of others. This means that the right cannot be used to access the personal data of other persons, ie third parties

There are also a number of other restrictions to the right of access, provided for by section 60 of the Data Protection Act 2018.

## **5. Time Limits**

When a request to exercise your rights is made, the DPO or Privacy Officer will:

- Provide information on action taken 'without undue delay'
- In any event, within one month of receipt of the request
- The one-month period may be extended by two further months, where necessary, taking into account the complexity and number of requests
  - In this case, the data controller shall inform you of any extension within one month of receiving your request, and explain the reasons for the delay
- If the DPO or Privacy Officer does not take action on foot of your request, the data controller must inform you without delay and, at the latest, within one month of receipt of your request of:
  - The reasons for not taking action
  - The possibility of lodging a complaint with a supervisory authority and seeking a judicial remedy (through the courts)

## **6. Costs**

Your requests will be dealt with free of charge. However, where requests from a data subject are considered 'manifestly unfounded or excessive' (as set out in section 12(5) of the GDPR, for example if a data subject is making repeated requests for the same data) the data controller may:

Charge a reasonable fee, taking into account the administrative costs of providing the information / taking the actions requested; or Refuse to act on your request

In cases where this is used as a reason to refuse an access request or to charge a fee, it is up to the organisation to prove why they believe the request is manifestly unfounded or excessive.

## **7. Supervision and Enforcement**

Under GDPR the Data Protection Commission is responsible for monitoring the application of the Regulation;

- To monitor and enforce the application of GDPR
- Promote public awareness of the rules and rights around data processing



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- Advise the government on data protection issues
- Promote awareness among controllers and processors of their obligations
- Provide information to individuals about their data protection rights
- Maintain a list of processing operations requiring data protection impact assessment

The Data Protection Commission can order a controller or processor to change their processes, comply with data subject requests. The Commission can also issue warnings to controllers and processors and can ban processing as well as commence legal proceedings against a controller or processor.

As an individual, you are entitled to raise a concern with the Data Protection Commission (DPC) in relation to the manner in which AIIHPC has handled your personal data. This may include concerns about AIIHPC's response to a request you have made to access copies of your personal data.

Generally, the DPC will require you to have raised the matter directly with AIIHPC before raising a concern with this office. If you have done this and are dissatisfied with our response (or if you have not received a response), you may proceed to raise a concern with the DPC.

<https://www.dataprotection.ie/en/individuals/complaints-handling-investigations-and-enforcement-individuals>

## **8. References**

Data Projection Policy ADM 004

Website Privacy Policy ADM 4.1

Data Protection – Subject Access Request Policy ADM 004.2

Cookies Policy ADM 004.3

Irish Data Protection Act 1988 – 2018

General Data Protection Regulation 2018

## **9. For Further Information**

Data Protection Commissioner

The Commissioner is appointed by the Government and is independent in the exercise of his/her functions. They can be contacted at:

Canal House, Station Road, Portarlinton, Co Laois; Phone 1 890 252231 or [www.dataprotection.ie](http://www.dataprotection.ie)



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**Appendix - SAR**

**Part 1 – Details of Data Subject**

Contact details (in block capitals):

Name: \_\_\_\_\_

Surname \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Eircode \_\_\_\_\_

Contact Phone Number \_\_\_\_\_

E-mail address (where possible) \_\_\_\_\_

**Part 2 – Details of Request**

To assist us in locating the data you are requesting, please include as many specific details as possible in relation to your interactions with us in the past.

\_\_\_\_\_

\_\_\_\_\_



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Please tell us the relevant period of time or timelines involved for which you are seeking personal data.

Please provide us with any other specific details that you feel are relevant in assisting us in locating your personal data (eg by providing us with as much detail as possible in relation to your access request, we will be able to assist you more efficiently, such as topics on which you corresponded, previous addresses, job titles etc)

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### **Part 3 – Declaration**

I declare that all the details I have provided in this form are true and complete to the best of my knowledge.

Signature of Requester: \_\_\_\_\_

Date: \_\_\_\_\_

### **Please return the completed form by post to:**

Data Privacy Officer, Office, AIIHPC, Education & Research Centre, Our Lady's Hospice & Care Services, Harold's Cross, Dublin DW6 EV82. Or by email to [info@aaihpc.org](mailto:info@aaihpc.org)

### **Part 4 – Checklist**

Please remember to check that you have:

1. Completed the SAR form in full
2. Signed and dated the Declaration above
3. Provided us with sufficient detail to locate your personal data
4. Provided adequate proof of identity – Photo ID (Passport / Driver's License, Proof of Address (household bill in your name)