
Data Subject Access Request Procedure

Approved by the Board 12th March 2024

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Scope

This procedure outlines how Community Foundation Ireland (the **Foundation**), as a **data controller**, shall meet its legal obligations under the European Union General Data Protection Regulation (GDPR) upon receipt of a data subject access request.

The Rights of Data Subjects

The Data Subject has The Right to Erasure, The Right to restriction of Processing, The Right to Rectification, The Right to Object, The Right to Data Portability, **The Right to Access**, Rights in relation to Profiling and Automated Decision Making

Further details are outlined in *Appendix I*.

Purpose of the procedure

The purpose of this document is to outline our procedure in relation to the management of data subject access requests. A subject access request enables a data subject to gain access to any personal information held about them by the Foundation. It promotes the right of data subjects to submit a subject access request in order to obtain a copy of such information held about them, in electronic or hard copy form, by us, as the data controller. It also outlines the procedure to be followed by data subjects when submitting a data access request.

What is a data subject access request?

A data subject access request is a written or verbal request for personal information (known as personal data).

The data subject has right to the following information:

1. The data itself in a permanent and intelligible format
2. The purposes of the processing (what are we using your data for?)
3. The categories of personal data concerned (categories such as: name, address, email address, date of birth etc.)
4. The recipients or categories of recipient to whom the personal data have been or will be disclosed (are we sharing information with anyone else?)
5. Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period (how long are we keeping the data?)
6. The existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing (the right to object to having data processed, and to have data erased or corrected upon request)
7. The right to lodge a complaint with a supervisory authority (the Irish Data Protection Commissioner)
8. Where the personal data is not collected from the data subject, any available information as to their source (if we didn't collect the data directly from the data subject, where did we get it?)

9. The existence of automated decision-making, including profiling, and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

How do you make a subject access request?

To allow us to respond promptly to any data subject access request we ask you to:

- Download the Access Request Form, available ([Appendix II](#)).
- Complete, sign and date the form and be specific as possible about the information you wish to access.
- Attach a photocopy of your proof of identity and address to the Access Request Form.
- Send the completed request form, along with the proof of identity and address either electronically to info@foundation.ie, or by post to:

Governance and Compliance Manager, Community Foundation Ireland, 30 Merrion Square North, Dublin, D02 VE40.

(If you cannot download the Data Subject Access Request Form please write to the address above requesting a form and we shall send you a copy by return post.)

Use of the Data Subject Access Request Form is not mandatory. However, completing the form should enable us to process your request more efficiently.

What do we do when we receive a valid data subject access request?

1. We will first check that we have enough information to be sure of your identity. Usually, we will have no reason to doubt a person's identity. However, in rare cases we may request additional evidence we reasonably need to confirm your identity. We do this to ensure that we only disclose information about personal data to the data subject.
2. We will then check that we have enough information to find the records you requested. If we feel we need more information, then we will promptly ask you for this.
3. We will then conduct a full search of all our relevant databases and filing systems and collect all data relevant to the subject access request.
4. Provided that none of the restrictions specified in Article 23 of the GDPR apply, we will then share with you the data and the additional information that you are entitled to. The default position is that you will get a hard copy of the information in a permanent and intelligible format unless the supply of such a copy is not possible or would involve a disproportionate effort, or you have agreed otherwise. Any terms which are not intelligible without an explanation will be accompanied by an explanation.
5. The copy of the requested material will be dispatched by secure, registered delivery, and we will seek timely confirmation from you, as the data subject on receipt of the material.

Are there any fees payable?

While in most instances there is no charge we reserve the right, in accordance with Article 12 of the GDPR, to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”.

Subsequent copies may incur a reasonable fee based on administrative costs.

How soon will my subject access request be dealt with?

All valid data subject access requests, accompanied by valid proof of identity, received by us will be dealt with within 30 days of the latest of the following:

- Our receipt of your request; or
- Our receipt of any further information we may ask you to provide to enable us to comply with your request.

Appendix I – GDPR Data Subject Rights

The Right to Erasure

The Data Subject shall have the right to obtain from the Controller the erasure of personal data concerning him or her without undue delay where one of the following grounds applies:

- The personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
- The Data Subject withdraws consent;
- The Data Subject objects to the processing;
- The personal data have been unlawfully processed;
- The personal data have to be erased for compliance with a legal obligation in Union or Member State law to which the Controller is subject;
- The personal data have been collected in relation to the offer of information society services (from children under 16 years of age).

The Right to Restriction of Processing

The Data Subject shall have the right to obtain from the Controller the restriction of the processing of personal data where:

- The accuracy of the data is contested by the Data Subject, for a period of time, enabling the Controller to verify the accuracy of the data;
- The processing is unlawful and the Data Subject opposes the erasure of the data and requests the restriction of their use instead;
- The Controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; or
- He or she has objected to processing, pending the verification whether the legitimate grounds of the Controller override those of the Data Subject.

The Right to Rectification

- The data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her.
- The data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

The Right to Object

- A Data Subject is entitled to object to the processing of their personal data based on his or her particular situation or state of mind

- The burden is on the Data Controller to be able to demonstrate that the Controller's compelling legitimate interest overrides the interests or the fundamental rights and freedoms of the data subject
- Otherwise, the Data Subject's objection takes priority

The Right to Data Portability

- The Data Subject should be able to receive a copy of the personal data which he or she has provided to a controller in a structured, commonly used, machine-readable and interoperable format
- The Controller must also be able to transmit this data, at the Data Subject's request, to another controller
- For example, where a Data Subject changes mobile phone services from one provider to another, they can request that their account details, tariff preferences, etc. be transferred by the old provider to the new one

The Right of Access to One's Personal Data

Every Data Subject should have the right to know:

- The purposes for which the personal data are processed;
- The period for which the personal data are processed (where possible);
- The recipients of the personal data;
- The logic involved in any automatic personal data processing; and
- Where profiling is involved, the consequences of such processing.

Rights in relation to Profiling and Automated Decision Making

The Data Subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, unless the processing:

- Is necessary for entering into, or performance of, a contract between the Data Subject and a Controller;
- Is authorised by Union or Member State law to which the Controller is subject and which also lays down suitable measures to safeguard the Data Subject's rights and freedoms and legitimate interests; or
- Is based on the Data Subject's explicit consent.

Appendix II Data Subject Access Request Form

DATA SUBJECT ACCESS REQUEST FORM

You should complete this form if you want us to supply you with a copy of any personal data we hold about you. You are currently entitled to receive this information under the EU General Data Protection Regulation (GDPR).

We will also provide you with information about any processing of your personal data that is being carried out, the retention periods which apply to your personal data, and any rights to rectification, erasure, or restriction of processing that may exist.

We will endeavour to respond promptly and in any event within one month of the latest of the following:

- Our receipt of your written request; or
- Our receipt of any further information we may ask you to provide to enable us to comply with your request.

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 quickly.

SECTION 1: Details of the person requesting information

Full Name	
Address	
Contact telephone number	
Email address	

SECTION 2: Are you the data subject?

Please tick the appropriate box and read the instructions which follow it.

YES: I am the data subject. I enclose proof of my identity (see below).

Please complete Section 4.

NO: I am acting on behalf of the data subject. I have enclosed the data subject's written authority and proof of the data subject's identity and my own identity (see below).

Please complete Section 3

To ensure we are releasing data to the right person we require you to provide us with proof of your identity and of your address. Please supply us with a photocopy or scanned image (do not send the originals) of one of both of the following:

- 1) Proof of Identity => Passport, photo driving licence or some other official photo ID.
- 2) Proof of Address => Utility bill, bank statement, credit card statement (no more than 3 months old).



If we are not satisfied you are who you claim to be, we reserve the right to refuse to grant your request.

SECTION 3: I am acting on behalf of the data subject

Details of the data subject (if different from section 1)

Full Name	
Address	
Contact telephone number	
Email address	

SECTION 4: What information are you seeking?

Please describe the information you are seeking. Please provide any relevant details you think will help us to identify the information you require (e.g. where / when / how the information was collected).

Please note that if the information you request reveals details directly or indirectly about another person, we will have to seek the consent of that person before we can let you see that information. In certain circumstances, where disclosure would adversely affect the rights and freedoms of others, we may not be able to disclose the information to you, in which case you will be informed promptly and given full reasons for that decision.

While in most cases we will be happy to provide you with copies of the information you request, we nevertheless reserve the right, in accordance with Article 12 of the GDPR to charge a fee or refuse the request if it is considered to be “manifestly unfounded or excessive”. However, we will make every effort to provide you with a satisfactory form of access or summary of information if suitable.

SECTION 5: Information about the collection and processing of data

If you want information about any of the following, please tick the boxes:

- Why we are processing your personal data

- To whom your personal data are disclosed

- The source of your personal data

SECTION 6: Declaration

I confirm that I have read and understood the terms of this subject access form and certify that the information given in this application is true. I understand that it is necessary for us to confirm my/ the data subject's identity and it may be necessary to obtain more detailed information in order to locate the correct personal data.

Signed.....	Date
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Documents which must accompany this application:

- Evidence of your identity (see section 2)
- Evidence of the data subject's identity (if different from above)
- Authorisation from the data subject to act on their behalf (if applicable)

Please return the completed form to: **Governance and Compliance Manager, Community Foundation Ireland, 30 Merrion Square North, Dublin, D02 VE40.**

<p><u>Correcting Information</u></p> <p>If, after you have received the information you have requested, you believe that:</p> <ul style="list-style-type: none">• the information is inaccurate or out of date; or• we should no longer be holding that information; or• we are using your information for a purpose of which you were unaware; or• we may have passed inaccurate information about you to someone else; <p>then you should notify us immediately.</p>
