



OPW

Oifig na nOibreacha Poiblí
The Office of Public Works

The Office of Public Works

Data Subject Access Request (DSAR)

Procedure

A Step-by-Step Approach

□ Jonathan Swift Street
Trim, Co Meath

1. Introduction

The General Data Protection Regulation comes into effect across Europe on 25 May 2018. This Regulation strengthens and unifies data protection regulation across the EU. It is compulsory for all EU member states to be compliant with this Regulation and it provides stronger and additional rights for the individual in relation to their personal data and its use.

2. What is a Data Subject?

A Data Subject is a living person who can be identified, directly or indirectly, by an identifier such as a name, an ID number, location data, or by factors specific to their physical, physiological, genetic, mental, economic, cultural or social identity. In other words, a Data Subject is a living person whose personal data is processed.

3. What is a DSAR (Data Subject Access Request)?

The GDPR grants a number of rights to Data Subjects in relation to their personal data. The best known of these, which have been in the Irish Data Protection legislation since 1988, are the rights to:

- Confirmation that their personal data is being processed
- Information about the processing of their personal data (see below)
- Make a Data Subject Access Request (DSAR), in other words, to seek a copy of their personal data being processed by the OPW or its Processors.

When they make a DSAR, Data Subjects are entitled to receive, within **one month**, both a copy of their data and the following information:

- The purpose of the processing
- The categories of personal data concerned
- Information on the recipients, or categories of recipients, of the data
- Information on the retention period for the data
- Information on additional rights which may also apply to the Data Subject
- Information on the source of the data, if not received directly from the Data Subject
- Information on any automated decision making on the data
- Information on the right to lodge a complaint with the Data Protection Commission (DPC)

Together with the confirmation that their personal data is being processed and the copy of their personal data, the OPW must give the Data Subject this information, or it must give them one or more of the relevant *OPW Privacy Statements*, which also contain this information.

4. How to Make a DSAR

Ways of Sending us a DSAR

You should send your DSARs to the OPW Data Protection Officer (DPO) by email or post (see below). We must respond to you in the same way, within one month. We may extend this period by two months, due to the complexity or number of DSARs involved, but we must inform you of this within the first month.

You may request information by phone, but it is very difficult to verify your identity on the phone. If we can confirm your identity, we must provide the information requested orally (by phone). This is feasible for small volumes of information, such as confirmation of processing or requests for very small amounts of personal data requests. However, it would be impossible to provide copies of personal data orally in response to a DSAR, unless the quantity of data involved is tiny. However, the OPW recognises that visually impaired Data Subjects may have no other means of making a DSAR. An alternative form of providing the data could be agreed in such circumstances, such as ensuring that we provide it in a form compatible with screen readers such as JAWS (Job Access With Speech), usually Microsoft Office files as opposed to PDFs, or by recording it on a CD or DVD. We will do our best to help you.

We cannot accept DSARs through other means e.g. social media.

It is not necessary to make a DSAR via a solicitor; however, it is your right to do so should you so wish.

We prefer you to complete the DSAR form in Appendix 1 of this procedure (available here on the OPW website) and send it to our DPO by email or post to make your request. Please be as specific as possible so that we direct your DSAR to the appropriate area(s). You can contact our Data Protection Officer (DPO) in any of the following ways:

By e-mail: dpo@opw.ie

By phone: (0761) 106000 / (046) 942 6000 / (01) 647 6000 / 1890 213 414 (LoCall)

By post: Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36.

Proving Your Identity

As the OPW has a duty to protect personal data, it can only be disclosed to the Data Subject. The OPW must be satisfied that the individual making the DSAR is the Data Subject of the personal data requested. We therefore need to verify your identity. You will therefore need to provide one of the following forms of identity:

- A copy of a photo-ID with an address, such as a passport or driving licence. The OPW will not retain these documents once we have verified your identity. **Please do not send us original documents.**
- A copy of a photo ID without an address, such as Public Services Card, a work or student ID, together with a copy of a document containing proof of address e.g. a recent utility bill or a letter from a public service body. The OPW cannot accept a Public Services Card alone as evidence of identity, as it does not contain an address and because the OPW has no legal authority to process Personal Public Service Numbers (PPSNs) for this purpose. The OPW will not retain these documents once we have verified your identity. **Please do not send us original documents.**
- The identity of current or former OPW staff and contractors can be verified with OPW HR.

If you do not have any of the identity documents above, please contact the OPW DPO, who will arrange a suitable means of identification with you so that you can exercise your right to make a DSAR.

If you are requesting a copy of your identifiable CCTV footage, we will need the following to identify your footage:

- The OPW properties or sites from which you want the footage
- The date(s), arrival departure time(s) of your visit (as precisely as possible)
- If you arrived at those sites or properties in a vehicle, please give us its details, including the colour, make, model and registration number, as many of our sites have CCTV cameras covering their car parks
- A recent photograph of yourself so that we can identify your images –passport and ID card photos are often out of date and very small.
- A description of any distinctive items of clothing you wore or items you carried, e.g. a red shirt, a yellow rain jacket, a blue and green umbrella, a purple bag.

Please bear in mind that we cannot provide you with the personal data of any other Data Subjects, so will have to pixelate their images and those of their vehicles. This is an expensive and slow process. Where your vehicle has been damaged, we cannot identify the offending vehicle or give you images of the collision as evidence. We can only give you images of yourself or your own vehicle and this is unlikely to be of much help to you. If you believe your vehicle was damaged maliciously, you can of course contact the Gardaí and they can follow up the investigation with the OPW.

DSARs Regarding Children

Data Subjects under the age of 18 years are deemed to be children. Where personal data is sought in respect of a child, a parent or guardian must submit the DSAR to the OPW DPO and any response will be directed to the parent or guardian. The DPOs will need to be satisfied as to the identity of the parent or guardian before issuing personal data in respect of the child.

5. How to Process a DSAR

On Receipt of DSARs

DSARs should be sent to the OPW DPO for correct and prompt management. Where a request is made to/received by any other staff member, it should be immediately directed to the DPO – it is important that all staff are made aware of this procedure in respect of DSARs. The DPO can be emailed at dpo@opw.ie. The DPO's address is:

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36.

Where a request is received without verifiable ID, or where there is a concern as to the validity of the ID, the time limit for response will not commence until the OPW has verified the ID of the individual making the request. Likewise, if the DPO requires further clarification from the Data Subject, the time limit for response will not commence until the OPW has received that clarification from the individual making the request.

If you receive a DSAR from a Data Subject, please send it to the Data Protection Officer for examination and logging.

On receipt of a DSAR, the OPW's DPO will log the name and contact details of the Data Subject and those of any solicitor involved. Each request is assigned a reference number in the form DSARZZZ9/YYYY (or other as appropriate).

The DPO first checks if the DSAR should be refused either because it has not been made by a Data Subject (such as a DSAR submitted by a company) or under the restrictions in Article 23 of the GDPR. These restrictions include national security, defence, etc. These are unlikely to apply, but if they should, the individual making the request should be sent the refusal letter at Appendix 3.

The DPO then checks the DSAR to see if the request should be more focused or if greater clarification is required. If so, the DPO writes to the Data Subject requesting this, using the sample letter in Appendix 4. The time limits for response do not kick in until the focus or clarification is received.

The DPO must check the DSAR to confirm that the ID is sufficient and correct. Where there is a concern regarding the ID, the individual making the request is notified and asked to provide further evidence of their identity (see Appendix 5). Again, the time limits for response do not commence until satisfactory identity has been received. Where both clarification and identity are required, a single letter requesting both should be sent to the Data Subject.

DSARs Regarding Children

See Section 4.

Verifying Identity

The OPW should make *reasonable efforts* to ascertain the requester's identity. This may take the form of requesting photo ID, such as a passport or driving licence, or a photo ID without address, such as Public Services Card, work ID or student card together with proof of address e.g. recent (within last three months) bill or letter from a Government Department/State body; or such other means as deemed acceptable. The OPW cannot accept a Public Services Card alone as evidence of identity nor PPSNs, as it has no legal authority to process them for this purpose.

Where the DSAR relates to an individual under the age of 18 years the OPW will conduct an identity verification on the parent or guardian.

When the DPO is satisfied with the identity of the Data Subject, details of the type of ID are recorded in the register. The actual copy ID documents are then securely destroyed. If no further clarification is required, a completion date of one month from acceptance of receipt is assigned. The request is acknowledged, using a standard letter of acknowledgement (see Appendix 6), and passed to the business unit(s) holding the personal data for action.

Response Period

DSARs must be fulfilled within one month of the officially receipted date i.e. the data and the information requested must be delivered to the Data Subject within one month of the request being accepted by the OPW. This period may be extended by two months where necessary, based on the complexity and numbers of the DSARs. The DPO must inform the Data Subject of this within the first month with an explanation as to the reason for the extension (see Appendix 7).

Processing DSARs

Where business units within the OPW process a large quantity of information about an individual, they should request that the DPO to ask the individual making the request to provide more specifics on the personal data sought. (Recital 63 of the GDPR permits this).

The GDPR does not include an exemption for requests that relate to large amounts of data, but OPW may consider whether the request is manifestly unfounded or excessive.

If a decision is made to refuse a DSAR, the OPW must provide an explanation as to why the request is being refused within one month. In addition, the OPW must inform the individual making the request of their right to complain to the Data Protection Commission (DPC) and of their right to a judicial remedy against a legally binding decision of the DPC (see Appendix 3).

A reasonable fee, taking into account the administrative costs of providing the information, may only be applied where requests are deemed manifestly unfounded or excessive, in particular because they are repetitive. Should the decision be taken to charge a fee this must be communicated to the individual making the request (see Appendix 8).

The onus is on the officials in business areas handling the DSAR, to identify the relevant personal data and where the data is held. In doing this these officials must have regard to the following:

- Consider all electronic systems and manual filing systems, and any third party data Processors (e.g. Peoplepoint) who may also hold relevant personal data.
- Data may take the form of structured¹ and unstructured² data across a range of electronic and paper-based filing systems. Every effort should be made to identify and supply data held on an individual.
- Retrieve all relevant data and prepare for issue to the individual making the request, redacting the personal data of other Data Subjects.
- The business unit official prepares a schedule listing out the data provided and a breakdown of any data refused or redacted, which will accompany the data provided to the Data Subject.

1 Structured data would typically be an electronic database

2 Unstructured data includes emails, documents, spreadsheets, PDFs etc.

- The schedule should also provide information on:
 - The purposes for processing the data.
 - The categories of personal data concerned.
 - Others, outside the Department, to whom the data has been or will be disclosed.
 - Whether the data has been or will be transferred outside of the EEA.
 - The period for which the data will be stored, or the criteria used to determine retention periods.
 - Whether the individual has been subject to automated decision making.
- The schedule, together with the data, should be passed back to the DPO for a response (see sample letter in Appendix 10) to issue within the required time-frame. The letter should mention the Data Subject's
 - Right to make a complaint to the supervisory authority (DPC).
 - Right to request rectification or deletion of the data.
- If the request is made electronically, the reply should, unless otherwise requested by the data subject, be provided in a commonly used electronic form. The data to be supplied will need to be redacted and scanned.
- Information must be provided in an “intelligible and easily accessible form”, so that an individual may view and understand their data.
- The data should not be retained by the OPW as this is merely generating more copies of existing personal data. If a copy is made, it may be retained for a short period, a maximum of one month, in case of material going astray in the post.

APPENDIX 1

The Office of Public Works

DATA SUBJECT ACCESS REQUEST FORM



Request for Access to Personal Data under the General Data Protection Regulation

NOTE:

- 1. PROOF OF IDENTITY MUST ACCOMPANY THIS DATA SUBJECT ACCESS REQUEST FORM.**
- 2. WHERE A REQUEST IS MANIFESTLY UNFOUNDED, EXCESSIVE, OF A REPETITIVE NATURE OR WHERE MORE THAN ONE COPY OF YOUR PERSONAL DATA IS REQUESTED, A FEE MAY APPLY.**

Please complete all parts.

Please complete parts 1 and 3.

Part 2 should only be completed if you are using a solicitor

Part 1 – Details of Data Subject (person making request)

Contact Details (in block capitals):

Full Name:

Address:

Eircode:

Contact Phone Number:

Email Address (if applicable):

Part 2 – Details of Data Subject’s Solicitor (optional)
<i>Solicitor Contact Details (in block capitals):</i>
Name of Solicitor/Firm:
Address:
Solicitor Eircode:
Solicitor Phone Number:
Solicitor Email Address :
Solicitor Fax Number:

Part 3 – Details of Request

To assist us in locating the data requested, please tick the business areas of the OPW with which you have previously been engaged

- | | |
|---|--|
| <input type="checkbox"/> Property Management | <input type="checkbox"/> Established HR |
| <input type="checkbox"/> Property Maintenance | <input type="checkbox"/> Operational HR |
| <input type="checkbox"/> Construction Projects | <input type="checkbox"/> Learning and Development Services |
| <input type="checkbox"/> Architectural Services | <input type="checkbox"/> Internal Facilities Management |
| <input type="checkbox"/> Mechanical & Electrical Engineering Services | <input type="checkbox"/> Equality Unit |
| <input type="checkbox"/> Heritage Services | <input type="checkbox"/> Policy Unit |
| <input type="checkbox"/> Flood Risk Management | <input type="checkbox"/> ICT |
| <input type="checkbox"/> Flood Risk Policy | <input type="checkbox"/> Financial Services and Accounts |
| <input type="checkbox"/> Catchment Flood Risk Assessment and Management (CFRAM) | <input type="checkbox"/> Payment of Expenses |
| <input type="checkbox"/> Major Flood Defence Schemes | <input type="checkbox"/> Established Payroll |
| <input type="checkbox"/> Minor Works and Coastal Erosion | <input type="checkbox"/> Operational Payroll |
| <input type="checkbox"/> Arterial Drainage Maintenance | <input type="checkbox"/> Supplier Accounts and Payments |
| <input type="checkbox"/> Section 50 Consents | <input type="checkbox"/> Operational Pensions Payroll |
| <input type="checkbox"/> Flood Awareness | <input type="checkbox"/> Government Publications and Election Services |
| <input type="checkbox"/> Voluntary Homeowners Relocation Scheme | <input type="checkbox"/> Client Services and Communications |

Start Date and Time:

End Date and Time

Please provide any reference numbers relating to your contact with the OPW

Please outline details of the personal data being requested

Part 4 – Verification of Identity

In order for us to verify your identity, please provide the following information:

- A copy of a photographic ID with an address (passport/drivers licence).
- A copy of a photographic ID without an address (public services card) and a copy of a recent utility bill or Government letter photo-ID
- Your Personnel Number if you are a current or former OPW staff member or contractor.

If you are requesting a copy of your identifiable CCTV footage, please provide:

- The OPW properties or sites from which you want the footage
- The date(s), arrival and departure time(s) of your visit (as precisely as possible)
- The colour, make, model and registration number of your vehicle
- A recent photograph of yourself
- A description of any distinctive items of clothing worn or items carried.

If you do not have any of the identity documents above, please contact the OPW DPO, who will arrange a suitable means of identification with you.

Part 5 – Signature

Signature of Requester:

Date:

Please return the completed form by post to:

Data Protection Officer
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36.

Or by email to dpo@opw.ie

APPENDIX 2

Data Subject Access Request Register

Ref.No.	Date Received	Name	Address	Contact details	Evidence of identity	Actions	Date of final reply

APPENDIX 3

Data Subject Access Request – Notice of Refusal

Name
Address

Date

Re: Your Data Subject Access Request *(ref)* – Notice of Refusal

Dear *(insert name)*,

I acknowledge receipt of your completed Data Subject Access Request *(ref)* dated *(insert date)* request for personal data held by this Office under the General Data Protection Regulation and the Data Protection Acts 1988 to 2018. The request has been examined and a decision taken to refuse this request.

The reason for this refusal is
(insert reason)

If you wish to appeal this refusal, you may do so by submitting an appeal to the Data Protection Commission. In addition, you have the right to a judicial remedy from the Irish Courts.

If you require further assistance or clarification please contact me on 046-942 6000 or by email to dpo@opw.ie.

Yours sincerely

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36

APPENDIX 4

Data Subject Access Request – Request for More Focus/Greater Clarity

Name
Address

Date

Re: Your Data Subject Access Request (*ref*) – Request for More Focus/Greater Clarity

Dear (*insert name*),

I acknowledge receipt of your correspondence dated (*insert date*) in connection with your Data Subject Access Request (*ref*) for personal data held by this Office under the General Data Protection Regulation and the Data Protection Acts 1988 to 2018.

(more focus paragraph)

As there is a large volume of personal data covered by your request, in order to reduce the time needed to meet your request, it would help if you could be more specific as to exactly the personal data which you require or the areas of the OPW with which you have been dealing. Please provide any further information as follows:

(insert details)

(greater clarity paragraph)

I am unclear exactly what data it is that you require. To get you the personal data you require as quickly as possible, can you contact me directly on 046-942 6000, or by email at dpo@opw.ie or by post to the address at the end of this letter to clarify exactly what data you are seeking, please?

On receipt of the additional information requested, the process of verifying your identity as provided will commence. Once verified, a notification will be issued confirming that your request has been registered and further contact will be made within a month from the date of registration.

Yours sincerely

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland, C15 NX36.

APPENDIX 5

Data Subject Access Request – Evidence of Identity

Name
Address

Date

Re: Your Data Subject Access Request (*ref*) – Evidence of Identity

Dear (*insert name*),

I acknowledge receipt of your correspondence dated (*insert date*) in connection with your Data Subject Access Request (*ref*) for personal data held by this Office under the General Data Protection Regulation and the Data Protection Acts 1988 to 2018.

As the OPW cannot supply your personal data to anyone else, I need to be certain that I am sending it to **you**. In order for me to be fully satisfied as to your identity, please provide copies of two forms of identity, as follows:

- A photo ID, such as a passport, driving licence, Public Services Card, work ID or student card
- Proof of address e.g. a recent utility bill or letter from a Government Department or State body, dated within the last 3 months

On receipt of the further information requested, the process of verifying your identity as provided will commence. Once verified, a notification will be issued confirming that your request has been registered and further contact will be made within a month from the date of registration.

If you do not have the forms of identity listed above or require further assistance in relation to verifying your identity please contact me on 046-942 6000 or by email at dpo@opw.ie and I will help you to verify your identity in some other way.

Yours sincerely

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36.

APPENDIX 6

Data Subject Access Request Acknowledgement

Name
Address

Date

Re: Your Data Subject Access Request (*ref*) – Acknowledgement

Dear (*insert name*),

I acknowledge receipt of your Data Subject Access Request (*ref*) dated (*insert date*) for personal data held by this Office under the General Data Protection Regulations and the Data Protection Acts 1988 to 2018 and the accompanying proofs of identity. I am satisfied as to your proof of identity.

Your request has been registered with us and forwarded to the relevant business units within the OPW responsible for fulfilling your request.

In compliance with the legislation, the data requested will be supplied to you by (*insert date*) (one month following receipt of your verified request).

If you require any further assistance in the meantime, please contact me on 046-942 6000 or by email at dpo@opw.ie.

Yours sincerely

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36.

APPENDIX 7

Subject Access Request – Extension to Time Limit

Name
Address

Date

Re: Your Data Subject Access Request (*ref*) – Time Limit Extension

Dear (*insert name*),

Further to receipt of your Data Subject Access Request (*ref*) dated (*insert date*) for personal data held by this Office under the General Data Protection Regulations and the Data Protection Acts 1988 to 2018, I confirm that following a search for your personal data, it is necessary to extend the time limit for fulfilling your request. The reason for the need to extend the time limit is (*insert reason*)

The data requested by you will now be supplied by (*insert date*).

If you require any further assistance in the meantime, please contact me on 046-942 6000 or by email at dpo@opw.ie.

Yours sincerely

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36

APPENDIX 8

Data Subject Access Request – Notice of Fee

Name
Address

Date

Re: Your Data Subject Access Request *(ref)* – Fee Notification

Dear *(insert name)*,

I acknowledge receipt of your Data Subject Access Request *(ref)* dated *(date)* for personal data held by this Office under the General Data Protection Regulations and the Data Protection Acts 1988 to 2018. Having conducted an examination of the request it has been deemed to be:

- Manifestly unfounded
- Excessive due to its repetitive character
- A request for copies of material already provided

(Please retain the relevant reason and delete the others)

To ensure full retrieval it is necessary to impose a fee of *(insert amount)* €..... in connection with your request.

The fee is payable before retrieval can be commenced. Payment can be made by way of *(insert payment details)*.

Please note that you have the right to make a complaint to the Data Protection Commission regarding our response to your request. You also have the right to seek an effective judicial remedy in the Irish Courts.

If you require any further assistance or clarification please contact me on 046-942 6000 or by email at dpo@opw.ie.

Yours sincerely

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
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Co. Meath,
Ireland,
C15 NX36

APPENDIX 9

<i>Is Individual Subjected to Automated Decision Making Using These Records?</i>													
			Y / N										
<i>No. of Record</i>	<i>Description of Record</i>	<i>Purposes for Which Processed</i>	<i>Category of Personal Data</i>	<i>Outsider(s) to Whom Disclosed</i>	<i>Transferred out of EEA?</i>	<i>Retention Period/ Criterion</i>	<i>No. of Pages</i>	<i>Page Nos.</i>	<i>Relevant Exemption(s)</i>	<i>Factors for Release</i>	<i>Factors Against Release</i>	<i>Decision</i>	<i>Remarks</i>
1					Y / N								
2					Y / N								
3					Y / N								
4					Y / N								
5					Y / N								
6					Y / N								
7					Y / N								
8					Y / N								
9					Y / N								
10					Y / N								

APPENDIX 10

Final Response to Data Subject Access Request

Name
Address

Date

Re: Response to Your Data Subject Access Request *(ref)*

Dear *(insert name)*,

Further to your Data Subject Access Request *(ref)* dated *(date)* for personal data held by this Office under the General Data Protection Regulations and the Data Protection Acts 1988 to 2018, I now enclose your personal data as provided to me by the relevant business Unit within the OPW.

Please see attached schedule outlining the personal data that is being provided.
(attach schedule)

Please note that you have the right to make a complaint to the Data Protection Commission regarding our processing of your personal data. You also have the right to seek an effective judicial remedy in the Irish Courts.

You also have the right to request rectification or deletion of your personal data.

If you require any further assistance, in the meantime, please contact the Data Protection Officer on 046-942 6000 or by email at dpo@opw.ie.

Yours sincerely

Data Protection Officer,
The Office of Public Works Head Office,
Jonathan Swift Street,
Trim,
Co. Meath,
Ireland,
C15 NX36