



Loreto Secondary School, Wexford.

Data Access Request Procedure

ORGANISATION:	Loreto Secondary School, Wexford
LOCATION:	Pembroke Hill, Ballynagee, Wexford
AUTHORISED BY:	Board of Management of Loreto Secondary School, Wexford
AUTHORISED DATE:	
REVIEW DATE:	

Overview

The General Data Protection Regulation 2016/679 (GDPR) provides for a right of access by an individual data subject to personal information held by Loreto Secondary School, Wexford. The following procedure is provided to ensure compliance with the school's obligations under the Regulation and governs the manner in which requests for access to personal data will be managed by the Loreto Secondary School, Wexford.

A data subject would be required to familiarize themselves with the procedure and to complete the Data Access Request Form which will assist the school in processing the access request where personal information (or in the case of a parent/guardian making an access request on behalf of a student, personal information in relation to their child) as a data subject is processed and retained by Loreto Secondary School, Wexford.

It is important to note that only personal information relating to the individual (or in the case of a parent/guardian making an access request on behalf of a student, only personal information in relation to his/her/their child) will be supplied. No information will be supplied that relates to another individual.

Important note to students making access requests

Where a student (aged under 18 years) makes an access request, the school may inform the student that:

- (a) Where they make an access request, their parents will be informed that they have done so and

- (b) A complete copy of the access request materials being furnished to the data subject by the school will also be furnished to the student's parent/guardian.

This is provided for in the school's Data Protection Policy. The right of access under Article 15 of the GDPR is the right of the data subject. However, there may be some data held by the school which may be of a sensitive nature and the school will have regard to the following guidance issued by the Office of the Data Protection Commissioner in relation to releasing such data:

- A student aged eighteen years or older (and not suffering under any medical disability or medical condition which may impair his or her capacity to give consent) may give consent themselves.
- If a student aged eighteen years or older has some disability or medical condition which may impair his or her ability to understand the information, then parental/guardian consent will be sought by the school before releasing the data to the student.
- A student aged from twelve up to and including seventeen can be given access to their personal data, depending on the age of the student and the nature of the record, i.e. it is suggested that:
 - If the information is ordinary, routine or non-controversial (e.g. a record of a test result) the student could readily be given access
 - If the information is of a sensitive nature, it would be prudent to seek parental/guardian consent before releasing the data to the student
 - If the information would be likely to be harmful to the individual concerned, parental/guardian consent should be sought before releasing the data to the student.
- In the case of students under the age of twelve, an access request may be made by their parent or guardian on the student's behalf. However, the school must note that the right of access is a right of the data subject themselves (i.e. it is the right of the student). Therefore, access documentation should be addressed to the child at her address which is registered with the school as being her home address. It should not be addressed or sent to the parent who made the request. For further information, see "Important Note to Parents Making Access Requests on Behalf of their Child" below.

Important note to parents making access requests on behalf of their child

Where a parent/guardian makes an access request on behalf of their child (a student aged under 18 years), the right of access is a right of the data subject (i.e. it is the student's right). In such a case, the access materials will be sent to the child, not to the parent who requested them. This means that the access request documentation will be sent to the address at which the child is registered on the school's records and will be addressed to the child. The documentation will not be sent to or addressed to the parent/guardian who made the request.

Where a parent/guardian is unhappy with this arrangement, the parent/guardian is invited to make an application to court under section 11 of the Guardianship of Infants Act 1964. This provision enables the court (on application by a guardian) to make a direction on any question affecting the welfare of the child. Where a court issues an order stating that a school should make certain information

available to a parent/guardian, a copy of the order should be given to the school by the parent/guardian and the school can release the data on foot of the court order.

Individuals making an access request

On making an access request, any individual about whom the school keeps Personal Data, is entitled to:

- a copy of the data which is kept about her (unless an exemption applies to the information, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
- know the purpose/s for processing his/her data
- know the identity (or the categories) of those to whom the data is disclosed
- know the source of the data, unless it is contrary to public interest
- where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the “decision” as to whether a loan should be made to an individual based on his/her credit rating) know the logic involved in automated decisions.

Data access requirements

To make an access request, you as a data subject must:

1. Apply in writing requesting access to your data Article 15 of the GDPR, alternatively, request an Access Request Form which will greatly assist the school in processing your access request more quickly.

Correspondence should be addressed to the school principal.

2. You will be provided with a form which will assist the school in locating all relevant information that is held subject to the exceptions and prohibitions outlined in Appendix A. The school reserves the right to request official proof of identity (e.g. photographic identification such as a passport or driver’s licence) where there is any doubt on the issue of identification.
3. On receipt of the access request form, the principal will check the validity of your access request and ensure that sufficient information to locate the data requested has been supplied (particularly if CCTV footage/images are to be searched).

It may be necessary for the principal to contact you in the event that further details are required with a view to processing your access request.

4. The principal will log the date of receipt of the valid request and keep a note of all steps taken to locate and collate the requested data.
5. The principal will ensure that all relevant manual files (held within a “relevant filing system”) and computers are checked for the data in respect of which the access request is made.
6. The principal will ensure that the information is supplied promptly and within the advised timeframes in items 7, 8 and 9 as appropriate.

7. If the request is only to provide a description of information held by the school about the individual, if any, the following information will be supplied: (i) what the school holds by way of personal information about you ((or in the case of a request made by a parent/guardian of a student aged under 18 years, then the personal information held about that student) and (ii) a description of the data together with details of the purposes for which his/her data is being kept will be provided. Actual copies of your personal files (or the personal files relating to the student) will not be supplied. No personal data can be supplied relating to another individual. A response to your request will be provided within one month of receipt of the access request form and no fee will apply.
8. Where a request is made for copies of some or all personal information held by the school, the following information will be supplied within one month. In cases where the request creates an excessive amount of work for the school, an extension may be applied but the individual making the request will be informed of such an extension. The individual is entitled to a copy of all personal data, i.e.:
 - A copy of the data which is kept about him/her (unless an exemption applies to the information, in which case the individual will be notified of this and informed of their right to make a complaint to the Data Protection Commissioner)
 - Be advised of the purpose/s for processing his/her data
 - Be advised of the identity (or the categories) of those to whom the data is disclosed
 - Be advised of the source of the data, unless it is contrary to public interest
 - where the processing is by automated means (e.g. credit scoring in financial institutions where a computer program makes the “decision” as to whether a loan should be made to an individual based on his/her credit rating), know the logic involved in automated decisions.
9. Where a request is made with respect to examination results an increased time limit of 60 days from the date of the first publication of the results or from the date of the access request, whichever is the later will apply.
10. Before supplying the information requested to you as data subject (or where the access request is made on behalf of a student aged under 18 years, information relating to the student), the principal will check each item of data to establish:
 - If any exemptions or restrictions apply, which would result in that item of data not being released, or
 - where the data is “health data”, whether the obligation to consult with the data subject’s medical practitioner applies, or
 - where the data is “social work data”, whether the prohibition on release applies.
11. If data relating to a third party is involved, it will not be disclosed without the consent of that third party or alternatively the data will be anonymised in order to conceal the identity of the third party. Where it is not possible to anonymise the data to ensure that the third party is not identified, then that item of data may not be released.
12. Where a school may be unsure as to what information to disclose, the school reserves the right to seek legal advice.
13. The principal will ensure that the information is provided in an intelligible form (e.g. codes explained) or will provide an explanation.

14. Number the documents supplied.
15. Have the response “signed-off” by an appropriate person eg. Principal or Chairperson of the Board of Management.
16. The school will respond to your access request within the advised timeframes contingent on the type of request made.
17. The school reserves the right to supply personal information to an individual in an electronic format e.g. on tape, USB, CD etc.
18. Where a subsequent or similar access request is made after the first request has been complied with, the school has discretion as to what constitutes a reasonable interval between access requests and this will be assessed on a case-by case basis.
19. Where you as an individual data subject may seek to rectify incorrect information maintained by the school, please notify the school and a form will be supplied to you for this purpose. You should however note that the right to rectify or delete personal data is not absolute. You have the right to make a complaint to the Data Protection Commissioner about a refusal.
20. In circumstances where your access request is refused, Loreto Secondary School, Wexford will write to you explaining the reasons for the refusal. In such circumstances, you have the right to complain to the Data Protection Commissioner by contacting:

Tel: 1890 25 22 31
Email: info@dataprotection.ie

Or you can download a “Raise a Concern” Form by going to:
https://www.dataprotection.ie/documents/gdpr_forms/Raise_a_Concern_with_Us_Form.pdf
21. Where requests are made for CCTV footage, an application must be made in writing and all necessary information such as the date, time and location of the recording should be given to the school to assist the school in dealing with your request. Where the image is of such poor quality as not to clearly identify an individual, that image may not be considered to be personal data. In providing a copy of personal data, the school may provide the materials in the form of a still/series of still pictures, a tape, disk, USB, with relevant images. Other people's images will be obscured before the data is released. If other people's images cannot be obscured, then the images/recordings may not be released.

This procedure is regularly reviewed in line with the school's commitment to its responsibilities under data protection.