**Swim Ireland**

**Data Subject Access Request Policy**

**(SAR) for Clubs and Regions**

**Introduction**

The purpose of this procedure is to set out the policy when [Club/Region] is handling or responding to requests for access to personal data which are made by the data subjects, their representatives or other interested parties.

Individuals have the right under General Data Protection Regulation (GDPR), subject to certain exemptions, to have access to their personal records that are held by [Club/Region]. This is known as a ‘Subject Access Request’ (SAR).

This Policy explains the rights of individuals to access their personal data. It also clarifies what you must do in this regard to comply with your duties as a data controller.

**Policy Scope**

This policy sets out the procedures to be followed by [Club/Region] to ensure it complies with its obligations under Article 15 of the GDPR “Right of Access by the data subject”.

A subject access request (SAR) is simply a written request made by or on behalf of an individual for the information about them, which is held by the [Club/Region].

For information to be personal data, it must *relate to* a living individual and allow that individual to be *identified* from it, either on its own or along with other information likely to come into the possession of [Club/Region].

Requests may be received from members of staff, service users or any other individual [Club/Region] has had dealings with and holds data about that individual. This will include information held both electronically and manually and will therefore include personal information recorded within electronic systems, spreadsheets, databases or word documents and may also be in the form of photographs, x-rays, audio recordings and CCTV images etc.

**Definitions**

The following definitions of terms used in this policy are provided to ensure clarity to the reader.

**“Subject Access Request” -** subject access request (SAR) is simply a written request made by or on behalf of an individual for the information about them, which is held by the Swim Ireland.

**What is “Personal Data”**- Personal data is 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 Regulation. Examples of personal data include:

|  |  |  |  |
| --- | --- | --- | --- |
| * Name | * Address | * Date of Birth | * Phone number |
| * Email address | * Eircode | * Employee number | * RSI/PPS number |

The **“Data Controller”** is the natural or legal person, public authority, agency or any other body, which alone or jointly with others, determines the *purposes and means* of the processing of personal data.

**“Processing”** is defined as any operation or set of operations which is performed on personal data or on sets of personal data, whether 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.

**“Supervisory Authority” –** is the independent public authority with responsibility for monitoring the application of the GDPR, in order to protect the fundamental rights and freedoms of the natural persons in relation to processing and to facilitate the free flow of personal data within the European Union. In the context of the Irish Jurisdiction, this authority is vested in the office of the Irish Data Protection Commissioner.

**“Accountability”** – The controller shall implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with the GDPR. The measures implemented shall be reviewed and updated where necessary. (“Accountability Principle”)

**“Third Country” –** are countriesplaced outside of the European Economic Area (EEA). Data controllers cannot transfer personal data to "third countries" –– unless certain data protection safeguards are in place.  *(Note:  The European Economic Area is made up of the 27 EU countries as well as Norway, Iceland and Liechtenstein.).*

**“Recipient” -** means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

**How to recognise and action a Subject Access Request**

The request must be made in writing (This may be by letter, through email or even social media, such as Facebook or Twitter). It is important to note that responses to SAR requests must be returned by a secure methodology, i.e. social media must NOT be used to return information requested.

However, where the applicant is not able to make the request in writing it can be received verbally and a record of the request made on the applicants file.

Proof of identity of the applicant and/or the applicant representative, and proof of right of access to another person’s personal information, by reasonable means.

There is no cost involved for this Subject Access Request, only where the request is deemed manifestly unfounded or excessive.

All requests must be responded to within 30 days of receipt of the request.

Sufficient information to be able to locate the record or information requested.

**Log and record all Subject Access Requests**

The [Club/Region] committee will keep a log of all requests received is maintained in the Subject Access Request Register detailing:

* Date received
* Date response due (within 30 days unless complex)
* Applicants details
* Information requested
* Exemptions applied in respect of information not to be disclosed
* Details of decisions to disclose information without the data subjects consent
* Details of information to be disclosed and the format in which they were supplied
* When and how supplied, e.g. Paper copy and postal method used to send them

**Exceptions to Subject Access Requests**

Under GDPR legislation there are certain exceptions where [Club/Region] will be exempt from providing personal data in response to a subject access request. Some of these examples are as follows:

* Disclosing confidential references that you have given to third parties, but might have to disclose confidential references that you receive from third parties
* Legally privileged personal data e.g. confidential communications between you and your lawyers where the dominant purpose of the communication is to give or receive legal advice
* Personal data contained in any management committee forecasting or management committee planning which, if disclosed would prejudice the conduct of the [Club/Region]
* Where the personal data consists of records of your intentions in relation to any negotiations with the individual, which if disclosed, would likely prejudice those negotiations
* The protection of judicial independence and judicial proceedings
* The prevention, investigation, detection and prosecution of breaches of ethics for regulated professions
* A monitoring, inspection or regulatory function connected, even occasionally, to the exercise of official authority
* The protection of the data subject or the rights and freedoms of others
* The enforcement of civil law claims

In particular, any legislative measure referred to above shall contain specific provisions at least, where relevant, as to:

* The purposes of the processing or categories of processing
* The categories of personal data
* The scope of the restrictions introduced
* The safeguards to prevent abuse or unlawful access or transfer
* The specification of the controller or categories of controllers
* The storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing
* The risks to the rights and freedoms of data subjects and
* The right of data subjects to be informed about the restriction, unless that may be prejudicial to the purpose of the restriction

**1. Subject Access Rights under the GDPR**

**Rights of access by the data subject**

The data subject shall have the right to obtain from the Swim Ireland data controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

* the purposes of the processing
* the categories of personal data concerned
* the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations
* where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period
* the existence of the right to request from the controller Subject Access Request 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 lodge a complaint with a supervisory authority
* where the personal data are not collected from the data subject, any available information as to their source
* the existence of automated decision-making, including profiling, referred to in Article 22 (1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject

Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article relating to the transfer.

The Swim Ireland data controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

**2. Requests made about or on behalf of other individuals**

**General Third Party**

A third party, e.g. solicitor, may make a valid SAR on behalf of an individual. However, where a request is made by a third party on behalf of another living individual, appropriate and adequate proof of that individuals consent or evidence of a legal right to act on behalf of that individual e.g. power of attorney must be provided by the third party.

If Swim Ireland believe an individual may not understand what information would be disclosed to a third party who has made a SAR on their behalf, we may send the response directly to the individual rather than to the third party. The individual may then choose to share the information with the third party after having had a chance to review it.

**Requests for information about children**

A Subject Access Request (SAR) must be submitted on behalf of anyone under the age of 18, by the parent/career.

**3. Data Subject Access Request Procedure**

**Important Compliance Notes**

Swim Ireland must act on a request for Subject Access Request from a data subject unless they are unable to establish their identity.

* The procedure for responding to Data Subject Access Requests is set out in Figure 1 and expanded on in Table 1. The specifics of each step will vary depending on the request and the systems where the data is held.

Figure 1

**Table 1 – Subject Access Request Procedure**

|  |  |  |
| --- | --- | --- |
| Step | Description | Responsibility |
| Data Subject Access Request received | The Data Subject submits a request for Subject Access Request via one of a number of methods, including electronically (via email or website), by letter or by telephone. This may be received through any part of the organisation and should be channelled through to the data compliance committee (datprotection@swimireland.ie) . | All Staff  Data Compliance Committee |
| Log Data Subject Access Request. | The fact the request was received should be logged in the Data Subject Access Request Register and the date of the request recorded. | Data Compliance Committee |
| Verify Identify of the data subject | The identity of the data subject is confirmed via an approved method. Additional information may be requested to confirm identity. If the identity of the data subject cannot be confirmed the request is rejected and the reason for this communicated to the data subject. | Data Compliance Committee |
| Evaluate Validity of request | Have steps been taken to check the accuracy of the information provided by the Data Subject. | Data Compliance Committee |
| Locate the personal data | Use data flow diagrams and data inventories to pinpoint the systems that store the requested personal data. | All staff |
| Compile requested Personal Data | Compile the personal data as requested. | Data Compliance Committee |
| Respond to Data Subject | Respond to the data subject with Data as requested. | Data Compliance Committee |
| Close Data Subject Access request | The fact that the request has been responded to is logged in the Data Subject Request Register together with the date of closure. | Data Compliance Committee |

**Appendix 1 – GDPR Article 15**

**Article 15**

**Right of access by the data subject**

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of the processing

(b) the categories of personal data concerned

(c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period

(e) 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

(f) the right to lodge a complaint with a supervisory authority

(g) where the personal data are not collected from the data subject, any available information as to their source

(h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject

2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.

3. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others.

**Appendix 2 – GDPR Recital 64 & 65**

**Recital 64**

**Right of Access**

A data subject should have the right of access to personal data which have been collected concerning him or her, and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing. This includes the right for data subjects to have access to data concerning their health, for example the data in their medical records containing information such as diagnoses, examination results, assessments by treating physicians and any treatment or interventions provided. Every data subject should therefore have the right to know and obtain communication in particular with regard to the purposes for which the personal data are processed, where possible the period for which the personal data are processed, the recipients of the personal data, the logic involved in any automatic personal data processing and, at least when based on profiling, the consequences of such processing. Where possible, the controller should be able to provide remote access to a secure system which would provide the data subject with direct access to his or her personal data. That right should not adversely affect the rights or freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software. 6However, the result of those considerations should not be a refusal to provide all information to the data subject. 7Where the controller processes a large quantity of information concerning the data subject, the controller should be able to request that, before the information is delivered, the data subject specify the information or processing activities to which the request relates.

**Recital 64**

**Identity verification**

The controller should use all reasonable measures to verify the identity of a data subject who requests access, in particular in the context of online services and online identifiers. A controller should not retain personal data for the sole purpose of being able to react to potential requests.

**Swim Ireland Subject Access Request Form (SAR)**

In compliance with Article 15 of the General Data Protection Regulation, Swim Ireland has prepared the following subject access requests form.

**Sample Subject Access Request Form:** Request for a copy of Personal Data

**Important: a photocopy of your proof of identity (e.g. passport or driver’s licence) and a photocopy of proof of address (e.g. utility bill) must accompany this Access Request Form (see Note below).**

**Section A - please complete this section**

Full Name:

Postal address:

\*Telephone/e-mail:

(include area code)

\*As we may need to contact you to discuss your Access Request

**Section B - please complete this section**

I, …………………………………………………... [insert name] wish to have access to data that I believe [Club/Region] retains on me as outlined below (please include the name of service(s) and anything relevant to your access request)

Signed……………………………………………Date……………

Please return this form to the Swim Ireland Data Compliance Committee – [dataprotection@swimireand.ie](mailto:dataprotection@swimireand.ie)

Note: we require proof of the applicant’s identity and address to ensure that the person making this access request is acting legitimately

This form can also be returned to Swim Ireland, Irish Sport HQ, National Sports Campus, Blanchardstown, Dublin 15