



Lycée Français International Samuel Beckett

Data Access Request Procedure

ORGANISATION:	Lycée Français d'Irlande
POLICY APPLIES TO:	<u>Collège et Lycée:</u> Lycée Français d'Irlande, Roebuck Road, Dublin 14 <u>Maternelle et Élémentaire:</u> Lycée Français d'Irlande, Foxrock Avenue, Dublin 18
LOCATION:	Roebuck Road, Dublin 14
PRIVACY COORDINATOR:	John Coleman
AUTHORISED BY:	Board of Management of Lycée Français d'Irlande
AUTHORISED DATE:	December 2018
REVIEW DATE:	December 2019

Overview

The General Data Protection Regulation 2016/679 (*hereinafter referred to as GDPR*) provides for a right of access by an individual data subject to personal information held by Lycée Français d'Irlande (*also referred to as "the school"*). The following procedure has been established in order to ensure compliance with the school's obligations under the GDPR, and governs the manner in which requests for access to personal data will be managed by the school.

Data subjects requesting access are required to familiarise themselves with the procedure and to complete the Data Access Request Form. This will assist the school in processing the access request where the requester's 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) is processed and retained by Lycée Français d'Irlande.

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) If they make an access request their parents will be informed that they have done so and
- (b) A complete copy of the materials being furnished to the data subject by the school on foot of the access request will also be furnished to the student's parents/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 Commission in relation to releasing such data:

- Students aged eighteen years or older (and not suffering from any medical disability or medical condition that may impair their capacity to give consent) may give consent themselves.
- If a student aged eighteen years or older has some disability or medical condition that may impair his or her ability to understand the information, then the parent/guardian's consent will be sought by the school before releasing the data to the student.
- Students aged between twelve and seventeen (inclusive) 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 should readily be given access
 - If the information is of a sensitive nature, it would be prudent to seek a parent/guardian's consent before releasing the data to the student
 - If the information would be likely to be harmful to the individual concerned, a parent/guardian's consent should be sought before releasing the data to the student.
- In the case of pupils under the age of twelve, an access request may be made by their parents or guardians on their behalf. However, please note that the right of access is a right of data subjects themselves (i.e. it is the right of the pupil). Therefore, access documentation should be addressed to pupils at the address which is registered with the school as being their 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 a court application 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, individuals about whom the school keeps personal data are entitled to:

- a copy of the data kept about them (unless an exemption applies to the information, in which case they will be notified of this and informed of their right to make a complaint to the Data Protection Commission)
- know the purpose/s for processing their 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 the public interest
- where the processing is by automated means, know the logic involved in automated decisions.

Data access requirements

1. To make an access request, data subjects must apply in writing requesting access to their data under Article 15 of the GDPR, or alternatively request an Access Request Form which will greatly assist the school in processing their access request more quickly. Correspondence should be addressed to the school's Privacy Coordinator.
2. They 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 Privacy Coordinator will check the validity of the 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 school to contact data subjects in the event that further details are required with a view to processing access requests.

4. The school will log the date of receipt of valid requests and keep a note of all steps taken to locate and collate the requested data.
5. The school 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 school 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 the requester (or in the case of a request made by the parent/guardian of a student aged under 18 years, the personal information held about that student) and (ii) a description of the data together with details of the purposes for which the data is being kept. Actual copies of personal data will not be supplied. No personal data can be supplied relating to another individual. A response to a 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 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 required but the individual making the request will be informed of such an extension.
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 the data subject, the school will check each item of data to establish:
 - whether any exemptions or restrictions apply that would result in that item of data's not being released, or
 - if the data is health data, whether the obligation to consult with the data subject's medical practitioner applies, or
 - if 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 the school may be unsure as to what information to disclose, it reserves the right to seek legal advice.
13. The school will ensure that the information is provided in an intelligible form (e.g. codes explained) or will provide an explanation.
14. The school will number the documents supplied.
15. The school will have the response signed off by an appropriate person e.g. the Principal or the Chairperson of the Board of Management.
16. The school will respond to access requests within the advised time-frames 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 an individual data subject is seeking to rectify incorrect information maintained by the school, the school should be notified so that a form can be supplied by the school for this purpose. The right to rectify or delete personal data is not absolute. The school may refuse a request if there are overriding legitimate grounds for continued processing of the data by the school.
20. In circumstances where access is refused, Lycée Français d'Irlande will write to the requester explaining the reasons for the refusal. In such circumstances, the requester has the right to complain to the Data Protection Commission by contacting:

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

or to download a 'Raise a Concern' Form by from:
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 in dealing with the 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, a disk, or a USB key with the 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.