

Subject Access Request Policy

Ref: IC010, v3

June 2024



**An Bord Um
Chúnamh Dílthiúil**
Legal Aid Board

Providing access to justice since 1979

Policy and Procedure Document Summary

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Version Control				
Version No.	Date Reviewed	Description of Change	Author	Approved by
1	1/6/2018	Initial Development	DPO	EMT
2	1/5/2020	Range of Changes	DPO	EMT
3	5/3/2024	Full Review	Brian Moss	Gareth Clifford



1. Purpose

This document sets out the policy through which the Legal Aid Board will respond to subject access requests by data subjects.

2. Scope

The Board collects, processes, and stores personal data from service users, private practitioners, staff, and service providers. This policy applies to all personal data collected by the Board and to all functions of the Board.

3. Target Audience

This policy is intended for Board staff, clients, and service providers to the Board. A copy of this policy is available on the Board website www.legalaidboard.ie.

4. Roles and Responsibilities

The Legal Aid Board ensures compliance with the GDPR through its Corporate Governance Framework. The arrangements in place to oversee, monitor and ensure compliance with data protection legislation are set out below.

Data Protection section: advises on and monitors compliance with data protection legislation, taking timely action and making recommendations to improve the Board's performance where needed. The section manages subject access requests, breaches, and conducts data protection impact assessments where needed. The section also acts as the main contact point for the Data Protection Commission, the Irish supervisory authority on data protection. The Data Protection Officer role is located in the section and leads on these matters utilising staff support, assistance, advice, and training to enhance organisation-wide compliance with data protection.

Staff of the Legal Aid Board: all are individually responsible for reading, understanding, and complying with obligations of the GDPR, the Data Protection Act 2018, set out in this policy, and in all Board data policies in their daily work. All policies are available on www.legalaidboard.ie. Staff are also individually responsible for engaging with data protection training provided by the Board.

5. Definitions

- **Personal Data:** information relating to an identifiable living person who can be identified from those data; e.g. name, identification number, location data, an online identifier, etc.
- **Data Subject:** an individual whose personal data are processed.
- **Data Processor:** an organisation/ individual that processes personal data on behalf of a Controller.



6. Subject Access Request Policy

6.1 What can a person request?

The GDPR enables a person whose personal data have been collected by the Board to request those data and be provided with the following information by the Board:

- Confirmation if the Board is processing their personal data;
- Access to a copy of the personal data in question;
- the purposes of the processing
- others to whom the personal data have been or will be disclosed;
- the expected period for which the data will be stored or criteria used to determine that period;
- a right to request the controller rectify or erase personal data or restrict processing of personal data or object to such processing and withdraw their consent; and
- the right to complain to the Data Protection Commission (DPC).

6.2 Who can make a request?

The following people can submit a subject access request to the Board:

- a Board client/ former client, whether for legal aid or mediation;
- an applicant for Legal Aid;
- a third-party mentioned in a client file;
- Current/former Board employee;
- Current/former Board contractor;
- A solicitor acting on behalf of a data subject;
- A parent / guardian acting on behalf of a minor.

A person not described on this list, intending to make a subject access request, but unsure if they qualify should contact the Board's Data Protection section in advance of making their request.

The Board will acknowledge all subject access requests and respond to these within one calendar month where it intends to respond to the request. There is no charge to a data subject for making a subject access request

6.3 What cannot be requested?

Generally, among other grounds, data protected by legal privilege, opinions given in confidence (including health matters), where the effort to comply with a request is disproportionate or a repeat of an earlier request is received, these need not be granted in full/ part. Each access request will be considered on its merits by the Data Protection section.

7. Subject Access Request Procedure

A subject access request form can commence such a request. The form is found at www.legalaidboard.ie.

The Procedure for dealing with a subject access request and data rectification, limitation, erasure and consent withdrawal is set out in Appendix 1. All staff, processors and contractors must comply with these procedures in order to ensure that a data subject's data protection rights under GDPR are met.

The subject access request procedure is different to the procedure for dealing with access requests by third-parties. That procedure is available via www.legalaidboard.ie.



8. Contact Details

The Board's Data Protection unit and Data Protection Officer can be contacted at the details below. These are also published on the Board's website www.legalaidboard.ie

Data Protection Officer

Legal Aid Board

Quay Street,

Cahirciveen,

Co. Kerry

V23 RD36

Phone: (066) 947 1000

Email: dataprotection@legalaidboard.ie

9. Making a Complaint

A person dissatisfied with the Board's response to matters relating to its Subject Access Request Policy may then submit a complaint as follows:

Data Protection Commission

21 Fitzwilliam Square,

Dublin 2.

D02 RD28

Ireland

Phone: 01 765 0100

Email: info@dataprotection.ie

Web: www.dataprotection.ie

10. Monitoring, Enforcement, and Alteration

Compliance with this policy will be monitored by the DPO and the Executive Management Team members reporting to the Board Audit, Risk and Finance Committee.

The Board reserves the right to take action it deems appropriate where individuals breach this policy. Board staff who breach this policy may be subject to disciplinary action. The Board reserves the right to remedy a breach of this policy by contractors, sub-contractors and commercial service providers via contracts in existence with them.

The Board will amend this policy regularly but may amend this policy at any time to take account of business, legislative, or organisational changes.



Any changes to the policy will be notified on the Board website.

Appendix 1- Subject Access Request Procedure

1. Making a subject access request

- A person wishing to make a subject access request is asked to complete the Subject Access Request form available at www.legalaidboard.ie.
- Once the content is legible, this form can be completed in a number of ways.
- The Board must be satisfied as to a person's identity before it will commence preparing a response.
- To do this the Board may ask a data subject to provide valid identity.
- The Board may also ask a data subject to clarify the information they seek.
- It assists the Board if a requester provides as much clear detail as possible about the data they seek.

2. Once a request is received

- Once a data access request is received, the Data Protection section will acknowledge the request.
- The Data Protection section will log each subject access request.
- The section will liaise with relevant work units of the Board to indicate necessary actions and reply within one calendar month.
- Each local work unit, not the Data Protection section, is responsible for providing a data subject with the information sought. This is to minimise the number of people and transfers of the personal data.

3. Local Unit role

- Where any local work unit receives a subject access request form directly from a data subject, they should forward this to the Data Protection section immediately in the first instance.
- Where more than one work unit has material sought by a data subject, the Data Protection section will coordinate this work.
- In the course of preparing a response to a subject access request, if an extended period is needed, this will be raised and decided by the Data Protection section.
- A local work Unit may have a Data Steward on staff. This role holder supports data protection activity within their workplace. In conjunction with the local manager, this person may support preparation of the reply to a data subject.
- A local work unit must be careful to include in a reply only information relevant to the data subject, not to any other party.
- When a local work unit provides a data subject with personal data sought, the local work unit must prepare and provide a schedule of documents. This outlines what the data subject has been given, acts as a record for the local work unit.
- An organisation responding to a data subject is required to provide a copy of the personal data requested, not necessarily a copy of the actual document. The data provided must be visible and legible.
- The schedule of documents should also be sent to the Data Protection section as an indicator of the reply's contents. This should be sent by the local work unit indicating the date on which the material has been received by the data subject.

4. Board decisions

- If the Board does not intend to act on a subject access request, it must inform the data subject within one month.



- It must provide reasons for its decision.
- Where a request is manifestly excessive or unfounded, the Board may also apply a charge to the subject access request, informing the data subject of this charge in advance of providing any information.
- The Board can also charge where additional copies of personal data are sought.
- Where deciding any extended response period, the Data Protection section will ascertain that a local work unit will be able to provide the necessary personal data within the new time period.
- The Data Protection section will inform the data subject of any extension in advance of the first month ending and the reasons for the extension.
- A data subject not satisfied with the Board's reply may raise it with the Board. If this cannot be resolved, a data subject may complain to the Data Protection Commission as there is no appeal function for access requests within the Board.

5. Making a data rectification, limitation, erasure or consent withdrawal request

- To commence the process, a data subject is asked to complete the Data Rectification, Restriction, Erasure, and Consent Withdrawal Request form available at www.legalaidboard.ie.
- Thereafter the procedure follows that for Subject Access Requests, with the Data Protection section directing necessary actions.

