University College Cork

– National University of Ireland, Cork

Data Subject Rights Procedure

TABLE OF CONTENTS

Data Subject Rights Procedure V5.0

1. INTRODUCTION

At University College Cork ("the University") your privacy and data protection rights are very important to us. Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing of personal data, in both paper and electronic format. The General Data Protection Regulation and Data Protection Acts, 1988 - 2018 (the "Data Protection Acts"), lay down strict rules about the way in which personal data and special categories of personal data are collected, accessed, used and disclosed ("processed"). Under the Data Protection Acts, individuals ("data subjects" – defined below) are entitled to make a request for access to their personal data. Data subjects also have the right to have their personal data rectified if found to be incorrect, erased or the processing of their personal data restricted.

2. PURPOSE OF THIS PROCEDURE

The purpose of this procedure is to ensure that the University complies with the provisions of the Data Protection Acts regarding the rights of data subjects and to enable individuals to submit data access requests and requests for rectification, erasure or restriction of the processing of their personal data where required. Full details of data subject rights can be downloaded from a link on the Data Protection Commission's website: https://www.dataprotection.ie/en/individuals.

3. MAKING A DATA ACCESS REQUEST

If you wish to make a data access request, it **must be in writing**. There is no requirement to refer to the Data Protection Acts, but it will assist the University if you do so. Please complete and sign the data access application form and send it to UCC's Information Compliance Manager (address below). Alternatively, you may write to the Information Compliance Manager. Your letter or email (to gdpr@ucc.ie) should read something like:

"Dear ... I wish to make an access request under the General Data Protection Regulation (GDPR) for a copy of any information you keep about me, on computer or in manual form in relation to....."

To help us to respond to your request, please be as specific as possible about the information you wish to access. Please include any additional details that would help to locate your information - for example, a staff or student number, names of departments/offices that you were associated with, etc.

If you wish a third party to submit a data access request on your behalf (e.g. a family member or solicitor), you must provide written authorisation to allow the University to disclose your personal data to that third party.

4. MAKING A REQUEST FOR RECTIFICATION, ERASURE OR RESTRICTION ON PROCESSING DATA

If you wish to make a request to rectify or erase your personal data or request that the processing of your personal data is restricted, it **must be in writing**. There is no requirement to refer to the Data Protection Acts, but it will assist the University if you do so. Please complete and sign the data rights application form and send it to UCC's Information Compliance Manager (to gdpr@ucc.ie). Alternatively, you may write to the Information Compliance Manager. Your letter or email (to gdpr@ucc.ie) should read something like:

"Dear ... I wish to make a request under the General Data Protection Regulation (GDPR) to *rectify / *erase / * restrict the processing of the following information you keep about me, on computer or in manual form …......"

To help us to respond to your request, please be as specific as possible about the data you wish to rectify, erase or restrict the processing of. Please include any additional details that would help to locate your information - for example, a staff or student number, names of departments/offices that you were associated with, etc.

If you wish a third party to submit a request on your behalf (e.g. a family member or solicitor), you must provide written authorisation to allow the University to correspond with that third party about your personal data.

5. PROCEDURE

Fees

There is no fee payable by you to make an access request - the University must deal with your request for free. However, where the University believes a request is manifestly unfounded or excessive (for example where an individual makes repeated unnecessary access requests), the University may either charge a fee taking into account its administrative costs in dealing with the request(s), or refuse to act on the request(s).

Identification

In order to ensure that personal data is not disclosed to the wrong person, you may be required to provide proof of identity before any personal data is released to you. Acceptable forms of identification include: copy of passport, copy of driving licence; staff/student ID card; copy of recent utility bill. Copies are acceptable in most cases. However, the University reserves the right to ask to see original documents where necessary. If you are required to provide copies of such documents to the University, they will be securely destroyed once we have verified your identity.

Submitting the request

All requests for access to personal data held by University College Cork and requests for the rectification, erasure or restricting of processing of personal data should be sent to the Information Compliance Manager by email to gdpr@ucc.ie

A decision on your request will be made within 1 month of receipt of your request. If your request is considered complex, the University may extend the time frame for responding to your request by a further 2 months. You will be informed in writing of any extension to time within 1 month of receipt of your request.

Right to complain to Data Protection Commission

If you are unhappy with the outcome of your request, you may make a complaint to the Data Protection Commission (Canal House, Station Road, Portarlington, Co. Laois), who will investigate the matter for you. Further details on your rights under the Data Protection Acts are available on the Data Protection Commission's website www.dataprotection.ie

6. DEFINITIONS

The following are some important definitions used in this procedure, taken from the General Data Protection Regulation and Data Protection Acts, with additional comments provided where appropriate:

Personal data means any information relating to a living person who is identified or identifiable (such a person is referred to as a "data subject").

A person is identifiable if they can be identified directly or indirectly using an "identifier". The GDPR gives examples of identifiers, including names, identification numbers, and location data. A person may also be identifiable by reference to factors which are specific to their identity, such as physical, genetic or cultural factors

Special categories of personal data: Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as "special categories" of personal data. The special categories are: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic data, biometric data processed for the purpose of uniquely identifying a natural person, data concerning health, and data concerning a natural person's sex life or sexual orientation. Processing of these special categories is prohibited, except in limited circumstances set out in Article 9.

Data concerning criminal offences committed by the data subject are not considered special categories of personal data. However, the processing of criminal convictions / offences is given special consideration and protections in the Data Protection Acts.

Data subject is an individual who is the subject of personal data.

A data *controller* means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of the personal data (e.g. the University is a data controller for the personal data it processes in relation to its staff and students. i.e. it decides what it will do with the data).

A data *processor* is a third party who processes personal data *on behalf* of a data controller (e.g. companies which provide services to the University, such as storage of records or destruction of confidential records, are data processors as they are performing this task/processing the data on behalf of the University).

Note: employees of the data controller who process personal data in the course of their employment are **NOT** regarded as 'Data Processors'.

Processing is widely defined under the Data Protection Acts and means performing any operation or set of operations, whether by manual or automated means, on the information or data, including-

   (a) obtaining, recording or keeping data
   (b) collecting, organising, storing, altering or adapting the data,
   (c) retrieving, consulting or using the data,
   (d) disclosing the data by transmitting, disseminating or otherwise making it available, or
   (e) aligning, combining, blocking, erasing or destroying the data.

Data Protection Commission

The "Data Protection Commission" ('Commission') is the body established under Data Protection Act 2018 and which replaces the Data Protection Commissioner's office. The Commission is a supervisory authority i.e. an independent public authority, established under the GDPR, with responsibility for monitoring the application of the GDPR.

7. REVIEW

This procedure has been approved by the Corporate Secretary, UCC. Any additions or amendments to this or related procedures will be submitted to the Corporate Secretary for approval or to whatever authority the Corporate Secretary may delegate this role.

The procedure will be reviewed annually by the Information Compliance Manager in light of any legislative or other relevant developments who will consult as necessary before submitting any amendments for approval.

8. FURTHER INFORMATION

If you have any queries in relation to this procedure, please contact:

> Catriona O'Sullivan
> Information Compliance Manager
> Office of Corporate & Legal Affairs
> University College Cork
> Email: gdpr@ucc.ie

Document Location

http://www.ucc.ie/en/ocla/comp/data/dataaccess/

Revision History

Date of this revision: 22/01/2021	Date of next review:

Version Number/Revision Number	Revision Date	Summary of Changes
1.1	17/06/13	Revised existing Data Access Procedures
2.0	16/08/13	Procedures completed
2.1	28/02/14	Fees no longer required (section 4)
3.1	01/10/18	Significant amendments in light of GDPR (additional data subject rights added)
4.0		Final version approved
5.0	22/01/21	Minor changes made by COS – updated links and changed contact details (email address)

Consultation History

Revision Number	Consultation Date	Names of Parties in Consultation	Summary of Consultation/Changes
1.1	11/06/13	N. Geary, J. FitzGerald	Consulted with NG & JF – No changes required
2.1	28/02/14	N. Geary, M. Farrell	Fees no longer required
3.1	01/10/18	Audrey Huggard	AH asked to review

Approval

This document requires the following approvals:

Position	Date Approved
Corporate Secretary	23/09/2013
Corporate Secretary	28/02/2014
Corporate Secretary	05/10/2018

This procedure shall be reviewed annually by the Information Compliance Manager in light of any legislative or other relevant developments who will consult as necessary before submitting any amendments for approval.