**STAFFORD FUELS LIMITED**

**DATA SUBJECTS REQUESTS**

**PROCEDURE**

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| ***NB – This procedure is the confidential property of Stafford Fuels and may be legally privileged and should only be provided to those with a job-related requirement for the information. The recipient is responsible for safe-keeping, and prevention of unauthorised appropriation, use or disclosure.*** |

1. **Overall Objective/Purpose**
   1. This Procedure applies when **Stafford Fuels Limited** (“**Stafford Fuels**”) receives a communication from a living individual (“**Data Subject**”) seeking to exercise Data Subject Rights (access, rectification, erasure, restriction, portability or objection) in respect of his or her Personal Data under the General Data Protection Regulation (No 2016/679) (“**GDPR**”) including requests made under the Data Protection Acts 1988 to 2018.
   2. This Procedure has been prepared so as to ensure that such requests are dealt with by Stafford Fuels in a lawful and consistent manner.
2. **Definitions**

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| **Term** | **Definition** |
| Access Right | the right of Data Subjects conferred by Art 15 GDPR to access their Personal Data. |
| Data Protection Act/DPA | the Data Protection Act 2018. |
| Data Subject Rights/DSRs | the Access Right, Right to Rectification, Right to Erasure, Right to Restriction and Right to Object. |
| DSR Request | a request made by a Data Subject to exercise one or more Data Subject Rights. |
| GDPR | the General Data Protection Regulation (No 2016/679). |
| Personal Data, Data Subject, Processing, Controller, Processor | as defined in the GDPR. |
| Rectification Right | the right of Data Subjects to have inaccurate Personal Data rectified as set out in Art 16 GDPR. |
| Right to Erasure | the right of Data Subjects to have Personal Data erased in the circumstances provided for in Art 17 GDPR. |
| Right to Object | the right of Data Subjects to object on certain grounds to the processing of Personal Data as set out in Art 21 GDPR. |
| Right to Portability | the right of Data Subjects to have Personal Data transmitted either to them or to another Controller in the circumstances set out in Art 20 GDPR. |
| Right to Restriction | the right of Data Subjects to have Personal Data marked with the aim of limiting their processing in future in the circumstances set out in Art 18 GDPR. |

1. **Legal Basis for DSR Requests**
   1. The GDPR grants natural persons (not corporates) Data Subject Rights which can be exercised in respect of Controllers who hold and/or control their Personal Data. Where Stafford Fuels is a Controller of Personal Data relating to persons who are identified or identifiable natural living persons, Stafford Fuels is obliged to facilitate the exercise of these rights.[[1]](#footnote-1)
   2. DSR requests may only be made to the Controller of the Personal Data in question. A Controller is the entity which, either alone or with others, determines the purposes and means of the processing of Personal Data.
2. The Roles of **Stafford Fuels** and third party controllers
   1. Stafford Fuels processes Personal Data which is necessary for the performance of Stafford Fuels of its business.
   2. In circumstances where Stafford Fuels controls Personal Data by deciding why and how that Personal Data is processed, Stafford Fuels will be a “Data Controller” and will respond to DSR requests as a Controller in so far as the DSR request relates to this type of processing.
   3. As part of its functions, Stafford Fuels engages in certain activities in collaboration with third parties which involves the joint Processing of Personal Data. Where it is not clear whether or not Stafford Fuels or the third party is the controller, Stafford Fuels and the relevant third party shall liaise (if necessary in conjunction with the Data Subject) to ensure that, between them, the DSR request is addressed.
3. **DSRs only apply to Personal Data**
   1. DSRs only apply to Personal Data which means 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.
   2. Personal data includes the most basic personal information such as name, address, contact phone number, PPS number or bank account number. However, data is not automatically Personal Data because it is retrievable by a person’s name or account identifier. The data should specifically relate to the individual to be considered Personal Data. In assessing the scope of the definition of “Personal Data”, regard should be had to the emerging case law of the Court of Justice of the European Justice and guidance issued by the Data Protection Commission and the Article 29 Working Party from time to time.[[2]](#footnote-2)
   3. DSRs apply to Personal Data relating to living individuals. Data relating to corporate entities rather than individual people is not within the scope of the GDPR, nor is data relating to deceased persons.
   4. DSRs apply to Personal Data held by Stafford Fuels in both a computerised and manual form, i.e. structured files[[3]](#footnote-3), and but may not apply to data that is held in an unstructured format (e.g. data held in hardcopy form in boxes).
4. **Who May Make a DSR Request?**
   1. Importantly, only the relevant Data Subject or someone acting on behalf of the Data Subject can make a DSR request.
   2. DSRs may only be made to the controller of the Personal Data in question. A controller is the entity which, either alone or jointly with others, determines the purposes or means of the processing of Personal Data.
5. Scope and availability of DSRs

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| **DSR** | **Scope** | **Comment** |
| Access  (Art 15) | 1. Whether or not Personal Data are being processed by Stafford Fuels; 2. If so, access to the Personal Data; plus    1. the purposes of the processing;    2. the categories of Personal Data concerned;    3. the recipients or categories of recipient to whom the Personal Data have been or will be disclosed;    4. where possible, the envisaged period for which the Personal Data will be stored, or, if not possible, the criteria used to determine that period;    5. the existence of the Rights of Rectification, Restriction, Erasure and Objection;    6. the right to lodge a complaint with the Data Protection Commission;    7. where the Personal Data are not collected from the Data Subject, any available information as to their source (e.g. the relevant DSA); and    8. the existence of automated decision-making. | Stafford Fuels shall provide a copy of the Personal Data undergoing processing (not necessarily copies of documents). Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided by email. |
| Rectification  (Art 16) | The right to have inaccurate Personal Data rectified and incomplete data completed.  Art 19 GDPR requires the Controller to communicate any rectification or erasure of Personal Data or Restriction of processing to each recipient to whom the Personal Data have been disclosed, unless this proves impossible or involves disproportionate effort. The Controller shall inform the data subject about those recipients if the data subject requests it. | Art 5(1)(d) GDPR applies the principle that “*every reasonable step must be taken to ensure that Personal Data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay*”. |
| Erasure  (Art 17, 19) | The right to have Personal Data erased where one of the following grounds applies:   1. the Personal Data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; 2. the data subject withdraws consent; 3. the data subject exercises the Right to Object and there are no overriding legitimate grounds for the processing; 4. the Personal Data have been unlawfully processed; 5. the Personal Data have to be erased for compliance with a legal obligation on Stafford Fuels.   Art 17(2) requires that where Stafford Fuels has made Personal Data public and has complied with the Right to Erasure, taking account of available technology and the cost of implementation, Stafford Fuels shall take reasonable steps, including technical measures, to inform Controllers which are processing the Personal Data that the data subject has requested the erasure by such Controllers of any links to, or copy or replication of, those Personal Data.  See Rectification above re Art 19 GDPR. | See Rectification above re Art 5(1)(d).  Stafford Fuels to consider to what extent criteria 1–5 are applicable. For example, in relation to point (2) is the relevant processing based on consent?  Art 17(2): Stafford Fuels to adopt technical measures to removed online links and content which Stafford Fuels is obliged to remove/erase under Art. 17(1) GDPR. |
| Restriction  (Art 18, 19) | The right to restriction of processing where one of the following applies:   1. the accuracy of the Personal Data is contested by the data subject, for a period enabling Stafford Fuels to verify the accuracy of the Personal Data; 2. the processing is unlawful and the data subject opposes the erasure of the Personal Data and requests the restriction of their use instead; 3. Stafford Fuels no longer needs the Personal Data but they are required by the data subject for the establishment, exercise or defence of legal claims; 4. the data subject has exercised the Right to Object pending the verification whether the legitimate grounds of the Controller override those of the data subject.   See Rectification above re Art 19 GDPR. | Art 18(2) requires that where processing has been restricted such Personal Data shall, with the exception of storage, only be Processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest.  A data subject who has obtained restriction of processing shall be informed by the Controller before the restriction of processing is lifted (Art 18(3)). |
| Portability (Art 20) | Art 20(1): The right to (a) receive the Personal Data concerning him or her which he/she has provided to the Controller in a structured, machine-readable format; or (b) have the Personal Data transmitted to another controller, where:   1. the processing is based on consent (under Art 6(1)(a) or Art 9(2)(a)) or contractual necessity (under Art. 6(1)b); and 2. the processing is carried out by automated means. | Art 20(2): The right to have Personal Data transmitted directly from controller another controller is available only where technically feasible and does not create an obligation for the controllers to adopt or maintain processing systems which are technically compatible. |
| Objection (Art 21) | The right to object, on grounds relating to his or her particular situation, at any time to processing of Personal Data concerning him or her which is based on “public interest” legal basis in Art 6(1)(e), including profiling based on those provisions.  Separate right to object to direct marketing.  Where Personal Data are processed for scientific or historical research purposes or statistical purposes pursuant to Article 89(1), the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of Personal Data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest. | The Controller shall no longer process the Personal Data unless the Controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.  *.* |
| Right not to be subject to Automated Decision Making (Art 22) | Data subjects have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her. | Examples of automated decision-making include automatic refusal of an online credit application or e-recruiting practices without  any human intervention. |

1. Exceptions to DSRs
   1. Exceptions to DSRs – General
      1. *Legal privilege*: DSRs will not apply:
         1. to Personal Data processed for the purpose of seeking, receiving or giving legal advice;
         2. to Personal Data in respect of which a claim of privilege could be made for the purpose of or in the course of legal proceedings, including Personal Data consisting of communications between a client and his or her legal advisers or between those advisers;
         3. where the exercise of such rights or performance of such obligations would constitute a contempt of court.
      2. *Unable to Identify the Data Subject*:
         1. Where Stafford Fuels is unable to identify a Data Subject who has made a DSR Request, Stafford Fuels is obliged to inform the Data Subject accordingly, if possible[[4]](#footnote-4). Unless the Data Subject provides additional information enabling his or her identification, Stafford Fuels is not required to respond to the DSR request. However, if no action is taken, the response to the Data Subject must point out the possibility of making a complaint to the Data Protection Commission and to the possibility of seeking a judicial remedy.[[5]](#footnote-5)
      3. *DSR Requests which are Manifestly Unfounded or Excessive*:
         1. Where DSR requests are manifestly unfounded or excessive, in particular because of their repetitive character, Stafford Fuels may either (a) charge a reasonable fee taking into account the administrative costs of dealing with the DSR Request (see paragraph 14 below) or (b) refuse to act on the DSR request.[[6]](#footnote-6) The burden of demonstrating the manifestly unfounded or excessive character of the request rests with Stafford Fuels. In assessing whether this exception will apply in any case, Stafford Fuels will consider the following:
            1. **Whether or not the Data Subject has made previous DSR requests in the prior 12 months**. As a general rule, Stafford Fuels will not undertake a second or subsequent DSR review where it has complied with a previous DSR request from the same Data Subject in the previous 12 months.
            2. **Whether the Data Subject has made previous DSR requests but more than 12 months prior**: Where Stafford Fuels has complied with a previous DSR request from the same Data Subject, Stafford Fuels may limit the scope of the request to Personal Data which has been processed since the prior DSR request was dealt with.
            3. **Time and Resources Available**: The resources required to respond to the DSR request having regard to the timeframes set out in the GDPR (see paragraph 12 below).
   2. Restrictions on DSRs – General

The Data Protection Act 2018 outlines a number of circumstances in which a Data Subject's rights may be restricted. Stafford Fuels is not required to comply with a request of a Data Subject where one or more of the restrictions below applies. However Stafford Fuels is required to inform the Data Subject of the decision within one month of the request:

* + 1. *Right to freedom of expression and information*: DSRs are restricted where their exercise would be incompatible with freedom of expression and information in a democratic society, including for journalistic purposes or for academic, artistic, or literary expression purposes. The right to freedom of expression and information, such as journalism is to be interpreted in a broad manner.
    2. *Legal proceedings:* Where there are current or future legal proceedings either before a court, tribunal, statutory body or otherwise, DSRs may be restricted if to comply with a DSR request would inhibit Stafford Fuels or another party in pursuing or defending current or future legal claims. This is different to circumstances in which legal privilege would apply and the Personal Data will be exempt from DSRs as set out above at paragraph 8.1(a).
    3. *Where a Tax or debt is owed to the a public body:* DSRs are restricted and Stafford Fuels may choose not to comply with a DSR request where to comply with the request would interfere with the collection of taxes or another debt owing to the Government, Revenue, a local authority or other public body.
    4. *Investigation of criminal offences:* DSRs are restricted and Stafford Fuels may choose not to comply with a DSR request where to do so would interfere with the prevention and detection of criminal offences or the investigation or prosecution of criminal offences and the execution of criminal penalties.
    5. *Confidential Opinion*: DSRs are restricted and Stafford Fuels may choose not to comply with a DSR request if the Personal Data is part of an expression of opinion given to another person in confidence and where the other person had a legitimate interest in receiving the information.
    6. *Court proceedings, national security and defence:* Where the disclosure of Personal Data to a Data Subject would necessarily prejudice cabinet confidentiality*,* judicial independence and court proceedings, parliamentary privilege, national security, defence and the international relations, Stafford Fuels may choose not to comply with a DSR Request on these grounds.
    7. *Enforcement of a civil claim:* Where a controller or processor, be that Stafford Fuels or a third party, is held liable for damages on the basis of a civil law claim it may be necessary to restrict the DSR request in order for that claim to be enforced against the controller or processors in which case Stafford Fuels may not comply with the request.
    8. *Estimating liability:* DSRs are restricted and Stafford Fuels may choose not to comply a DSR request where to do so is necessary for the purposes of estimating the amount of the liability of a controller on foot of a claim for the payment of a sum of money, whether in respect of damages or compensation, in any case in which the application of the relevant rights or obligations would be likely to prejudice the interests of the controller in relation to the claim.
    9. *Data kept for archiving purposes in the public interest, scientific or historical research or statistical purposes:* Where data is kept for archiving purposes in the public interest, scientific or historical research or statistical purposes Stafford Fuels may choose not to comply with a DSR request to the extent that the exercise of the rights would be likely to render impossible or seriously impair the purpose for which the data is kept.
    10. Unsearchable Documents
        1. As a general point, given the limited time (one month) in which to respond to a DSR request, it will generally not be possible to search documents which do not respond to an electronic search command. For example, some documents may have been scanned in pdf format and saved to Stafford Fuels systems. They may or may not be named in a manner which identifies the subject matter and, in general, those documents are not readable (i.e. they are essentially a scan of the document, rather than being in OCR format).
        2. Article 11(1) GDPR confirms that Stafford Fuels is not required to maintain, acquire or process additional information in order to identify a Data Subject and so Stafford Fuels will not undertake any technological conversion of those files in response to a DSR request.
  1. Exceptions to the Access Right
     1. **The Data Subject already has the Personal Data**: Where the Data Subject already has the Personal Data, Stafford Fuels will regard requests for copies of the same data to be manifestly unfounded or excessive. For example, if the data originated from the Data Subject or their legal advisors (e.g. pleadings and correspondence) or the Data Subject has already been provided with all of the Personal Data to which he or she is entitled under Art 15 GDPR, for example on foot of a discovery order in litigation, then Stafford Fuels will not undertake a second search for the data concerned.
     2. **Unreasonable Refusal to Identify the Personal Data**: Where Stafford Fuels is unableto locate Personal Data based on the information provided by the Data Subject when making the DSR request, Stafford Fuels may request that the Data Subject provides some additional information to help locate the relevant Personal Data (e.g. date of birth, date ranges etc). Should the Data Subject unreasonably refuse to provide this clarity, Stafford Fuels will treat the request as excessive.
     3. **Providing a copy which adversely affect the rights and freedoms of others:** Pursuant to Art 15(4) GDPR, Stafford Fuels is not required to provide a copy of Personal Data where it would adversely affect the rights and freedoms of others. The GDPR Recitals provide some examples of the types of rights and freedoms that may fall to be considered including trade secrets, intellectual property, respect for private and family life, home and communications, freedom of thought, conscience and religion, freedom of expression and information, freedom to conduct a business, the right to an effective remedy and to a fair trial, and cultural, religious and linguistic diversity.[[7]](#footnote-7) Where a copy of Personal Data includes information capable of revealing the identity of another individual, Stafford Fuels will not provide the Data Subject with this information and will instead provide a summary of the Personal Data with the other individual's information redacted. This is unless the other individual has consented to the provision of their Personal Data.
  2. Exceptions to the Rectification Right
     1. Data subjects have the right to have inaccurate data rectified and incomplete Personal Data completed. In cases where the accuracy or completeness of Personal Data is contested or if the Personal Data may be required for subsequent reference (e.g. as evidence in litigation or for investigations), Stafford Fuels may preserve the original record and append a supplementary statement to its files (as permitted by Art 16 GDPR).
  3. Exceptions to the Right to Erasure
     1. The Right to Erasure does not apply if the retention of the Personal Data by Stafford Fuels is necessary for:
        1. exercising the right of freedom of expression and information (see paragraph 8.2(a) above);
        2. compliance with a legal obligation on Stafford Fuels (including any obligation to retain Personal Data); or
        3. for the establishment, exercise or defence of legal claims.
     2. Requests for the Right to Erasure will be assessed on a case by case basis in light of these exceptions, particularly in light of evolving case law on the scope of exemption on freedom of expression-based grounds.[[8]](#footnote-8)
  4. Exceptions to the Right to Restriction
     1. The Right to Restriction does not apply in the circumstances described in paragraph 5 above.
     2. Stafford Fuels will not restrict the processing of Personal Data if the continued processing of the data is necessary for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest. For example, if the data is required to be processed in connection with an on-going or pending audit or statutory report, investigation, grievance, complaint, litigation or legal dispute, Access Right request or FOI request, Stafford Fuels is likely to refuse the request.
  5. Exceptions to the Right to Object
     1. To exercise the Right to Object, the Data Subject must demonstrate grounds relating to his or her particular situation that entitle him or her to object to the processing of Personal Data by Stafford Fuels Accordingly, when Stafford Fuels receives a Right to Object request, it will be assessed on its merits. If the Data Subject refuses to provide the particular grounds on which he/she is objecting, Stafford Fuels will refuse the objection.
     2. Where Stafford Fuels determines that it can demonstrate compelling legitimate grounds for continued processing of the objector’s Personal Data which override the interests, rights and freedoms of the Data Subject it will refuse the objection. For example, if the data is required to be retained in connection with an on-going or pending audit or statutory report, investigation, grievance, complaint, litigation or legal dispute, Access Right request or FOI request, Stafford Fuels is likely to refuse the objection.
     3. Stafford Fuels is also likely to refuse an objection where it may require the Personal Data for the establishment, exercise or defence of legal claims.
     4. If a Data Subject objects to the receipt of communications which may constitute direct marketing, Stafford Fuels will comply with the objection and remove the Data Subject from future mailing lists.
  6. Exceptions to Data Portability
     1. The right to data portability is not available where the relevant Personal Data is processed on a ground other than consent or contractual necessity.
     2. The Data Subject’s right to have Personal Data transmitted directly to another controller only applies to the extent that this is technically feasible and Stafford Fuels is not required to adopt or maintain systems which are technically compatible with those of other controllers.
  7. Exceptions to Automated Decision Making
     1. Art 22 GDPR provides Data Subjects with a right not to be subject to decisions based solely on automated processing where those decisions produce legal effects or similarly significantly affect the Data Subject. As Stafford Fuels does not make such decisions without significant human intervention, this right does not generally apply.
     2. In any event, the right to a right not to be subject to decisions based solely on automated processing is not available where:
        1. the decision is necessary into enter into, or for the performance of, a contract between the Data Subject and the controller; or
        2. where the Data Subject has provided their explicit consent.

1. Procedure for DSR Requests made to Stafford Fuels
   1. For all valid DSR requests received by Stafford Fuels, Stafford Fuels will review the request against this Procedure, in particular:
      1. the scope and availability of the relevant DSR(s) in section 7 above; and
      2. the exceptions to DSRs in section 8 above.
   2. **Registration and Validation**
      1. Where an Stafford Fuels employee or Stafford Fuels staff member receives a valid DSR request they should inform the Managing Director by email to andy.maher@staffordfuels.ie; and respond to the DSR request to indicate their request has been passed to the appropriate Stafford Fuels personnel who will deal with it.
      2. All DSR requests addressed to Stafford Fuels should be date stamped on receipt and brought to the immediate attention of Stafford Fuels Data Protection liaison. In the case of DSR requests received by post, a copy of the envelope(s) relating to the DSR request and any subsequent correspondence should be kept for proof of date of receipt.
      3. The Managing Director should open an electronic DSR request file “**Data Protection Subject Access Requests**” for the request in which copies of all correspondence should be filed.
      4. The DSR request should be checked for validity. The signature of the Data Subject should be verified. If a specimen signature is not held on file, the Data Subject may be asked to send proof of identity if there is any doubt about the identity of the person making the request. If the address does not match the contact details on file, proof of change of address should be obtained.
      5. The DSR request should be checked for clarity and sufficiency. If the request is too wide or imprecise, the DPO should seek additional information or clarification of the request without delay.
      6. If the DSR request has been received from a third party purporting to be acting on behalf of the Data Subject, it should be accompanied by a letter signed by the Data Subject, authorising the disclosure of the Personal Data to the party acting on behalf of the individual. If this has not been received, it should be requested.
      7. Once the DSR has been fully validated, a written acknowledgment should be issued to the Data Subject.
      8. If any of the GDPR/DPA validity requirements have not been complied with, the DSR request is invalid. In this event, the Managing Director should write to the Data Subject without delay (ideally within 7 days of receipt of the invalid DSR request) setting out clearly why Stafford Fuels will not be taking action in relation to the DSR request and explaining to the Data Subject how any deficiencies can be remedied. The letter/email must inform the Data Subject of their right to lodge a complaint with the Data Protection Commission and the right to seek a judicial remedy.[[9]](#footnote-9)
   3. **Search and Review** 
      1. The review, collation and release of any Personal Data will be carried out in accordance with this Procedure after any relevant exceptions or restrictions have been assessed and applied (see paragraph 8 above).
      2. All correspondence to and from the Data Subject making the DSR request will be handled by the Managing Director in collaboration with Stafford Fuels Legal as applicable. They will be responsible for collating Personal Data from the following sources:
         1. HR Department
         2. IT Department
         3. Archives – in the event physical file/files have been archived

Depending on the nature of DSR Request (for example if it has been made by a Stafford Fuels employee), to meet the legal standard of undertaking a “reasonable and proportionate search” additional searches may be undertaken against emails and desktop computers.

* + 1. Note that the obligation on Stafford Fuels is to undertake a “*reasonable and proportionate search*” in relation to Personal Data albeit the prevailing cases require that the burden of proof lies with the controller who must show, convincingly, by evidence, and to the ordinary civil standard, that it has undertaken reasonable and proportionate searches to find such of the Data Subject’s Personal Data as it may hold.
    2. In that context, where the DSR request is of a general nature and does not identify a specific data set, Stafford Fuels will normally undertake a search and review of the following:
       1. *Correspondence/Emails*: State the Data Subject should have a copy of all such correspondence. State that a copy of Personal Data contained in any specific letter/email identified by the Data Subject will be provided on request if the Data Subject supplies sufficient particulars to enable Stafford Fuels to locate the relevant document.
       2. *Incident Report Forms*: Personal data contained in incident/accident report forms, subject to the dominant purpose for preparation of the incident/accident report being to record the incident as and when it occurred, and not because litigation was contemplated. The Personal Data may be extracted from the incident/accident report form and provided in a new document setting out the information which constitutes Personal Data of the Data Subject.
       3. *Documentation provided by Data Subject in the course of proceedings*: Certain Personal Data will be contained in documentation furnished by the Data Subject and/or his/her legal advisors in the course of ongoing litigation, including, but not limited to, medical records, expense claim receipts, invoices, Insurance Healthcare statements. List said documents in Schedule to Data Subject but state the documents are already within the Data Subject’s possession/power having previously been furnished by the Data Subject to Stafford Fuels.
       4. *Injuries Board Documentation*: Provide a schedule of injuries board documentation generated in the course of Data Subject’s claim. State that certain personal information is contained in injuries board documentation as notified to Stafford Fuels on foot of the Data Subject’s application to the injuries board. State however that all information appearing in same is within the Data Subject’s knowledge, possession or control in which circumstances Stafford Fuels does not propose repeating the information contained in these documents or providing the Data Subject with a copy of same.
       5. *Documentation generated in contemplation of or in the course of litigation:* Certain Personal Data will be contained in documentation generated in contemplation of or in the course of litigation such as witness statements, expert reports, correspondence with Stafford Fuels clients and legal advisors. The restrictions to the right of access as referred to in paragraph 10.3 will be considered and applied as appropriate in the context of such DSRs.
  1. **Application of Exceptions/Restrictions**
     1. Where an exception/restriction applies, this should be documented so as to be available for subsequent reference if the Data Subject objects or makes a complaint to the Data Protection Commission.[[10]](#footnote-10)
     2. A copy of the proposed response will be shown to the Managing Director’ manager prior to release to the Data Subject to demonstrate the DSR request has been processed in accordance with this Procedure. Stafford Fuels Legal will also review the collated data in collaboration with the Managing Director and ensure that data falling within any allowable exceptions is removed and that Personal Data relating to third parties is redacted.

1. Time Limits
   1. The time limit for responding to a subject access request is one **calendar month**. The date at which the DSR request is deemed to be valid should be logged in the electronic file “Data Protection Subject Access Requests” and a date, calculated as the last business day within one month after the DSR request is deemed to be valid, should be logged as the date by which a response should be provided to the Data Subject. It is the responsibility of the Managing Director to ensure that the one month deadline is complied with.
   2. Where a DSR request provides sufficient specificity to enable the relevant Personal Data to be identified quickly (e.g. the Data Subject is seeking the copy of a specific document containing his/her Personal Data and that document has been appropriately identified by the Data Subject), then the Managing Director will in collaboration with the appropriate Stafford Fuels claims manager and/or Stafford Fuels solicitor managing the Data Subjects claim/potential claim, seek out the specific Personal Data in question and, subject to the applicable exceptions and restrictions, the Personal Data will be provided to the Data Subject within the one month timeframe.
   3. In the event a broad or imprecise DSR request is received, the following procedure should be followed:
      1. Having registered and validated the DSR request, the Managing Director should write to the Data Subject within 7 days of receipt of the DSR request noting that the request is wide or imprecise and requesting the Data Subject to refine the DSR request. The letter should explain that the timeframe for responding will be paused to allow time for a response. A specific time should be allowed for the Data Subject to reply, say 10 working days.
      2. In the event the Data Subject responds to the letter and/or provides clarification within the specified time, the timeline recommences from where it paused on the date the response and/or clarification is received – the date of the Data Subject’s response should be recorded in the DSR Register along with the one month deadline. If the DSR request is complex or if Stafford Fuels is in receipt of a high volume of DSR requests at that time, Stafford Fuels may extend the one month timeframe by two further months provided it has informed the Data Subject of the reasons for the delay.
      3. For example, if a DSR request is received on Day 1 and a clarification request is sent on Day 7, the timeline is paused at that time for a maximum of 10 working days. If the Data Subject responds within the 10 working days, the paused timeline recommences and the DSR request must be completed within the remaining 23/24 days. The one month timeframe for response does not recommence at day 1 on receipt of the clarification.
      4. In the event that the Data Subject fails to respond to the letter, the DSR request as originally submitted must be processed. In this case, Stafford Fuels must process the DSR request in line with its standard procedures and within the timeframe set out in the letter requesting clarification from the Data Subject. For example:

* a request is received on Day 1,
* a clarification letter is sent on Day 7,
* the timeline is paused,
* 10 working days elapse and no response is received,
* DSR Request is processed according to standard procedures within remaining 23/24 days.

1. Format of Personal Data to be released
   1. Where the Data Subject makes the request by email, the information shall be provided by electronic means where possible, unless otherwise requested by the Data Subject. Electronic responses should issue in pdf versions with metadata deleted.
   2. Art 15.3 of GDPR provides a right of access to Personal Data, not documents. Data subjects are entitled to copies of the Personal Data only rather than copies of the documents containing such Personal Data. Accordingly, Stafford Fuels will normally issue a schedule containing the Personal Data and related processing information.
   3. A scanned copy of the response as well as copies of any Personal Data sent out to the Data Subject should be retained for reference and the date of compliance with the DSR request should be clearly recorded in the DSR Register.
2. Fees/Charges
   1. Where DSR requests are manifestly unfounded or excessive, in particular because of their repetitive character, Stafford Fuels may either (a) charge a reasonable fee taking into account the administrative costs of dealing with the DSR request or (b) refuse to act on the DSR request.[[11]](#footnote-11)
3. Queries
   1. For any queries in relation to this Procedure please contact: Managing Director

1. Art. 12(2) GDPR. [↑](#footnote-ref-1)
2. e.g. *YS v. Minister voor Immigratie, Integratie en Asiel, and Minister voor Immigratie, Integratie en Asiel v M and S* (Joined Cases C‑141/12 and C‑372/12; , *Peter Nowak v Data Protection Commissioner* (Case C‑434/16), [↑](#footnote-ref-2)
3. Art 2(1) GDPR. ‘Filing system’ is defined in Art 4(6) as “any structured set of Personal Data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.” [↑](#footnote-ref-3)
4. Art 11(2). [↑](#footnote-ref-4)
5. Art 12(4). [↑](#footnote-ref-5)
6. Art. 12(5). [↑](#footnote-ref-6)
7. See Recital 4 GDPR. [↑](#footnote-ref-7)
8. *Savage v Data Protection Commissioner and Google Ireland Limited* [2018] IEHC 122 [↑](#footnote-ref-8)
9. Art 12(4). [↑](#footnote-ref-9)
10. It is the view of the DPC that the Controllers should identify the records (or types of record) where exceptions have been applied and to provide information sufficient to enable the Data Subjects to understand why those records (or types of record) are said not to constitute or contain their Personal Data. [↑](#footnote-ref-10)
11. Art. 12(5). If no action is taken the response must point the Data Subject to the DPC and to the possibility of seeking a judicial remedy. [↑](#footnote-ref-11)