



Data Subject Rights Policy

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1. Introduction

Individuals based in the European Union have the right under the General Data Protection Regulation (GDPR), subject to certain exemptions, to have access to their personal records that are held by Exchange House Ireland. This is known as a 'subject access request' (SAR).

The purpose of this policy is to set out the procedure when Exchange House Ireland acting as a Data Controller is handling or responding to requests for access to personal data which are made by the data subjects, their representatives or other interested parties.

This Policy explains the rights of individuals with respect to their personal data. It also clarifies what Exchange House Ireland must do in this regard to comply with its duties as a data controller.

Any request from Data Subjects where Exchange House Ireland are acting as a Data Processor must be forwarded to the relevant client.

1.1. Policy scope

This policy sets out the procedures to be followed by Exchange House Ireland to ensure it complies with its obligations under Article 15, 16, 17, 18, 19, 20, 21,22 and 23 of the GDPR.

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 Exchange House Ireland 's possession).

Requests may be received from members of staff or any other individual Exchange House Ireland has had dealings with and holds personal 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 or CCTV images.

1.2. Definitions

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

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.

"Filing system" means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

"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.

"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.

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

“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.

2. Subject Access Rights under the GDPR (Art 15)

2.1. How to recognise and action a Subject Access Request

The request can be made in writing (This may be by letter, 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 the 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 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 must be provided to be able to locate the record or information requested.

All SAR requests received must be forwarded to the relevant head of department, e.g., staff requesting access to personnel records must be sent to Head of HR, without delay in order for it to be processed.

Log and record all Subject Access Requests

It is essential that 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)
- Applicant’s details
- Information requested
- Exemptions applied in respect of information not to be disclosed
- Details of decisions to disclose information without the data subject’s 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 **2.2.**

Exceptions to Subject Access Requests

Under Article 12(5) GDPR, in limited circumstances, where an access request is ‘manifestly unfounded or excessive’, a controller may also, where appropriate, refuse to act on the request. This is, however, a high threshold to meet, and Exchange House Ireland must be able to prove that the request was manifestly unfounded or excessive, in particular considering whether the request is repetitive. There should be very few cases where Exchange House Ireland can justify a refusal of a request on this basis.

There is a general limitation on the exercise of the right of access under Article 15(4) GDPR, which states that the right to obtain a copy of the personal data undergoing processing should not negatively impact (‘adversely affect’) the rights and freedoms of others, such as privacy, trade secrets, or intellectual property rights. However, where Exchange House Ireland does have concerns about the impact of complying with a request, their response should not simply be a refusal to provide all information to the individual, but to endeavour to comply with the request insofar as possible whilst ensuring adequate protection for the rights and freedoms of others.

Whilst the right of access to personal data is a fundamental data protection right, it is not an absolute one and is subject to a number of limited exceptions. Article 23 GDPR allows for data subject rights to be restricted in certain circumstances. Any such restrictions must be set out in a ‘legislative measure’, respect the essence of the fundamental rights and freedoms, be necessary and proportionate in a democratic society, and safeguard an interest of public importance. The Data Protection Act 2018 contains certain provisions dealing with the restrictions of rights of data subjects.

Accordingly, if Exchange House Ireland considers that it is justified in withholding certain information in response to an access request it must identify an exemption under the GDPR or the Data Protection Act 2018, provide an explanation as to why it applies, and demonstrate that reliance on the exemption is necessary and proportionate.

2.3. Rights of access by the data subject – information to be provided

The data subject shall have the right to obtain from Exchange House Ireland 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 the Data Protection Commission

- where the personal data are not collected from the data subject, any available information as to their source
- 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 relating to the transfer

Exchange House Ireland 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.

2.4. Available exemptions

Under the current data protection legislation, the exemptions are extremely narrow and only apply in very limited circumstances. The following exemptions may be available:

- An opinion given in confidence (this would not apply to manager comments on a staff member)
- Third party data within the data (this data should just be redacted, and the rest supplied, for example other family members or Exchange House Ireland employees)
- Multiple requests from the same person (the organisation can wait a reasonable interval before having to respond to the exact same data access request)
- Data relating to the investigation of a criminal offence (where it would prejudice the investigation)
- Where legal professional privilege applies to the data (e.g., communications between the organisation and its legal advisors for the purposes of obtaining legal advice)
- Certain health data (where its disclosure is likely to cause serious mental or physical harm to the person)
- A disproportionate effort would be involved (this is an extremely high threshold to reach)

2.5. 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 individual's 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 you think an individual may not understand what information would be disclosed to a third party who has made a SAR on their behalf, you 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.

3. Right to rectification under the GDPR (Art 16)

Data Subjects have the right under Article 16 of the GDPR when their data is inaccurate to request that it be corrected, and incomplete personal data completed based on information they provided.

Exchange House Ireland must respond to such a request where necessary and take steps to validate the information provided by the Data Subject to ensure that it is accurate before amending it.

3.1. When does the right to rectification apply?

If Exchange House Ireland has to rectify personal data they must also notify anyone to whom it has been disclosed, unless this would be impossible or involve disproportionate effort.

4. Right to erasure under the GDPR (Art 17)

Data Subjects have the right under Article 17 of the GDPR to have their data 'erased' in certain specific situations – essentially where processing fails to meet the requirements of GDPR. Exchange House Ireland must respond to such a request without undue delay and in any event within one month, although this can be extended in difficult circumstances.

4.1. When does the right to erasure apply?

- When data is no longer necessary for the purpose for which it was collected or processed.
- If the individual withdraws consent to processing (and if there is no other justification for processing).
- When the processing is based on legitimate interests - if the individual objects and the controller cannot demonstrate that there are overriding legitimate grounds for the processing.
- When the data are otherwise unlawfully processed (i.e., in some way which is otherwise in breach of the GDPR).
- If the data has to be erased to comply with Union or Member State law which applies to the controller.
- When the data was relevant to the data subject as a child.

Other obligations to notify recipients

If Exchange House Ireland has to erase personal data, Exchange House Ireland must also notify any third parties to whom it has disclosed such data, unless this would be impossible or involve disproportionate effort.

4.2. Data made available in the public domain

If Exchange House Ireland has made personal data public, and where it is obliged to erase the data, Exchange House Ireland must also inform other controllers who are processing the data that the data subject has requested erasure of the data.

The obligation is to take reasonable steps and account must be taken of available technology and the cost of implementation.

4.3. Exceptions to this regulatory requirement

This obligation does not apply if processing is necessary:

- for the exercise of the right of freedom of expression and information.
- for compliance with a Union or Member State legal obligation. ○ for performance of a public interest task or exercise of official authority. ○ for public health reasons.
- for archival, research or statistical purposes (if any relevant conditions for this type of processing are met); or
- it required for the establishment, exercise, or defense of legal claims.

Exchange House Ireland can refuse to comply with the request to erasure when one of the exceptions above as set out in Art 17.2 of the GDPR applies.

5. Right to data portability under the GDPR (Art 20)

Data Subjects have the right under Article 20 of the GDPR to have their personal data ported to them or a new provider in a readable format if the data in question was: 1) provided by the data subject to the controller (interpreted broadly); 2) is processed automatically; and 3) is processed based on consent or fulfilment of a contract.

Exchange House Ireland must respond to such a request without undue delay and in any event within one month, although this can be extended in difficult circumstances.

The subject access right provided under the GDPR already gives individuals the right to require their data to be provided in a commonly used electronic form, but Data portability goes beyond this and requires the controller to provide information in a structured, commonly used and machine-readable form so that it may be transferred by the data subject to another data controller where it is technically feasible to do so.

5.1. When does the right of data portability apply and to what data?

The right to data portability only applies:

- to personal data an individual has provided to a controller.
- where the processing is based on the individual's consent or for the performance of a contract; and
- when processing is carried out by automated means.

5.2. Formats for personal data portability

While the GDPR does not require any specific technical standard for data returned in response to a data portability request, the data provided must be "in a structured, commonly used and

machinereadable format” to make the data interoperable. While specific file formats are not required, Working Party 29 (“WP29”) notes that a format that can only be read subject to costly licensing constraints would be considered inadequate.

WP29 also notes that, to create interoperable data rather than data requiring controllers to maintain multiple technically compatible systems, personal data should be provided in formats with “a high level of abstraction.” Indeed, WP29 notes that the right to data portability implies another level of data processing to extract data pursuant to a request and filter out irrelevant data, including as much metadata as possible with as much granularity as possible to preserve the “precise meaning of exchanged information.”

Finally, WP29 notes that data controllers are responsible for securely transmitting data to requesting data subjects, but those security measures may not be obstructive or require additional costs to data subjects. WP29 also recommends that controllers make data subjects aware of steps they can take to secure their information upon receipt, and further suggests the best practice of recommending appropriate formats and encryption measures.

In anticipation of data requests too big to download directly, WP29 advises data controllers to consider alternate means of providing data, such as through physical media or through direct transmission to another data controller where technically feasible.

5.3. Right to restriction of processing (Art 18)

Data Subjects have the right under Article 18 of the GDPR to restriction of processing of their personal data, in doing so Exchange House Ireland must ensure that:

- Individuals have a right to ‘block’ or suppress processing of personal data.
- When processing is restricted, you are permitted to store the personal data, but not further process it.

You can retain just enough information about the individual to ensure that the restriction is respected in future.

5.4. What is meant by restriction?

Under GDPR if personal data is ‘restricted’, then Exchange House Ireland may only store the data. It may not further process the data unless:

- The individual consents; or
- The processing is necessary for establishment etc of legal claims; for the protection of the rights of another natural or legal person; or for reasons of important (Union or Member State) public interest.

If the data has been disclosed to others, then the controller must notify those recipients about the restricted processing (unless this is impossible or involves disproportionate effort).

5.5. When is the restriction applicable?

Exchange House Ireland will be required to restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, you should restrict the processing until you have verified the accuracy of the personal data.
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and you are considering whether your organisation's legitimate grounds override those of the individual.
- When processing is unlawful, and the individual opposes erasure and requests restriction instead.
- If you no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim.

You may need to review procedures to ensure you are able to determine where you may be required to restrict the processing of personal data.

If you have disclosed the personal data in question to others, you must contact each recipient and inform them of the restriction on the processing of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, you must also inform the individuals about these recipients.

6. Automated Decision-making, including Profiling (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 them or significantly affects them. However, Exchange House Ireland may carry out such automated decision-making if it is necessary for the performance of a contract with the data subject, authorised by Union or Member State law, or based on the data subject's explicit consent.

6.1. Safeguards and Measures

Exchange House Ireland ensures that appropriate safeguards and measures are in place when engaging in automated individual decision-making, including profiling, to protect the rights, freedoms, and legitimate interests of the data subjects. These safeguards include:

- **Transparency:** Exchange House Ireland provides meaningful information about the logic, significance, and consequences of the automated processing to the data subjects.
- **Human Intervention:** Exchange House Ireland incorporates mechanisms for the data subjects to express their point of view, contest the decision, and request human intervention.
- **Review and Assessment:** Exchange House Ireland periodically reviews and assesses the algorithms, procedures, and systems used in automated decision-making to ensure their fairness, accuracy, and reliability.

6.2. Exercising Rights and Obtaining Human Intervention

Data subjects who are subject to automated individual decision-making, including profiling, have the right to request human intervention, express their point of view, and contest the decision. Exchange House Ireland has designated Exchange House Ireland's Data Protection Contact, Brian Honan, for data subjects to exercise these rights and seek further information regarding the automated decisionmaking processes.

6.3. Exemptions

In certain situations, the right to human intervention and the right to contest a decision may be limited or excluded if it is necessary for reasons of substantial public interest, based on Union or Member State law, or if adequate safeguards are in place to protect the rights and freedoms of the data subjects.

6.4. Data Protection Impact Assessment (DPIA)

When engaging in automated individual decision-making, including profiling, that results in high risks to the rights and freedoms of data subjects, Exchange House Ireland conducts a Data Protection Impact Assessment (DPIA) to identify and mitigate potential risks and ensure compliance with the GDPR.

Data Subject Access Request procedure

Exchange House Ireland must act on a request for a 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 Table 1. The specifics of each step will vary depending on the request and the systems where the data is held. 1. Table 1 – Subject Access Request Procedure

Step	Description
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 department responsible.
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.
Verify Identity 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.
Evaluate Validity of request	Have steps been taken to check the accuracy of the information provided by the Data Subject.
Locate the personal data	Use data flow diagrams and data inventories to pinpoint the systems that store the requested personal data.
Compile requested Personal Data	Compile the personal data as requested.
Redact Data	Redact any data as set out in one of the available exemptions.
Respond to Data Subject	Respond to the data subject with data as requested.
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.

1.

2.

1. Appendixes

Appendix 1 - Subject Access Request exemptions

Exchange House Ireland can refuse to act on a Subject Access Request if:

- it can demonstrate that it is not in a position to identify the data subject (Article 12(2) of the GDPR); or
- the SAR is manifestly unfounded or excessive, in particular because of its repetitive character.
- the data subject already has the information.
- the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to the conditions and safeguards referred to in Article 89(1) or in so far as the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously impair the achievement of the objectives of that processing. In such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including making the information publicly available.
- obtaining or disclosure is expressly laid down by Union or Member State law to which the controller is subject and which provides appropriate measures to protect the data subject's legitimate interests; or
- where the personal data must remain confidential subject to an obligation of professional secrecy regulated by Union or Member State law, including a statutory obligation of secrecy.

The right to obtain a copy must not adversely affect the rights and freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software; however, the result of those considerations should not be a refusal to provide all information to the data subject (Recital (63) of the GDPR).

Each jurisdiction within the EU is also entitled to its own specific National Provisions. These are essentially unique exemptions to GDPR based on national legislation.

Appendix -

2 Exemptions applied for a Subject Access Request

When applying exemptions or restricting a data subject right of access in any way the following table must be completed for personal data not provided to the data subject and include the reason for restricting the right of access.

Internal Ref. No. (if any)	Description of the data (subject matter)	Date on which the data was created	Reason for refusal of request for this data	Section of the 201 Act under which the right of access is restricted

3 Subject Access Request letter acknowledgement

[Print on letterhead or insert address]

<<insert recipient name>>

<<address>>

<<address>>

<<post code>>

<<insert date>>

Appendix -

Dear <<insert recipient name>>,

Acknowledgement of Data Subject Access Request [Ref: <<insert number>>]

I am writing to confirm our receipt of your subject access request by <<insert means of communication>>, received on <<insert date>>. [Your request has been assigned the following reference. Please quote this in future correspondence: <<insert number>>.]

[Exchange House Ireland will respond to your request as soon as possible and, at the latest, within one month of receipt.]

OR

[In order to respond to your request, Exchange House Ireland requires the following additional information from you: <<describe information required>>.] AND/OR [[In order to respond to your request, Exchange House Ireland requires] OR [Please also provide] proof of your identity. Acceptable forms of identity include <<list acceptable forms of proof of identity>>.]

[Please send the above information to <<insert contact details>> as soon as possible so that we can respond to your request. The one-month period within which we are required to respond to your request will not start to run until we receive the requested information from you.]

Please do not hesitate to contact <<insert name and position (e.g. Data Protection Officer)>> at <<insert contact details>> if you have any questions.

Yours sincerely,

<<insert name and title>>

For and on behalf of Exchange House Ireland

4 Subject Access Request Letter fee and/or additional time

[Print on letterhead or insert address]

<<insert recipient name>>

<<address>>

<<address>>

<<post code>>

<<insert date>>

Dear <<insert recipient name>>,

Appendix -

-

Your Data Subject Access Request [Ref: <<insert number>>]

[I am writing to confirm our receipt of your subject access request by <<insert means of communication>>, received on <<insert date>>. [Your request has been assigned the following reference. Please quote this in future correspondence: <<insert number>>].]

OR

[Thank you for your data subject access request and for your [additional information] AND/OR [proof of identity], which we received on <<insert date>>.]

Having given initial consideration to your request, we have determined that responding to it is likely to be complex and will involve looking extensively at a high volume of data. [Furthermore, <<describe further reasons that the request is complex>>.]

[We are prepared to comply with your request, however we will require a fee of €<<insert sum>>, which should be paid <<insert payment instructions>>. This amount reflects the administration costs that we will incur in responding to your request.]

[[Furthermore, because] OR [Because] it will be time-consuming for us to deal with your request, it will take us longer than usual to respond. We will respond as soon as possible and, at the latest, within three months of receipt [of the above payment] OR [of your request] OR [of your [additional information] AND/OR [proof of identity], as acknowledged above].]

Please do not hesitate to contact <<insert name and position (e.g. Data Protection Officer)>> at <<insert contact details>> if you have any questions.

Yours sincerely,

<<insert name and title>>

For and on behalf of Exchange House Ireland

5 Subject Access Request Letter acknowledging receipt of information/ID

[Print on letterhead or insert address]

<<insert recipient name>>

<<address>>

<<address>>

<<post code>>

<<insert date>>

Appendix -

Dear <<insert recipient name>>,

Your Data Subject Access Request [Ref: <<insert number>>]

Thank you for your data subject access request and for your [additional information] AND/OR [proof of identity], which we received on <<insert date>>.

Exchange House Ireland will respond to your request as soon as possible and, at the latest, within one month of the above date.

Please do not hesitate to contact <<insert name and position (e.g. Data Protection Officer)>> at <<insert contact details>> if you have any questions.

Yours sincerely,

<<insert name and title>>

For and on behalf of Exchange House Ireland

6 Subject Access Request letter including information held

[Print on letterhead or insert address]

<<insert recipient name>>

<<address>>

<<post code>>

<<insert date>>

Re: Subject Access Request

Dear <<insert recipient name>>,

Thank you for your letter of xxxx, making a data subject access request for your personal data.

We are pleased to enclose the information you requested, and we are also enclosing a copy of our Privacy Notice which contains more details on our processing of your personal data.

We hold the following information: <<insert brief description on information held>>

Sharing Information with Third Parties

We may share your personal data with other parties. Generally, this includes our staff and some pre-advised third parties.

We have shared some of your personal information with the third parties listed below:

Name	Data Shared	Purpose for sharing
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Appendix -

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Redaction of third-party data

As set out in Recital 63 of the GDPR the right of access should not adversely affect the rights or freedoms of others, and so certain information in some documents relating to third parties has been redacted.

Data subject rights and right to complain

If the information we hold about you is inaccurate and you would like us to rectify it, please let us know. In certain circumstances you can also ask us to erase the information or restrict the use of the information.

If you are dissatisfied with this response, please let us know so that we can address any concerns. You may also complain to the Data Protection Commission.

Yours sincerely

<<insert name and title>>

For and on behalf of Exchange House Ireland

Appendix 7 – Subject Access Request response letter - no data held

[Print on letterhead or insert address]

<<insert recipient name>>

<<address>>

<<address>>

<<post code>>

<<insert date>>

Dear <<insert recipient name>>,

Your Data Subject Access Request [Ref: <<insert number>>]

[I am writing to confirm our receipt of your subject access request by <<insert means of communication>>, received on <<insert date>>. [Your request has been assigned the following reference. Please quote this in future correspondence: <<insert number>>].]

OR

[Thank you for your data subject access request and for your [additional information] AND/OR [proof of identity], which we received on <<insert date>>.]

Based upon the information you have provided, Exchange House Ireland is able to confirm that we do not hold or process any personal data about you or that relates to you.

Personal data held by us in order to respond to your subject access request (i.e. your name, contact details, and any supporting information provided by you) will be deleted or otherwise disposed of [immediately] OR [within <<insert period>> of the date of this letter]. [If you wish to make a subject access request [in the future] OR [after this time], please make a new request as no data relating to this request enabling us to identify you will be retained.]

Please do not hesitate to contact <<insert name and position (e.g. Data Protection Officer)>> at <<insert contact details>> if you have any questions.

Yours sincerely,

<<insert name and title>>

For and on behalf of Exchange House Ireland