

The Chester Beatty Library – Subject Access Request Policy

Data Subject:

A Data Subject is the individual who is the subject of the personal data. Only a Data Subject is entitled to make a Subject Access Request.

Data Subjects are entitled to find out, free of charge, if the Chester Beatty Library (CBL) holds information about him/her. Data Subjects also have a right to be given a description of the information and to be told the purpose(s) for holding the information.

The CBL must send the Data Subject the information within 30 days the date received by the Library.

Formalities for Subject Access Requests

A Subject Access Request must include a reasonable level of appropriate information to help us to locate the information required. (However no reason for the request needs to be provided);

The CBL will make reasonable enquiries to satisfy itself about the identity of the person making the request to ensure it is not disclosing personal data to a party who is not entitled to it.

Requests made by a law enforcement agency

The policy and procedure in relation to requests by the Gardaí (or a law enforcement agency) for access to personal data from Library records in relation to the prevention, detection or prosecution of offences is that any such requests should;

- be made in writing (this includes email),
- with some detail provided in relation to the data required
- confirm why it is required
- The Gardaí should quote relevant legislation which might apply to their request for data
- The request for data should be signed by a person at management level in the organisation (e.g. Garda Inspector)

Note that the 30 day maximum time limit to deal with the request also applies.

Subject Access Requests will be complied with within 30 days of receipt of the request. Where reasonable additional information is required to substantiate the request, the time frame for responding runs from receipt of the additional information.

If we receive a very general Subject Access Request, e.g. “please give me everything you have on me”, the Data Protection Acts allow us to seek more detailed information on the nature of the request, such as the approximate date of a particular incident, our reference number, the identity of the other party etc. However, this will be assessed on a case-by-case basis.

The information must be communicated to the Data Subject in an intelligible form. Usually this will mean that a photocopy or printout of the personal data will be provided to the Data Subject. However, where a Data Subject agrees, information can be provided in electronic format e.g. by email.

Access requests apply to personal data held by the CBL in its computer systems and in manual form within a relevant filing system. However, where a document exists in duplicate, e.g. where correspondence is scanned into our systems, two copies of the same document will not be provided in response to a request.

Information which will not be provided:

The CBL will not normally disclose the following types of information in response to a Subject Access Request:

Information about other people

A Subject Access Request may cover information which relates to one or more people other than the Data Subject. The information about the other person may be personal data about that person, to which the usual data protection rules under the Data Protection Acts, including the restrictions on disclosure, apply. In such circumstances we will not grant access to the information in question unless either:

- the other person has consented to the disclosure of their data to the Data Subject; or
- in all the circumstances it is reasonable to make the disclosure without that person's consent.

If the person's consent is not forthcoming and it is not reasonable to make the disclosure without consent, we will make available as much personal data as we can without revealing the identity of the other person (for example by excluding the person's name and/or other identifying particulars).

Opinions given in confidence

Where we hold personal data about the Data Subject in the form of an opinion given in confidence we are not required to disclose such opinions in response to Subject Access Request in all cases.

Repeat requests

The Data Protection Acts provide an exception for repeat requests where an identical or similar request has been complied with in relation to the same Data Subject within a reasonable prior period. The CBL will consider that if a further request is made within a period of six months of the original request and where there has been no significant change in the personal data held in relation to the individual, it will be treated as a repeat request. Accordingly, where personal data has recently been provided to the Data Subject or his/her legal representative, the CBL will not normally provide a further copy of the same data in response to a Subject Access Request.

The CBL will not consider that it is obliged to provide copies of documents that are in the public domain.

Privileged documents

Where a claim of privilege could be maintained in proceedings in a court in relation to communications between an individual and his/her professional legal advisers (or between those advisers) any privileged information which we hold need not be disclosed pursuant to a Subject Access Request.

Subject Access Request refusal

Where the CBL refuses a Subject Access Request, it will do so in writing and will set out the reasons for refusal. Any person who is dissatisfied with the response of the CBL to their request has the right to make a complaint to the Data Protection Commissioner.