



**Tailte  
Éireann**

# **Subject Access Request**

Background Note and Application Form



## Context and Overview Key Details

|                           |                         |
|---------------------------|-------------------------|
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# 1. Introduction

A Subject Access Request (SAR) is a request made to a data controller (Tailte Éireann) by an individual (Data Subject) for a copy of their personal data that the data controller holds on them.

This document describes how individuals can access the personal data held about them by Tailte Éireann (TÉ). It sets out how TÉ responds to SARs, and what exemptions may apply.

Under Section 4 of the Data Protection Acts and Article 15 of the General Data Protection Regulations (GDPR), data subjects have the right to access their personal data and to be informed of the type of data held about them by TÉ.

The right of access as set out in the data protection legislation means TÉ must provide to the data subject the following information:

1. Confirmation as to whether TÉ keeps personal data relating to the data subject;
2. Where personal data concerning the data subject is being processed, a copy of such personal data in intelligible form;
3. Where personal data concerning the data subject is being processed, other additional information as follows;
  - a. Purpose(s) of the processing,
  - b. Categories of personal data,
  - c. Any recipient(s) of the personal data to whom the personal data has or will be disclosed, in particular recipients in third countries or international organisations and information about appropriate safeguards,
  - d. The retention period or, if that is not possible, the criteria used to determine the retention period,
  - e. The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing,
  - f. The right to lodge a complaint with the Data Protection Commission,
  - g. Where personal data is not collected from the data subject, any available information as to its source (unless this is contrary to the public interest), and
  - h. The existence of automated decision-making, including profiling and meaningful information about how decisions are made, the significance and the consequences of processing.

# 2. Personal data

Article 4 of the GDPR defines 'personal data' as:

*“Any information relating to an identified or identifiable natural person. 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”.*

In other words, personal data is information that relates to an individual or can identify an individual, either by itself or together with other available information.

### 3. Personal data held by Tailte Éireann

TÉ collects personal data of customers only for purposes of fulfilling its statutory and legitimate business functions. Personal data includes, but is not limited to, names, addresses, bank details, correspondence, application forms etc. See Section 9 for additional possible categories.

### 4. Submission of a Subject Access Request

A SAR may be made to the TÉ Data Protection Unit by completing the SAR Form appended to this document and emailing it to [dataprotection@tailte.ie](mailto:dataprotection@tailte.ie) with “Subject Access Request” in the subject heading.

Alternatively, the form can be sent by post to Tailte Éireann, Smithfield Hall, Smithfield, Dublin 7, D07 AEF4. The envelope should be marked “Subject Access Request.”

Requestors are not required to use the SAR form appended, and requests can also be made in writing or verbally. However, use of the form will make it easier for all parties to identify the requirements of the request.

### 5. Authentication

Sufficient proof of identity (ID) and address must be enclosed with the application (e.g. photocopy of passport or driving license and utility bill or some other form of proof of address) as well as information to enable us to locate any relevant personal data.

Without proof of ID and address, the application will not be processed as it cannot be considered a valid request. Copies of these documents will only be retained as long as required as part of the SAR process.

### 6. Communication

TÉ will communicate directly with the requestor when a valid SAR has been received. This contact may help in specifying the exact information being sought. The requestor can assist TÉ in responding to their request by providing as much information as

possible about the data they are seeking access to, and limiting the range, scope, and time of data sources to be searched, as much as possible.

TÉ will reply to the requestor in the same manner as the request has been received, i.e., if the request is received electronically, TÉ will reply electronically; if the request is received by post, TÉ will reply by post, unless otherwise requested by the data subject.

## 7. Refusal

TÉ will endeavour to meet every SAR to the fullest. Refusal of a SAR will generally only be made on the grounds that:

- i. Sufficient ID and proof of address have not been provided, and/or
- ii. The data is exempt under the GDPR and the Data Protection Act, 2018 (see Section 12).

## 8. Fees

There are no fees for the submission of a SAR. However, in exceptional cases where a request is deemed to be manifestly unfounded, excessive due to its repetitive character or where a request for copies has already been provided, a fee may be imposed.

## 9. Completeness of review

Under Article 15 of the GDPR, the Data Controller (TÉ) must make every effort to ensure that the data subject receives a copy of all their data in a suitable format.

The TÉ Data Protection Unit should oversee an exhaustive search of the possible categories of personal data, which may include the following:

- i. Folios registered in the name of the data subject (which form part of the public National Land Register).
- ii. Pending applications for registration.
- iii. Completed applications for registration – Instruments.
- iv. Pending or completed applications for certified copies.
- v. Letters/e-mail correspondence documents.
- vi. Name, Address, Gender, Date of Birth.
- vii. Next of kin, address and contact details of next of kin.
- viii. Personal Public Service Number (PPSN), income detail, bank account holder's number and/or other financial details. Income tax detail, pension purchase detail, trade union membership detail.
- ix. Sick leave detail and/or other disability detail.
- x. Service detail such as length of service and other related data held in the personal record file.

- xi. The following types of customer/ratepayer's personal information which is included in the revision Valuation Worklist System, in the revaluation Workflow System, hardcopy and digital property files, hardcopy and digital 1<sup>st</sup> appeal files, hardcopy and digital valuation tribunal files & hardcopy and digital market value files and applications for information to the public office:
  - a. Occupier's/ratepayer's home address details.
  - b. Occupier's/ratepayer's private contact phone and e-mail details.
  - c. Market Information details in relation to occupier's/ratepayer's property.
  - d. Financial information in relation to occupier's/ratepayer's property.
  - e. Customer purchase files via Exchequer.
  - f. Customer bookings and requisitions on the online booking system and emails.

## 10. Third-party data

Once the information has been collected, TÉ will consider its obligations to protect the privacy of other data subjects. While preparing the response, TÉ will consider the rights and freedoms of third parties and any obligations of confidentiality which may apply, in addition to any relevant exemptions under the GDPR.

Where the identity of third parties would be disclosed in data which relates to the data subject, TÉ may either black out (redact) that data to protect the privacy and confidentiality of such third parties or may provide the data subject with an extract from the data instead of the original source material.

## 11. Final reply

All valid SARs will be completed within one month of receipt of the sufficient proof of identity. In the event that the request cannot be completed within this timeframe, TÉ can apply an extension period of up to two months pursuant to Article 12 (3) of the GDPR. Notification will be given to the applicant if such is the case before the end of the first month.

Where a document cannot be found following several searches, the data subject will be notified of this in the final reply to them.

## 12. Exemption for access under data protection

There are several records within T   that are exempt from data protection legislation which, as a result, are not subject to data access requests and they are as follows:

**a. Data relating to another individual**

Any personal data relating to an individual who has not granted consent for a SAR by a third party (example from a union, solicitor, medical practitioner etc., except for a court order), or the person themselves.

**b. Non-existent Data**

Data which has already been subject to “right to erasure”/ “right to be forgotten request,” will no longer exist and thus cannot be provided.

**c. Trade Secrets/IP Rights**

A SAR cannot be used to infringe trade secrets or intellectual property rights. T   therefore cannot release test material or scoring keys to candidates as part of a SAR.

**d. Court Restricted Access**

Re court data: where an injunction/super-injunction has been put in place to restrict access to data.

**e. Folios and Maps which form part of the Public Register**

The Irish Land Register is a public record and any person, as provided for under Rule 165 of the Land Registration Rules 2012, may inspect the folios and maps, on payment of the prescribed fees. In this regard data protection legislation, as provided for under Section 60(7)(m) of the Data Protection Act 2018, does not apply to the data contained in the folio given that the land register is a public register.

**f. Completed Applications for Registration – Instruments**

Access to Land Registry Instruments is governed by Rule 159 of the Land Registration Rules 2012 and therefore access to an Instrument cannot be granted under data protection legislation as part of a SAR.

**g. Court Registered files**

Where personal data is held on a court file; it should be noted that all records created in relation to court proceedings are considered court records and therefore fall solely under the control of the courts. Accordingly, it is a matter for the Judge to decide whether, and in what format, access to the record is to be provided.

## 13. Contact details

TÉ fully respects the right to privacy and actively seek to preserve the privacy rights of data subjects who share personal data with TÉ. Any personal information which data subjects provide to TÉ will be treated with the highest standards of security and confidentiality, in accordance with data protection legislation.

Data subjects have the right to lodge a complaint either to the TÉ Data Protection Officer, or to the Data Protection Commission.

### **Data Protection Unit**

In writing: FAO: Tailte Éireann, Smithfield Hall, Smithfield, Dublin 7, D07 AEF4

By email: [dataprotection@tailte.ie](mailto:dataprotection@tailte.ie)

### **Data Protection Commission**

In writing: 6 Pembroke Row, Dublin 2, D02 X963, Ireland

By email: [info@dataprotection.ie](mailto:info@dataprotection.ie)

Website: [www.dataprotection.ie](http://www.dataprotection.ie)

## 14. Further information

For further information on data protection in TÉ, please see our Privacy Notice at: <https://www.tailte.ie/privacy-notice>



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## Subject Access Request Form

Please complete all parts

### Notes:

1. Proof of identity must accompany this Subject Access Request (SAR) Form (See part 3)
2. Under Article 12(5), Tailte Éireann may charge a fee or refuse the request.
3. Tailte Éireann's Privacy Notice can be found here: <https://www.tailte.ie/privacy-notice/>

### Part 1 – Details of Data Subject (person making the request)

| Contact Details (in block capitals): |  |
|--------------------------------------|--|
| Full Name:                           |  |
| Address:                             |  |
| Eircode:                             |  |
| Contact Phone Number:                |  |
| Email Address (where applicable):    |  |

### Part 2 – Details of Request

| Please give a description of the data you are requesting. Please provide any relevant details you think will help us identify the information you require: |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                            |

| If relevant, please provide an address, folio number(s), co-ordinates, or property number(s) (for valuation purposes) for which the data is being sought: |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                           |

## **Part 3 – Verification of Identity**

In order for T   to verify your identity, please provide copies of at least 1 (one) document from both List 1 and List 2.

| List 1 |                                                                                                                                    |
|--------|------------------------------------------------------------------------------------------------------------------------------------|
|        | Current valid full Irish passport or EU identity card                                                                              |
|        | Public Services Card issued by the Department of Social Protection                                                                 |
|        | Visa, Travel Document, or residence permit issued by the Irish Authorities to non-EU Nationals accompanied by own country passport |
|        | Current full driving licence (learner’s permit with photo)                                                                         |
|        | Current Garda Identity Age Card                                                                                                    |
|        | Current employer’s identity card with photograph                                                                                   |
|        | Current student identity card with photograph                                                                                      |
|        | Current travel pass with photograph                                                                                                |

| List 2 |                                                                                                                                                                                                                                       |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | Bank, building society or credit union statement                                                                                                                                                                                      |
|        | Revenue Commissioner’s tax notification for the accounting year just ended                                                                                                                                                            |
|        | Payment book or original notification letter from the Department of Social Protection                                                                                                                                                 |
|        | Utility bill issued within the last three months EXCEPT mobile telephone bill                                                                                                                                                         |
|        | Mortgage statement for the mortgage accounting year just ended                                                                                                                                                                        |
|        | Cheque guarantee card, laser card or debit card bearing the MasterCard or Visa logo, an American Express or Diners Club card which was issued in Ireland and is supported by an original account statement less than three months old |

## **Part 4 - Declaration**

I declare that all the details I have provided in this form are true and complete to the best of my knowledge.

Signature of Requester:

|  |
|--|
|  |
|--|

Date (DD/MM/YYYY):

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| D | D | M | M | Y | Y | Y | Y |
|---|---|---|---|---|---|---|---|

**Please submit the form to:**

Email: [dataprotection@tailte.ie](mailto:dataprotection@tailte.ie)

Post: Tailte   ireann, Smithfield Hall, Smithfield, Dublin 7, D07 AEF4

### **Checklist:**

Before submitting the request, please check you have done the following:

1. Completed the Subject Access Request form in full (parts 1 and 2)

2. Verified Identity and included the required documentation (part 3)
3. Signed and dated the Declaration (part 4)

**Timeframe:**

TÉ is obliged to reply within one calendar month from the date that the personal identification is verified. TÉ will endeavour to meet this deadline. However, the period may be extended by two (2) further months where necessary, taking into account the complexity and number of requests pursuant to Article 12 (3) of the GDPR. If should be the case, TÉ shall inform the data subject of any such extension within one (1) month of receipt of the verified request, together with the reasons for the delay.