

WEST LIMERICK INDEPENDENT LIVING CLG

Data Access (Subject Access Request) Policy

Policy Reference	WLILP7C
Category	Operational Policies — Data Protection (3 of 4)
Version	2.0 (legislatively corrected)
Status	APPROVED — by the Board of Directors on 9 October 2026
Supersedes	WLILP26 - Data Access SARS Policy 2024
Series	Third of four data protection policies — see WLILP7A - Data Protection Policy for overarching principles and the Data Protection Officer's role.
Policy Owner	Board of Directors, West Limerick Independent Living CLG
Applies To	All data subjects, including service users, employees, trainees, contractors, temporary staff, researchers, trainers and consultants involved with WLIL
Related Policies	WLILP7A - Data Protection Policy; WLILP7B - Data Breach Response Policy; WLILP7D - Data Retention, Rectification and Erasure Policy
Review Cycle	Annually, or sooner if legislation or guidance changes

1. Document Objectives

This policy details the procedures West Limerick Independent Living CLG ("WLIL") will follow to ensure compliance with GDPR when dealing with requests for access to personal data WLIL holds.

2. Legislative Framework

- General Data Protection Regulation (EU) 2016/679 (GDPR), Article 15 and Article 12
- Data Protection Act 2018 (Ireland)
- Assisted Decision-Making (Capacity) Act 2015, as amended by the 2022 Act (both fully commenced 26 April 2023) — governs who may request access on behalf of a person who lacks capacity to do so themselves; this replaces older concepts such as the Ward of Court system

3. Intended Recipients

All data subjects, including service users, employees, trainees, contractors, temporary staff, researchers, trainers and consultants who may be involved with WLIL.

4. Introduction

GDPR entitles data subjects to access to the personal information held about them. Individuals have the right to obtain confirmation that their data is being processed and to submit a Subject Access Request (SAR) to verify the lawfulness of that processing. WLIL will verify the identity of the person making the request before any information is supplied, and a copy of the information will be supplied free of charge.

Where a SAR is made electronically, information will be provided in a commonly used electronic format. Where a request is manifestly unfounded, excessive or repetitive, WLIL may charge a reasonable fee based on the administrative cost of providing the information, or may refuse to act on the request.

All requests will be responded to without undue delay and, at the latest, within one calendar month of receipt. Where requests are numerous or complex, this may be extended by a further two months; the individual will be informed of the extension and given an explanation for it within one month of the original request.

If a large quantity of information is processed about an individual, WLIL will ask the individual to specify which information the request relates to.

Personal information must not be disclosed unless authorisation is obtained from the individual, or the request is for the purposes of crime prevention or taxation, or is otherwise permitted under data protection law.

5. Who May Make or Receive a Request

- the individual themselves (service user or staff member)
- a parent or legal guardian of a service user who is a child
- a representative nominated by the individual, such as a solicitor acting with the individual's full consent
- for an individual who lacks the capacity to make the request themselves, a decision-making assistant, co-decision-maker, or decision-making representative appointed under the Assisted Decision-Making (Capacity) Act 2015, or a person otherwise authorised by the Decision Support Service — the Irish body that has, since April 2023, taken on the functions previously associated with wardship for adults who lack capacity

6. Responsibilities

The Data Protection Officer (DPO) holds overall responsibility for ensuring subject access requests are handled compliantly, in line with WLILP7A. Day-to-day coordination is delegated to the General Manager, who is responsible for:

- ensuring consent is obtained from the individual for release of their records, where required
- co-ordinating the release of information and ensuring sufficient identification is provided by the applicant
- responding to requests promptly, within the timescales in Section 4
- ensuring staff are aware of this policy

Any question about whether a request should be refused, restricted, or escalated should be referred to the DPO.

7. Receiving a Request

A request for access to personal information must be received in writing (including electronically). Written or electronic applications received by staff or service managers should be forwarded to the General Manager for administration. The date received should be recorded.

The application should contain sufficient information to identify what is being requested, together with proof of identity. The General Manager will check that the application:

- provides the applicant's full name, address and date of birth
- includes the required identification document
- is signed and dated
- includes appropriate authorisation if someone is acting on the applicant's behalf

If the application is incomplete, the General Manager will log the request and issue a Subject Access Request form (Appendix 3) with a covering letter (Appendix 2). The request should be forwarded for processing within 5 working days of receipt.

8. Viewing Records

In some cases, particularly for electronic records, an individual may prefer to view their records rather than receive copies. An appropriate WLIL representative should be present when an individual views their records. If a service user asks informally, during a service review or consultation, to view their records there and then, it may be appropriate to facilitate this outside the standard procedure — this should be noted in the records either way.

9. Acknowledging a Request

Once a written request is received, it will be logged. If the correct form and supporting identity evidence have not been provided, an acknowledgement letter will be sent (Appendix 2).

Supporting evidence of identity must be the original or an authenticated copy (for example from a solicitor) of one of the following:

- driving licence
- birth certificate
- passport
- marriage certificate
- a Decision Support Service order or equivalent documentation establishing authority to act for a child or a person who lacks capacity

The one-month deadline for response runs from the date of receipt of a complete application.

10. Capacity

Where a service user is unable to manage their own affairs, WLIL will accept an application from a person with the appropriate authority under the Assisted Decision-Making (Capacity) Act 2015 — for example a decision-making representative appointed by the courts, or a co-decision-maker registered with the Decision Support Service — rather than an Enduring Power of Attorney alone, since the 2015 Act reformed how such authority is granted and registered.

11. Processing a Request

The General Manager will follow up an incomplete or in-progress application at 15 and 25 days after receipt, with a final reminder at day 30, confirming the request must be completed within 30 calendar days of receipt of a complete application.

12. Reviewing Records Before Release

GDPR provides certain restrictions and limitations on the right of access, balancing the individual's rights against other important interests such as the effective investigation of crime. The right of access does not extend to personal data about another identifiable individual, without that person's consent, unless it is reasonable in the circumstances to disclose it anyway. WLIL will decide this on a case-by-case basis, weighing the requester's right of access against the third party's own data protection rights.

WLIL cannot refuse a subject access request simply because the data originated from a third party — the third-party restriction applies only to information that would identify someone other than the data subject, the controller, or an authorised processor.

Before release, WLIL will also check for any content requiring explanation (technical terms, codes or abbreviations) and any grounds to withhold information under another exemption. A record of any withheld information, and the justification for withholding it, must be kept. It is the responsibility of the General Manager, or relevant service manager, to review the record before release.

13. Finalising the Request

A covering letter will accompany any information released, confirming the response to the original request. Records will only be sent to the original applicant, not forwarded to third parties. Copies are normally supplied in hard copy unless the individual agrees otherwise, or it would be impossible or involve disproportionate effort; alternatively, the individual may view the information. Copies are not sent by fax or unencrypted email.

Copies sent by post should be:

- in a sealed, tamper-proof envelope
- addressed to a named person
- marked "Private and Confidential"
- sent by special or recorded delivery

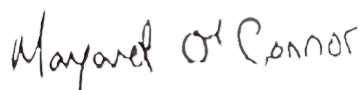
The file should record the date final correspondence was sent, and the request marked "closed" in the register. Correspondence is kept on file in line with WLILP7D - Data Retention, Rectification and Erasure Policy. Where a data subject indicates their information is inaccurate, or that processing has caused them damage or distress, the General Manager will liaise with the DPO to investigate.

This policy reflects GDPR Articles 12 and 15, the Data Protection Act 2018, and the Assisted Decision-Making (Capacity) Act 2015 as amended, checked as accurate as of drafting.

Approval

Approved by the Board of West Limerick Independent Living CLG on 9 October 2026.

Signed on behalf of the Board, on its instruction, by the General Manager:



Margaret O'Brien O'Connor, General Manager

Date signed:



Appendix 1 — Subject Access Request Procedure (Summary)

- Request received in writing → logged with date received
- Identity and completeness checked → acknowledgement or SAR form issued if incomplete
- Forwarded for processing within 5 working days
- Records reviewed for third-party data and exemptions
- Response issued within one calendar month (extendable by up to two further months for complex requests)
- Request closed and logged

Appendix 2 — Template Response to Applicant

Example paragraphs for use when responding to a subject access request (select as applicable):

Dear [Name],

Thank you for your request dated [date].

- Your request is being processed and we will reply as soon as possible, and in any event within one month of receipt of your request, in accordance with the GDPR.
- In accordance with the GDPR, we will not charge a fee for producing your records.
- To confirm your identity before releasing any information, please provide the original or an authenticated copy of one of: driving licence, birth certificate, passport, marriage certificate, or documentation establishing legal authority to act on behalf of a child or a person who lacks capacity.
- To help us locate the records you have requested, please complete the attached application form. The one-month period may be suspended while we await this information.
- We can confirm your request has been processed and enclose the records you requested.
- Access to part of the records has been declined because (a) it contains information that cannot be shared, or (b) third-party information has been removed.
- The records you requested are held by another organisation; please contact them using the details provided.

Yours sincerely,

Appendix 3 — Data Access Request Form

Field	Details
Full Name	
Former Name(s)	
Current Address & Eircode	
Former Address(es) (with dates)	
Date of Birth	
Contact Phone Number	
Email Address (optional)	

Field	Details
Category (Service User / Parent-Guardian / Former Service User / Current Staff / Former Staff)	

Please describe the specific personal data you are requesting, being as specific as possible about dates and locations. If requesting CCTV images or recordings, please state the date, time and location.

Signed: _____ Date: _____

Checklist — Have you:

- Completed the Access Request Form in full?
- Signed and dated the form?
- Included a photocopy of an official photographic ID document?

Note: WLIL should satisfy itself as to identity and record that identity has been provided, but should not retain a copy of the identity document itself.

Details of the Person Requesting (if different from the data subject)

Full Name: _____ Address & Eircode: _____

Email (optional): _____ Phone: _____

Please return this form to: Service Manager, West Limerick Independent Living, Sheehan's Road, Newcastle West, Co. Limerick, Eircode V42 EE38.