



**HSE Data Protection &
General Data Protection Regulation
Template Letters**

January 2024

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Note to Decision Makers

These template decision letters are a guide only. Each letter must be adapted for each individual request.

Please ensure you remove all “notes to the Decision Maker” and any elements of the letter that do not apply to the individual request.

Always use a blank template letter for each request. Do not overwrite/cut/paste into a previously used letter as this can lead to data relating to another request being inadvertently disclosed resulting in a data breach.

Acknowledgement Letter

Date

(Name and Address of Requester)

RE: Subject Access Request

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 15 of the General Data Protection Regulation (GDPR), for access to your personal data held by the Health Service Executive (HSE).

Note to Decision Maker: If this is a request for amendment or erasure of data please amend your acknowledgment letter accordingly – quote Article 16 for a right to rectification request and Article 17 for a right to erasure request.

In your request you are seeking access to:

- [quote from the request the data sought]

The GDPR provides that a decision be made on a request within 1 month and therefore you can expect a decision by XXX.

If you do not hear from me within 1 month, please contact this office for an update on your request. [Insert contact details].

Yours sincerely

Name

Data Protection Decision Maker

Seeking ID and/or further information to clarify request

Date

(Name and Address of Requester)

RE: Subject Access Request

Dear XXX

I refer to your request made under Article 15 of the General Data Protection Regulation (GDPR) for access to personal data held by the Health Service Executive (HSE).

Note to Decision Maker: If you need to seek ID you can include:

As you are seeking your own personal data, you will need to provide proof of your identification. A copy of your passport, driving licence or other photographic identification will suffice.

Note to Decision Maker: If you are satisfied of the applicants ID by other means, you do not have to seek photographic ID.

Note to Decision Maker: If you need to clarify the scope of the request, you can include:

It is not clear from your request what data you are seeking. In order to progress your request I will need the following details:

[Insert what details you need to clarify the scope of the request, e.g. name, address, DOB of data subject, name & location of service, names of people who hold the data etc.]

This information will assist in identifying the data that you are requesting.

You can include the details of where the documents/information should be returned, e.g. postal or e-mail address.

Yours sincerely

Name

Data Protection Decision Maker

Decision to extend time period

Date

(Name and Address of Requester)

RE: Subject Access Request

Dear **XXX**

I refer to your request(s), received in this office on **XXXX**, made under Article 15 of the General Data Protection Regulation (GDPR) for access to personal data held by the Health Service Executive. Following consideration of the provisions of the above Regulation, I wish to advise you that I require additional time to process your request(s).

This is due to **[insert reason for delay]** and I hope to issue my decision by **[insert date]**.

Please do not hesitate to contact this office should you have any queries.

Yours sincerely

Name
Data Protection Decision Maker

Decision to amend/complete data

Date

(Name and Address of Requester)

RE: Request to amend data

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 16 of the General Data Protection Regulation (GDPR), for the amendment your personal data held by the Health Service Executive (HSE).

Summarise here what data the data subject wants amended/completed and why.

Note to Decision Maker:

Before arriving at your decision to amend/complete the data, carefully consider the following factors along with any other considerations that might apply:

- The purpose of the data. There may be more than one.
- When the data was created and the time that has passed since (memory becomes unreliable, staff leave and cannot be consulted on the record they created).
- The evidential value of the record/data and the extent (if any) to which any decisions or other actions would be potentially affected.
- Consult with the author/relevant team/service that created the record.
- While the data subject may disagree with the data, this does not mean there is sufficient reason to amend. Has the data subject provided any documentary evidence to support their argument?
- Consider the effect the amendment will have on other data/records. Do other data/records need to be amended as a result?
- Any other circumstances the data subject provided for seeking the amendment.

I wish to advise you that I have amended/corrected the data. Please find enclosed a copy of the amended data.

Note to Decision Maker: Please ensure that when you release a copy of the amended data, you do not release any information that the requester is not entitled to.

Note to Decision Maker: Under Article 19 of the GDPR, if the data has been sent to any other recipient, you must now notify the recipient of the amended data unless this proves impossible or involves disproportionate effort. You can include the following in your letter:

I note a copy of this data had been sent to [insert name, e.g. GP, hospital etc]. I will send them a copy of the amended data.

If you are unhappy with this decision you may make a complaint in writing to the ***Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.*** You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name
Data Protection Decision Maker

Decision refusing to amend/complete data

Date

(Name and Address of Requester)

RE: Request to amend data

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 16 of the General Data Protection Regulation (GDPR), for the amendment your personal data held by the Health Service Executive (HSE).

Summarise here what data the data subject wants amended/completed and why.

Note to Decision Maker:

Before arriving at your decision not to amend the data, carefully consider the following factors along with any other considerations that might apply:

- The purpose of the data. There may be more than one.
- When the data was created. The time that has passed since (memory becomes unreliable, staff leave and cannot be consulted on the record they created).
- The evidential value of the record/data and the extent (if any) to which any decisions or other actions would be potentially affected.
- Consult with the author/relevant team/service that created the record.
- While the data subject may disagree with the data, this does not mean there is sufficient reason to amend. Has the data subject provided any documentary evidence to support their argument?
- Any other circumstances the data subject provided for seeking the amendment.

After careful consideration of your request in line with the provisions of GDPR, I regret to inform you that I am refusing your request to amend [describe the data which are subject to this request].

Explain the basis of your decision.

If you are unhappy with this decision you may make a complaint in writing to the ***Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.*** You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name
Data Protection Decision Maker

Decision to erase data

Date

(Name and Address of Requester)

Re: Request to erase data

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 17 of the General Data Protection Regulation (GDPR), for the erasure your personal data held by the Health Service Executive (HSE).

Summarise here what data the data subject wants erased/deleted and why.

Note to Decision Maker:

Before arriving at your decision to erase the data, carefully consider the following factors along with any other considerations that might apply:

- The legal basis is important, as the right of erasure might not apply.
- Do any of the grounds under Article 17.1 apply?
- The HSE's Record Retention Policy should be considered to ensure the data is not being held longer than necessary.

Explain the basis of your decision.

I wish to advise you that I have deleted the data.

Note to Decision Maker: Under Article 19 of the GDPR, if the data has been sent to any other recipient, you must now notify the recipient of the erasure of the data unless this proves impossible or involves disproportionate effort. You can include the following in your letter:

I note a copy of this data had been sent to [insert name, e.g. GP, hospital etc]. I will notify them that we have deleted the data.

If you are unhappy with this decision you may make a complaint in writing to the **Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28**. You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name

Data Protection Decision Maker

Decision refusing erasure of data

Date

(Name and Address of Requester)

Re: Request to erase data

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 17 of the General Data Protection Regulation (GDPR), for the erasure your personal data held by the Health Service Executive (HSE).

Summarise here what data the data subject wants erased/deleted and why.

The HSE must have a legal basis in order to process your personal data, including data concerning your health. The legal basis for this processing is set out in Article [insert relevant Article(s) – refer to Article 6 (and 9 if special category data applies). You can also include the text of the Article(s) or provide online links].

<https://gdpr-info.eu/art-6-gdpr/>

<https://gdpr-info.eu/art-9-gdpr/>

Note to Decision Maker

Before arriving at your decision to erase the data, carefully consider the following factors along with any other considerations that might apply:

- The legal basis is important, as the right of erasure might not apply.
- Consult with the author/relevant team/service that created the record.
- Do any of the grounds under Article 17.1 apply? <https://gdpr-info.eu/art-17-gdpr/>
- The HSE's Record Retention Policy should be considered to ensure the data is not being held longer than necessary.

After careful consideration of your request in line with the provisions of GDPR, I regret to inform you that I am refusing your request to delete [describe the data which is subject to this request].

Explain the basis of your decision.

If you are unhappy with this decision you may make a complaint in writing to the ***Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.*** You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name

Data Protection Decision Maker

Decision to grant full access to data

Date

(Name and Address of Requester)

Re: Subject Access Request

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 15 of the General Data Protection Regulation (GDPR), for access to your personal data held by the Health Service Executive (HSE).

In your request you are seeking access to:

- [quote from the request the data sought]

Please find enclosed a copy of your data.

If you are unhappy with this decision you may make a complaint in writing to the **Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28**. You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name

Data Protection Decision Maker

Decision to grant full access to requester's personal data but not to

- Third party personal information or
- Non-personal records which fall outside the scope of GDPR

Date

(Name and Address of Requester)

Re: Subject Access Request

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 15 of the General Data Protection Regulation(GDPR), for access to your personal data held by the Health Service Executive (HSE).

In your request you are seeking access to:

- [quote from the request the data sought]

Copies of the records containing your personal data are enclosed.

Please note that some information has been withheld from the records for the following reasons:

Note to Decision Maker: Delete any paragraph that is not applicable to this request.

Some of the information within the records is the personal data of other individuals. The HSE cannot provide you with information that constitutes personal data of another individual if it will adversely affect the rights and freedoms of those individuals (Article 15(4) of GDPR refers).

Some of the records are non-personal in nature and do not fall under the scope of GDPR.

Explain here what you mean by non-personal records.

For example, the record may outline how a process works in general terms and does not identify the data subject. It may be a policy document does not contain any personal data of the data subject.

If you are unhappy with this decision you may make a complaint in writing to the *Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28*. You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name

Data Protection Decision Maker

Decision to partially grant access to requester's own personal data where requester's personal data has been restricted by one or more exceptions outlined in the Data Protection Acts 1988-2018 and/or Article 23 of GDPR

Date

(Name and Address of Requester)

Re: Subject Access Request

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 15 of the General Data Protection Regulation (GDPR), for access to your personal data held by the Health Service Executive (HSE).

In your request you are seeking access to:

- [quote from the request the data sought]

Copies of the records containing your personal data are enclosed.

Note to Decision Maker: The following is a list of all restrictions to the right of access. Choose the one(s) that apply and amend or add to the wording to accurately reflect the case on hand. Delete any that don't apply.

Unfounded or Excessive in particular because of repetitive character

Article 12 (5) of the GDPR states that:

'Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may:

- *charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or*

As you have already received a copy of your data on [date], I am charging a fee of [insert reasonable amount and be able to justify the cost in case of queries from the DPC] for this set of records. Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to the [insert name of hospital]. Upon receipt of payment, a copy of the records will issue to you.

Personal Data relating to other individuals

Some of the information within the records is the personal data of other individuals. The HSE cannot provide you with information that constitutes personal data of another individual if it will adversely affect the rights and freedoms of those individuals (Article 15(4) of GDPR refers).

Expression of opinion about the Data Subject given Information given in confidence

Section 60(3)(b) of the Data Protection Act 2018 states that:

'The personal data relating to the data subject consist of an expression of opinion about the data subject by another person given in confidence or on the understanding that it would be treated as confidential to a person who has a legitimate interest in receiving the information'

Your right of access to your personal data has been restricted where the data contains an expression of opinion about you that was given to the HSE

Choose the most relevant option for the case on hand:

- in confidence
- on the understanding that it could be treated as confidential

Personal data relating to physical or mental health

Your right of access to your personal data has been restricted in line with the provisions of SI No 121/2022 – Data Protection Act 2018 (Access Modification) (Health) Regulations 2022.

Following consultation with your treating clinician/health professional, they have advised that the release of your requested personal information at this time would not be in your best interest. However, if you wish, I can make your data available to a health practitioner of your choosing. Your chosen health practitioner should have suitable qualifications and experience to understand the nature of the data. If you wish for this to happen, please let me have the name and contact details of your chosen health practitioner.

Social work data

Your right of access to your personal data has been restricted in line with the provisions of SI No 83/1989 – Data Protection (Access Modification) (Social Work) Regulations, 1989.

This can be done where there are reasonable grounds for believing that granting you access to this information (social work data), would be likely to cause serious harm to your physical or mental health.

Restrictions on obligations of controllers and rights of data subjects for important objectives of general public interest

Section 60 (1) of the Data Protection Act 2018 states that:

The rights and obligations provided for in Articles 12 to 22 and Article 34, and Article 5 in so far as any of its provisions correspond to the rights and obligations in Articles 12 to 22—

- (a) are restricted to the extent specified in subsection (3), and
- (b) may be restricted in regulations made under subsections (5) or (6).

Section 60(3) provides that the rights and obligations referred to above are restricted to the extent that- “

- (a) the restrictions are necessary and proportionate—
 - (i) to safeguard cabinet confidentiality, parliamentary privilege, national security, defence and the international relations of the State,
 - (ii) for the prevention, detection, investigation and prosecution of criminal offences and the execution of criminal penalties,
 - (iii) for the administration of any tax, duty or other money due or owing to the State or a local authority in any case in which the non-application of the restrictions concerned would be likely to prejudice the aforementioned administration,
 - (iv) in contemplation of or for the establishment, exercise or defence of, a legal claim, prospective legal claim, legal proceedings or prospective legal proceedings whether before a court, statutory tribunal, statutory body or an administrative or out-of-court procedure,
 - (v) for the enforcement of civil law claims, including matters relating to any liability of a controller or processor in respect of damages, compensation or other liabilities or debts related to the claim, or
 - (vi) 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 those rights or obligations would be likely to prejudice the commercial interests of the controller in relation to the claim

I am restricting your right of access to your personal data under **Section XXX** of the Data Protection Acts 1988-2018. **Elaborate on your decision by explaining how this restriction applies to the data.**

Important objectives of general public interest – Section 60(7)

- (a) preventing threats to public security and public safety;

- (b) avoiding obstructions to any official or legal inquiry, investigation or process, including any out-of-court redress procedure, proceedings pending or due before a court, tribunal of inquiry or commission of investigation;
- (c) preventing, detecting, investigating and prosecuting breaches of discipline by, or the unfitness or incompetence of, persons who are or were authorised by law to carry on a profession or any other regulated activity and the imposition of sanctions for same;
- (d) preventing, detecting, investigating or prosecuting breaches of ethics for regulated professions;
- (e) taking any action for the purposes of considering and investigating a complaint made to a regulatory body in respect of a person carrying out a profession or other regulated activity where the profession or activity is regulated by that body and the imposition of sanctions on foot of such a complaint;
- (f) preventing, detecting, investigating or prosecuting, whether in the State or elsewhere, breaches of the law which are subject to civil or administrative sanctions and enforcing such sanctions;
- (g) the identification of assets which are derived from, or are suspected to derive from, criminal conduct and the taking of appropriate action to deprive or deny persons of those assets or the benefits of those assets and any investigation or preparatory work in relation to any related proceedings;
- (h) ensuring the effective operation of the immigration system, the system for granting persons international protection in the State and the system for the acquisition by persons of Irish citizenship, including by preventing, detecting and investigating abuses of those systems or breaches of the law relating to those systems;
- (i) safeguarding the economic or financial interests of the European Union or the State, including on monetary, budgetary and taxation matters;
- (j) safeguarding monetary policy, the smooth operation of payment systems, the resolution of regulated financial service providers (within the meaning of the Central Bank Act 1942), the operation of deposit-guarantee schemes, the protection of consumers and the effective regulation of financial service providers (within the meaning of the Central Bank Act 1942);
- (k) protecting members of the public against—
 - (i) financial loss or detriment due to the dishonesty, malpractice or other improper conduct of, or the unfitness or incompetence of, persons concerned in the provision of banking, insurance, investment or other financial services or in the management of bodies corporate or other entities,
 - (ii) financial loss or detriment due to the conduct of individuals who have been adjudicated bankrupt, or
 - (iii) financial loss or detriment due to the conduct of individuals who have been involved in the management of a body corporate which has been the subject of a receivership, examinership or liquidation under the Act of 2014;

- (l) protecting—
 - (i) the health, safety, dignity, well-being of individuals at work against risks arising out of or in connection with their employment, and
 - (ii) members of the public against discrimination or unfair treatment in the provision of goods or services to them;
- (m) the keeping of public registers for reasons of general public interest, whether the registers are accessible to the public on a general or restricted basis;
- (n) safeguarding the integrity and security of examinations systems;
- (o) safeguarding public health, social security, social protection and humanitarian activities.

I am restricting your right of access to your personal data under **Section 7(XXX)** of the Data Protection Acts 1988-2018. **Elaborate on your decision by explaining how this restriction applies to the data.**

Legal Privilege

Section 162 of the Data Protection Act 2018 states that the right provided for in Article 15 (the right of access), does not apply

- (i) to personal data processed for the purpose of seeking, receiving or giving legal advice,
- (ii) 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, or
- (iii) where the exercise of such rights or performance of such obligations would constitute a contempt of court.

I am restricting your right of access to your personal data under Section 162(XXX) as outlined above.

If you are unhappy with this decision you may make a complaint in writing to the **Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28**. You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name

Data Protection Decision Maker

Decision to Refuse Access to Data

Date

(Name and Address of Requester)

Re: Subject Access Request

Dear XXX

I refer to your request, received in this office on XXXX, made under Article 15 of the General Data Protection Regulation (GDPR), for access to your personal data held by the Health Service Executive (HSE).

In your request you are seeking access to:

- [quote from the request the data sought]

Note to Decision Maker: Delete any paragraph that is not applicable to this request.

If the data/records sought are not held you can use the following but adapt it to suit the case on hand:

I can confirm that the records you are seeking are no longer held.

Explain why – it is in line with the HSE's Record Retention Policy? Is it because they cannot be found? If so, explain where you have looked. Is there some other reason?

If the request is being refused as unfounded or excessive in nature you can use the following:

Article 12.5(b) of the GDPR states that where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may refuse to act on the request.

Explain why this is the case. Have the records been released already? If so explain this and include the date(s) the records have been previously given. If the request is excessive, explain why.

If you are unhappy with this decision you may make a complaint in writing to the ***Office of the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.*** You can also contact them through their website www.dataprotection.ie.

Yours sincerely

Name

Data Protection Decision Maker