

Policy on restriction of processing data

For

The Adoption Authority of Ireland



ÚDARÁS UCHTÁLA na hÉIREANN
THE ADOPTION AUTHORITY of IRELAND

Revision and Approval History					
Version	Revised By	Revision Date	Approved By	Approval Date	Comments
Draft	DPO	04/04/2019			
Reviewed	DPO	22/01/2020			
Reviewed	Mathesons	19/10/2020			
Reviewed	DPO	27/01/2021			
Reviewed	DPO	01/01/2021			
Approved	Board	13/04/2021			

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Introduction

The GDPR introduces a right to restriction of processing. A restriction of processing means that data can still be processed, but only for specific purposes.

Under the GDPR, examples of the restriction of data processing include;

- temporarily moving the selected data from one filing system to another,
- making the selected data unavailable to users, or
- temporarily removing published data from a website.

Sometimes, the restriction of data is an alternative to requiring the data to be erased.

A number of terms used in this policy are outlined in greater detail in the ***Glossary of Data Protection Terms***

Policy Scope

This policy sets out the procedures to be followed by the Adoption Authority of Ireland (the “Adoption Authority”) to ensure it complies with its obligations under Article 18 of the GDPR “Policy on restriction of processing”, in so doing ensures that:

- Individuals have a right to ‘block’ or restrict the processing of personal data.
- When processing is restricted, we are permitted to store the personal data, but not further process it.
- We can retain just enough information about the individual to ensure that the restriction is respected in future.

Restrictions to consider under the GDPR

What is meant by restriction?

Under GDPR, if personal data is 'restricted', then the Adoption Authority as Data Controller may only store a limited form of 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.

Where the data is processed automatically, then the restriction should be affected by technical means and noted in the Authority's IT systems. This could mean moving the data to a separate system; temporarily blocking the data on a website or otherwise making the data unavailable.

If the data has been disclosed to others eg Tusla..etc. then the Adoption Authority must notify those Recipients about the restricted processing (unless this is impossible or involves disproportionate effort).

The Adoption Authority as Data Controller must notify the individual before lifting a restriction.

When is the restriction applicable?

A data subject may require the Adoption Authority to restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, we will restrict the processing until we 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), and we are considering whether we have legitimate grounds that override those of the individual.
- When processing is unlawful and the individual opposes erasure and requests restriction instead.
- If we no longer need the personal data but the individual requires the data to establish, exercise or defend a legal claim.
- If the data subject has objected to processing pursuant to Article 21(1) pending the verification whether the legal grounds of the controller override those of the data subject

Where a request to exercise this right has been received, we will review procedures to ensure we are able to determine where we may be required to restrict the processing of personal data.

If we have disclosed the personal data in question to others, we will 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, we will also inform the individuals about these recipients.

Where processing has been restricted on the basis of the request received in accordance with paragraph 1 of this section, such personal data will, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

A data subject who has obtained restriction of processing pursuant to paragraph 1 will be informed by us before the restriction of processing is lifted.

Circumstances in which the Adoption Authority can continue to process data

When a data subject exercises his/her right to restrict processing, the Adoption Authority will only continue to process the data if:

- the data subject consents;
- the processing is necessary for the exercise or defence of legal claims;
- The processing is necessary for the protection of the rights of other individuals or legal persons; or
- The processing is necessary for public interest reasons (under EU or Member State law) (Article 18(2)).

Where a data subject has requested the restriction of the processing of his/her personal data, we have an obligation to inform recipients to whom that data have been disclosed, unless, this proves impossible or involves disproportionate effort. We will also inform the data subject about those recipients if he/she requests it. (Article 19)

We will notify the data subject before lifting a restriction (Article 18(3)).

We will provide information on action taken on a request for restriction of processing to the data subject without undue delay, and at the latest within one month of receipt of the request. This period may be extended by two further months where requests are numerous or complex (Article 12(3)).

In automated filing systems, the restriction of processing should be facilitated by ensuring that appropriate security steps are taken to ensure that further processing activities, that are different to the permissible processing activities cannot occur. The fact that the processing of personal data is restricted should be clearly indicated in the automated filing system. (Recital 67)

