



An Chartlann Náisiúnta
National Archives

Disposal of Data Protection SAR (Subject Access Request) case files on an ongoing basis as a category or class of records under section 7 of the National Archives Act, 1986

Guidance Note

Contents

Document Control	4
1. Background Information on Subject Access Requests (SARs)	5
2. Process of making and responding to SARs	6
3. Types of records on a SAR file	7
4. Recommendations	9
5. Obtaining a Disposal Certificate	10
Appendix 1	11
National Archives Appraisal Request: Application for disposal of Routine SAR Case Files	11
Appendix 2. Data Protection Records Excluding SAR Case Files	13

Document Control

Document title	Guidance Note for Disposal of Data Protection SAR (Subject Access Request) Case Files
Reference number	Guidance Note 05/2025
Version	0.2
Date	July 2025
Status	Approved
Contributors to this version	Keepers and Senior Archivists, Digital Management Division and Archives and Government Services Division
Document objectives	To provide guidance on the disposal of files created as a result of Subject Access Requests
Intended recipients for final document	Departments and agencies subject to the National Archives Act, 1986
Approving body for final document	National Archives
Date approved	September 2025
Date of issue	September 2025
Review date	Ongoing
Contact for review	Keepers and Senior Archivists, Digital Management Division and Archives and Government Services Division

1. Background Information on Subject Access Requests (SARs)

Article 15 of the General Data Protection Regulation (GDPR) and section 91 of the Data Protection Act, 2018 give data subjects the right to request from a data controller:

- Confirmation of whether or not personal data concerning them is being processed
- Where that is the case, a copy of their personal data
- Other additional information as follows:
 - Purpose(s) of processing
 - Categories of personal data
 - Any recipient(s) of the personal data to whom the data has or will be disclosed, in particular recipients in third countries or international organisations, and information about appropriate safeguards
 - The retention period or the criteria used to determine a retention period
 - The existence of the following rights:
 - Right to rectification
 - Right to erasure
 - Right to restrict processing
 - Right to object
 - The right to raise a concern with a supervisory authority
 - ¹as well as information on how to request these from the controller.
- Where data was not collected from the data subject, any available information as to its source
- The existence of automated decision-making, including profiling and meaningful information about how decisions are made, the significance and the consequences of processing
- SARs may be sent by a representative of the data subject on their behalf while providing their written consent. SARs may also be made by 'competent authorities' under S. 69(1), Data Protection Act, 2018 for law enforcement purposes. No fees are charged unless the request is considered 'manifestly unfounded or excessive' (article 12(5) GDPR).

1. In Ireland, the Data Protection Commission.

2. Process of making and responding to SARs

SARs can be made on standardised forms or through web forms on a Department's website. They are usually processed in dedicated Data Protection Units. When making a SAR the requester is asked to provide the controller 'with such information as the controller may reasonably require to satisfy itself of the identity of the individual and to locate any relevant personal data or information'.² This verification process is to safeguard personal data against unauthorised access by others apart from the data subject, and verification is achieved by obtaining copies of the requesters' identification documents or permission to act on their behalf (see **3. Types of records on a SAR file**).

Once received, these verification documents are validated against the SAR and additional documentation can be requested in line with article 12(6) GDPR. The Data Protection Commission has advised that controllers should only request the minimum amount of information, to prove the requester's identity.³

Under article 12(3) GDPR, the controller is to provide information on action taken on a SAR within a month, but that period may be extended by two further months depending on the complexity and number of requests made.

The Department of State may withhold information from release in accordance with article 23 GDPR where there is a legal basis to do so. For example, to safeguard national security, during the investigation of criminal offences, or during judicial proceedings. Certain rights can also be restricted in accordance with article 15(4) GDPR which states that the right of an individual to obtain a copy of their personal data 'shall not adversely affect the rights or freedoms of others'. When responding to a SAR, the data controller must consider the rights of third parties, including their data protection rights, trade secrets, or intellectual property rights, as a record containing personal data may also hold information of this type.

2. Data Protection Act, 2018, S.91(3).

3. Data Protection Commission, 'Data Subject Access Requests – FAQs' (October 2019), https://www.dataprotection.ie/sites/default/files/uploads/2019-10/FAQ%20Guide%20to%20Data%20Subject%20Access%20Requests_Oct19.pdf (19 May 2025).

3. Types of records on a SAR file

The National Archives has conducted a number of surveys of records created, made and received in Data Protection Units.⁴ This document is intended to provide practical guidance and learnings from these surveys to develop a standardised approach to the management of SAR records across the Civil Service.

SAR case files **may include the following**, in both paper and digital formats:

- SAR request form from the data subject or from a 'competent authority'
- Correspondence with requester/ their representative, obtaining further information and giving final decision
- Copy documentation from various sections within the Department
- Verification check-list
- Legal advice [*recommend retention of file*]
- Internal correspondence
- Fee for SAR
- Complaint to the Data Protection Commission and details of a follow-up investigation regarding disclosure of information [*recommend retention of file*]
- Schedule, or copies, of documents released or withheld

4. Includes the Data Protection Units of the Revenue Commissioners (2020) and of the Department of Children, Equality, Disability, Integration and Youth (2024).

In addition, they may contain the following **verification copy documents**, also in paper or digital formats:

- Passports, ID-cards
- Driving licenses, learner permits
- Public Services cards
- Birth, marriage, death certificates
- International Protection ID cards
- Proof of individual being a ward of court, or having a decision-making representative and in cases where somebody applies on their behalf
- Proof of Address: letter from a government body, utility bills and other

Annual accrual rates for SARs will vary considerably depending on the functions of the Department of State. Bodies with direct public-facing roles and those engaged in processing large quantities of personal data generally receive significantly larger numbers of SARs.⁵

5. 19 were received by the relatively small office of the DPP in 2020, and 370 were estimated as a yearly figure by the Revenue Commissioners.

4. Recommendations

The following non-routine SAR case files should be separated out and retained permanently for transfer to the National Archives:

- SAR case files where legal advice was sought
- SAR case files where the application was referred to the DPC

The National Archives recommends **ongoing disposal of routine SAR case files** (paper and electronic), with conditions attached as given in **5. Obtaining a Disposal certificate**.

Recommendations for SAR verification documents: some departments of State return paper records to the sender and rely on a checklist signed by designated staff members, which is retained on the case file to prove the validation process has been completed and the requester's identity has been verified. The National Archives would recommend that where such a data minimisation process is feasible it should be **adopted by any Department of State engaging in SAR verification processes**. The principle of not retaining verification documents beyond the validation process and including an audit trail which verifies the requester's identity on the case file should also be applied to digital records.

The rationale for permitting the destruction of routine SAR case files is as follows:

- Processing SARs is not a core function of a Department of State; it is a compliance activity in response to legal obligations
- These records are operational in nature and are created as a result of a routine supporting administrative function in implementing data protection law
- The only original documentation found in SAR case files is routine correspondence from the data subject and routine internal correspondence about the completion of the request
- The documentation shared with the data subject is duplicated from records made or received, and held in the course of its business, by a Department of State. Whether these original records are retained permanently will depend on the function they support.
- Compliance with the GDPR principle of 'storage limitation' (article 5(1)(e)): as these documents do not fall within derogations for retention under GDPR for archiving purposes in the public interest (article 89), their retention beyond business use may constitute a breach of data protection legislation
- The records named in **Appendix 2. Data protection records excluding SAR case files** include records that warrant permanent preservation as archives, and along with the non-routine SAR case files those will provide sufficient information to demonstrate the processing of SARs and the operation of data protection legislation in Ireland.

5. Obtaining a Disposal Certificate

In order to comply with the National Archives Act, 1986, a signed disposal certificate for routine SAR case files must be obtained before such files can be destroyed.

The following steps are required:

1. Complete the SAR Case Files Disposal Request Form (Appendix 1).
2. Email the completed form to query@nationalarchives.ie with your request for the attention of the Head of Current Records.
3. Your request will be processed and a draft certificate will be sent to you for signature by the relevant [Certifying Officer](#).
4. The signed certificate will be returned to the National Archives for counter-signature by the Director to complete the formal authorisation process.

The following conditions of disposal will be attached to the certificate:

- Authorisation applies to **Routine SAR case files only, in paper and digital formats**, [earliest applicable year provided by Department]-ongoing;

Authorisation is **contingent on**

- Retention of SAR case files **where the SAR was referred to the Data Protection Commission** for transfer to the National Archives in accordance with section 8 of the National Archives Act, 1986
- Retention of SAR case files **where legal advice was sought on the SAR** for transfer to the National Archives in accordance with section 8 of the National Archives Act, 1986
- Retention of **non-SAR case files arising from the work of complying with data protection legislation** until such time as they are appraised by the National Archives to determine their archival value under the National Archives Act, 1986 - see Appendix 2 for a list
- Authorisation is **further contingent** on compliance with all other statutory or regulatory requirements, including internal rules and procedures, in relation to the retention of records

Appendix 1

National Archives Appraisal Request: Application for disposal of Routine SAR Case Files

[Please download and complete a Word version of the form here.](#)

Please complete the questionnaire to provide the National Archives with as much information as possible to support your application for a records disposal certificate.

Please refer to the SAR (Subject Access Request) Case Files Guidance Note.

Part 1: General information	
Contact details:	
Name of department/office/body:	
Division/section/unit:	
Name and grade of applicant:	
Name and contact email of Certifying Officer :	

Part 2: Date range	
Date:	
Please indicate earliest date of records for which disposal authorisation is being sought. This disposal application is for ongoing disposal.	
From (yyyy):	

Part 3: Format and content of records	
Formats:	
Which formats are the copy verification ID-documents stored in?	
☐ Paper	
☐ Digital	
☐ Hybrid	

Part 4: Extent and storage of records	
Series volume:	
What is the volume of the series?	
Paper Estimate of extent (files or bankers' boxes):	
Electronic Estimate of extent (MB, GB):	
Storage location:	
Where are the electronic records stored?	☐ External servers ☐ Local servers ☐ Cloud storage ☐ Other

Appendix 2. Data Protection Records Excluding SAR Case Files

A Data Protection Unit may also produce the following documentation arising from Data protection compliance work. **These records are excluded from this Guidance Note, and must be appraised separately for disposal. Some elements of these warrant permanent preservation as archives.**

- **Data Protection Policy records**, including drafting and supporting administrative records – the final policy records and affiliated correspondence usually warrant permanent preservation as archives
- **Data breach records including correspondence** including spreadsheets listing data breaches, complaints or notifications and internal correspondence regarding data breaches
- **Summary or aggregated documents** such as spreadsheets listing SAR requests over a particular period of time and yearly statistics/reports
- **SAR-related external mailboxes:** Please see National Archives Guidance on using capstone method for managing email, which includes guidance on external generic mailboxes

The National Archives
Bishop Street, Dublin 8,
D08 DF85, Ireland

www.nationalarchives.ie

Phone: +353 (0)1 407 2300
Lo Call: +353 1890 252424
Email: query@nationalarchives.ie

 [@narireland](https://www.instagram.com/narireland)

 [@NARIreland](https://twitter.com/NARIreland)

 [nai-national-archives-ireland](https://www.linkedin.com/company/nai-national-archives-ireland)



An Chartlann Náisiúnta
National Archives