



Employee Personal Data in DSARs

‘Personal data’ means any information relating to an identified or identifiable natural person (‘data subject’); 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”.

Examples of Personal Data:

- Personnel/employment files
- Application forms
- Medical records
- Financial Information
- Telephone calls
- E-mails
- Records of websites visited
- CCTV Images

Documents authored by employee in course of employment are unlikely to be personal data unless they relate to a human resources or disciplinary issue. Generally speaking, the fact of a communication rather than the contents of same is personal data.

What about information contained in emails?

It can sometimes be difficult to determine whether an email contains an individual’s personal data. This depends on the contents of the email, the context of the information it contains, and what it is being used for. Ultimately it is for the Data Controller to determine whether any of the information in the email is the individual’s personal data.

However, you should remember:

- The right of access only applies to the individual’s personal data contained in the email. This means the Data Controller may need to disclose some or all of the email to comply with the SAR.
- Just because the contents of the email are about a business matter, this does not mean that it is not the individual’s personal data. This depends on the content of the email and whether it relates to the individual.
- Just because the individual receives the email, does not mean that the whole content of the email is their personal data. Again, the context of the information and what it is being used for is key to deciding this. However, their name and e-mail address is their personal data and this should be disclose to them.



Example:

An employee makes a SAR for all of the information University of Galway hold about them. During your search for their personal data, you find 2000 emails which the employee is copied into as a recipient. Other than their name and email address, the content of the emails does not relate to the employee or contain the employee's personal data.

University of Galway do not have to provide the employee with a copy of each email (with the personal information of third parties redacted). Since the only personal data which relates to them is their name and email address, it is sufficient to advise them that you identified their name and email address on 2000 emails and disclose to them the name contained on those emails, eg John Smith, and the email address contained on those emails, eg JohnSmith@universityofgalway.ie.

Alternatively, University of Galway could provide one email with other details redacted as a sample of the 2000 emails you hold. University of Galway should also clearly explain to the individual why this is the only information they are entitled to under the GDPR, but remember to provide them with supplementary information concerning the processing, e.g. retention periods for the emails.

However, if any of the content within the email relates to the individual, you should provide them with a copy of the email itself, redacted if necessary.

Data Protection Office
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