

## Data Protection Policy

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### Introduction

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The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Dóchas. This includes obligations in dealing with personal data, in order to ensure that the organisation complies with the requirements of the relevant Irish legislation, including the Data Protection Act (1988), the Data Protection (Amendment) Act (2003), the Data Protection Act (2018) and the General Data Protection Regulation (2018).

The aforementioned legislation describes how organisations — including Dóchas — must collect, handle and store personal information.

These rules apply regardless of whether data is stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

The Data Protection Act is underpinned by eight important principles. These say that personal data must be:

1. obtained and processed fairly
2. kept for one or more specified and lawful purpose(s)
3. processed in ways compatible with the purposes for which it was given initially
4. kept safe and secure
5. kept accurate and up-to-date
6. adequate, relevant and not excessive
7. retained no longer than is necessary for the specified purpose(s)
8. copied and given to any individual on his/her request

This policy should be read in conjunction with the following procedures:

- Data Retention and Destruction Procedure
- Record Retention Schedule
- Breach Notification Procedure
- Exercise of Data Subject Rights

### Rationale

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Dóchas must comply with the Data Protection principles set out in the relevant legislation. This Policy applies to all Personal Data collected, processed and stored by Dóchas in relation to its employees, service providers, members and others (e.g. event participants) in the course of its activities. Dóchas makes no distinction between the rights of Data Subjects who are employees, and those who are not. All are treated equally under this Policy.

### Scope

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The policy covers both personal and special categories of personal data held in relation to data subjects by Dóchas. The policy applies equally to personal data held in manual and automated form.

All personal and special categories of personal data will be treated with equal care by Dóchas. Both categories will be equally referred-to as Personal Data in this policy, unless specifically stated otherwise.

## Dóchas as a Data Controller

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In the course of its daily organisational activities, Dóchas acquires, processes and stores personal data in relation to:

- Employees of Dóchas
- Interns engaged by Dóchas
- Consultants engaged by Dóchas
- Employees of Dóchas Member Agencies
- Third party service providers engaged by Dóchas
- Participants at Dóchas meetings/events/conferences
- Recipients of Dóchas Wednesday News

In accordance with Data Protection legislation, this data must be acquired and managed fairly. Not all employees are expected to be experts in Data Protection legislation. However, Dóchas is committed to ensuring that its employees have sufficient awareness of the legislation in order to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, employees must ensure that the Data Protection Administrator is informed, in order that appropriate corrective action can be taken.

Due to the nature of the services provided by Dóchas, there is regular and active exchange of personal data between Dóchas and its Data Subjects. In addition, Dóchas exchanges personal data with Data Processors on the Data Subjects' behalf.

This is consistent with Dóchas' obligations under the terms of its contract with its Data Processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a Dóchas employee is unsure whether such data can be disclosed.

In general terms, the employee should consult with the Data Protection Administrator to seek clarification.

### **Subject Access Requests**

Any formal, written request by a Data Subject for a copy of their personal data (a Subject Access Request) will be referred, as soon as possible, to the Data Protection Administrator, and will be processed as soon as possible.

It is intended that by complying with these guidelines, Dóchas will adhere to best practice regarding the applicable Data Protection legislation.

### **Third-Party processors**

In the course of its role as a Data Controller, Dóchas engages a number of Data Processors to process Personal Data on its behalf. In each case, a formal, written contract is in place with the Processor, outlining their obligations in relation to the Personal Data, the specific purpose or purposes for which they are engaged, and the understanding that they will process the data in compliance with the Irish Data Protection legislation.

These Data Processors include:

- Auditors – Crowe Horwath
- IT service provider
- Pension Provider
- Mailchimp
- Typeform
- Eventbrite
- Twitter
- Facebook

## The Data Protection Principles

The following key principles are enshrined in the Irish legislation and are fundamental to Dóchas' Data Protection policy.

In its capacity as Data Controller, Dóchas ensures that all data shall:

**1. ... be obtained and processed fairly and lawfully.**

For data to be obtained fairly, the data subject will, at the time the data is being collected, be made aware of:

- The identity of the Data Controller (Dóchas)
- The purpose(s) for which the data is being collected
- The person(s) to whom the data may be disclosed by the Data Controller
- Any other information that is necessary so that the processing is fair.

Dóchas will meet this obligation in the following way.

- Where possible, the informed consent of the Data Subject will be sought before their data is processed;
- Where it is not possible to seek consent, Dóchas will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;
- In the event that Dóchas decides to record activity on CCTV or video, a Fair Processing Notice will be posted in full view;
- Processing of the personal data will be carried out only as part of Dóchas' s lawful activities, and Dóchas will safeguard the rights and freedoms of the Data Subject;
- The Data Subject's data will not be disclosed to a third party other than to a party contracted to Dóchas and operating on its behalf.

**2. .... be obtained only for one or more specified, legitimate purpose.**

Dóchas will obtain data for purposes which are specific, lawful and clearly stated. A Data Subject will have the right to question the purpose(s) for which Dóchas holds their data, and Dóchas will be able to clearly state that purpose(s).

**3. .... not be further processed in a manner incompatible with the specified purpose(s).**

Any use of the data by Dóchas will be compatible with the purposes for which the data was acquired.

**4. .... be kept safe and secure.**

Dóchas will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by Dóchas in its capacity as Data Controller.

Access to and management of employee and service provider records is limited to those employees with appropriate authorisation and password access.

**5. ... be kept accurate, complete and up-to-date where necessary.**

Dóchas will:

- ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy;
- conduct an annual review to ensure that relevant data is kept accurate and up-to-date.

**6. ... be adequate, relevant and not excessive in relation to the purpose(s) for which the data were collected and processed.**

Dóchas will ensure that the data it processes in relation to Data Subjects is relevant to the purposes for which the data is collected. Data which is not relevant to such processing will not be acquired or maintained.

**7. ... not be kept for longer than is necessary to satisfy the specified purpose(s).**

Dóchas has identified an extensive matrix of data categories, with reference to the appropriate data retention period for each category. The matrix applies to data in both a manual and automated format. Once the respective retention period has elapsed, Dóchas undertakes to destroy, erase or otherwise put this data beyond use.

**8. ... be managed and stored in such a manner that, in the event a Data Subject submits a valid Subject Access Request seeking a copy of their Personal Data, this data can be readily retrieved and provided to them.**

Dóchas has developed a Subject Access Request procedure in order to manage such requests in an efficient and timely manner, within the timelines stipulated in the legislation.

## Data Subject Access Requests

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As part of the day-to-day operation of the organisation, Dóchas' employees engage in active and regular exchanges of information with Data Subjects. Where a formal request is submitted by a Data Subject in relation to the data held by Dóchas, such a request gives rise to access rights in favour of the Data Subject.

There are specific time-lines within which Dóchas must respond to the Data Subject, depending on the nature and extent of the request. These are outlined in the attached Subject Access Request process document.

Dóchas' employees will ensure that, where necessary, such requests are forwarded to the Data Protection Administrator in a timely manner, and they are processed as quickly and efficiently as possible, but within not more than 40 days from receipt of the request.

## Implementation

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As a Data Controller, Dóchas ensures that any entity which processes Personal Data on its behalf (a Data Processor) does so in a manner compliant with the Data Protection legislation.

Failure of a Data Processor to manage Dóchas' data in a compliant manner will be viewed as a breach of contract, and will be pursued through the courts.

Failure of Dóchas' employees to process Personal Data in compliance with this policy may result in disciplinary proceedings.

## Definitions

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For the avoidance of doubt, and for consistency in terminology, the following definitions will apply within this Policy.

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<b>Data</b>	This includes both automated and manual data. Automated data means data held on computer, or stored with the intention that it is processed on computer. Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.
<b>Personal Data</b>	Information which relates to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller. (If in doubt, Dóchas refers to the definition issued by the Article 29 Working Party, and updated from time to time.)
<b>Special Categories of Personal Data</b>	A particular category of Personal data, relating to: Racial or Ethnic Origin, Political Opinions, Religious, Ideological or Philosophical beliefs, Trade Union membership, Information relating to mental or physical health, information in relation to one's Sexual Orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.
<b>Data Controller</b>	A person or entity who, either alone or with others, controls the content and use of Personal Data by determining the purposes and means by which that Personal Data is processed.
<b>Data Subject</b>	A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.
<b>Data Processor</b>	A person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract, but who is not an employee of the Data Controller, processing such Data in the course of his/her employment.
<b>Data Protection Administrator</b>	A person appointed by Dóchas to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from employees and service recipients
<b>Relevant Filing System</b>	Any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.

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This Policy was approved by the Board of Directors of Dóchas on 20<sup>th</sup> September 2018.