**Data Protection Policy**

**Introduction**

The document is laid out as follows:

1. Summary of the Data Protection Acts
2. Definition of key terms used in the policy
3. Data Protection policy of Educate Together
4. The rights of data subjects and how a request might be made to Educate Together
5. General note on Confidentiality in terms of this policy

**1. The Data Protection Act 1988 and (Amendment) Act 2003**

Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing of personal data. The Data Protection Acts 1988 and 2003, together with the numerous Statutory Instruments amending or extending same, confer rights on individuals as well as responsibilities on those persons processing personal data. Data Protection legislation was introduced to regulate the collection, processing, keeping, use and disclosure of personal data and to give individuals access to their data and allow them to amend it if incorrect.

The Data Protection (Amendment) Act 2003 means that Data Protection now covers manual records as well as electronic records. All staff of Educate Together should be familiar with the Data Protection Acts and the responsibilities they place on each of us when processing personal information.

For example, when you create a record, which contains personal data, not only should it remain confidential but you are also obliged to keep it safe, secure and only use it for the purpose for which it was collected.

All staff should be familiar with the Data Protection Policy and related policies, guidelines and procedures.

**2. Definition of Key Terms**

**Data Controller:**

An organisation (in this case, ‘Educate Together’), holding data, which controls the contents and use of the data.

**Data Subject:**

The person to whom data relates.

**Personal Data:**

‘Personal Data’ is that which relates to a living individual, and is defined as including “Automated data” (e.g. information on computer or information recorded with the intention that it is processed by computer) and “Manual data” (e.g. information that is kept/recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system).

**Sensitive Data:**

Personal Data (as defined above) may also constitute “Sensitive Personal Data”. This is data relating to a person’s racial or ethnic origin, political opinions or religious or other beliefs, physical or mental health or condition, sexual life, criminal convictions or the alleged commission of an offence, trade union membership. More rigorous requirements apply to the fair processing of such Sensitive Personal Data.

**3. Data Protection Policy**

**3a. Purpose of this policy**

Educate Together needs to collect and use data (information) for a variety of purposes about its staff and other individuals who come in contact with the organisation. The purposes of processing data include the organisation and administration of courses, recruitment and payment of staff, compliance with statutory obligations, etc. Personal data, both automated and manual, are data relating to a living individual who is or can be identified, either from the data or from the data in conjunction with other information.

This policy is a statement of Educate Together’s commitment to protect the rights and

privacy of individuals in accordance with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.

**3b. Principles of the Acts**

Educate Together will administer its responsibilities under the legislation in

accordance with the eight stated data protection principles outlined in the Act as follows:

**1. Obtain and process information fairly:** Educate Together obtains and processes personal data fairly and in accordance with the fulfilment of its functions.

**2. Keep it only for one or more specified, explicit and lawful purposes:** Educate Together keeps data for purposes that are specific, lawful, and clearly stated and the data is only be processed in a manner compatible with these purposes.

**3. Use and disclose it only in ways compatible with these purposes:** Educate Together only discloses personal data that is necessary for the purpose/s or compatible with the purpose/s for which it collects and keeps the data.

**4. Keep it safe and secure:** Educate Together takes appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction. Educate Together is aware that high standards of security are essential for all personal information.

**5. Keep it accurate, complete and up-to-date:** Educate Together has procedures that are adequate to ensure high levels of data accuracy. Educate Together strives to keep personal data held up-to-date.

**6. Ensure that it is adequate, relevant and not excessive:** Personal data held by Educate Together is adequate, relevant and not excessive in relation to the purpose/s for which it is kept.

**7. Retain it for no longer than is necessary for the purpose or purposes:** Educate Together will maintain a policy on retention periods for personal data.

**8. Give a copy of his/her personal data to that individual, on request:** Educate Together will maintain a policy to ensure that data subjects can exercise their rights under the Data Protection legislation.

**3c. Responsibility**

Educate Together has overall responsibility for ensuring compliance with the Data Protection legislation. **However, all employees of Educate Together who collect and/or control the contents and use of personal data are also responsible for compliance with the Data Protection legislation.** Educate Together provides support, assistance, advice and training to all staff to ensure it is in a position to comply with the legislation.

**3d. Guidelines**

This policy supports the provision of best practice guidelines to assist Educate Together in its compliance with the Data Protection legislation.

**3e. Review**

This policy will be reviewed regularly in light of any legislative changes.

**4. Rights of data subjects**

**4a. Right of access**

The Act provides for the right of access by the data subject to his or her personal information. Data subjects must be made aware of how to gain access to their personal data. A data subject is entitled to be made aware of his or her right of access and to the means by which to access the data. A data subject is entitled to the following on written application within forty days.

* the categories of data being processed by or on behalf of Educate Together
* a copy of his or her personal data;
* the purpose of processing the data;
* the persons to whom Educate Together discloses the data;

A maximum fee of €6.35 may be charged.

**4b. Restriction of rights of access**

The right of access is restricted where the data are:

* required for the purpose of preventing, detecting or investigating offences, apprehending or prosecuting offenders, or assessing moneys due to the State;
* subject to legal professional privilege;
* kept only for statistical or research purposes and the results are not made available in a way that identifies data subjects;
* back-up data.

**4c. Provision of access to third parties**

A data subject is entitled to access his or her own personal data only. The personal information of a data subject, including confirmation of attendance at Educate Together or contact details, must not be disclosed to a third party, be they parent, potential employer, employer, professional body, sponsor, etc., without the consent of the individual concerned. An agreement may be made to forward a communication to a data subject on behalf of a third party, but no information should be disclosed about the data subject.

**4d. Limitations on the use of personal data for research**

All staff involved in collecting personal data, especially sensitive personal data, must comply with the requirements of the Act. Initially, they must ensure that data are obtained and processed fairly. It is essential that the necessary consent from data subjects is obtained. Whenever possible, personal data should be rendered anonymous.

The Act requires that personal data shall be kept only for one or more specified, explicit and legitimate purposes and shall not be further processed in a manner incompatible with those. If personal data is made anonymous, however, it ceases to be personal data subject to the terms of the Act.

In addition, certain data protection rules are relaxed for personal data kept for statistical, research or other scientific purposes, so long as the data are not used in a way that may harm the data subject. The rules in question being the restrictions on further processing personal data which is incompatible with the original purpose and on not keeping data longer than necessary for the purpose and on not disclosing the purpose when the data was obtained.

**4e. Right of rectification or erasure**

Data subjects have a right to have personal data rectified or, blocked from being processed or erased where the data controller has contravened the Act.

In order to comply with the above rights of access, rectification or erasure, ensure that personal data can be located and collated quickly and efficiently:

* Ensure personal data is in a format that is easy to locate and collate.
* Verify that the access request and the personal data released refer to the same individual.
* Know exactly what data is held on individuals, and by whom.
* Hold personal data in a secure central location.

**4f. Responsibilities of data subjects**

All staff and other data subjects are entitled to be informed how to keep their personal data up to date

**4g. All staff and other data subjects are responsible for**

* checking that any information that they provide to Educate Together is accurate and up to date
* informing Educate Together of any changes of information, which they have provided, e.g. changes of address
* checking the information that Educate Together will send out from time to time, giving details of information kept and processed
* informing Educate Together of any errors or changes (Educate Together cannot be held responsible for any errors unless previously informed).

**4h. Further information**

Extensive information is available from the Data Protection Commissioner's website,

www.dataprotection.ie, or from the Office of the Data Protection Commissioner, Canal House, Station Road, Portarlington, Co. Laois

**4i. Data Protection Declaration to clients**

Educate Together processes your personal information, within the organisation only, for administrative purposes, both prior to and on your admission. Save in cases where the organisation is by law required or permitted to disclose your details to others, third party

disclosure only takes place to funding Bodies and agencies that support and sponsor the service

For further information contact:

Louise Byrne

Data Protection Liaison

Educate Together

Equity House

16/17 Upper Ormond Quay

Dublin 7

Email: louise.byrne@educatetogether.ie

**4j. Requests for access to personal data under the Data Protection Act 1988 and (Amendment) Act 2003**

Under the Data Protection Acts, an individual has the right to be given a copy, clearly explained, of any of his/her personal data kept on computer or manual relevant filing systems simply by making a written request. An individual wishing to access his/her personal data held by Educate Together should contact the relevant department in the first instance and check if the data can be released routinely. If this is not possible the individual can make an application under the Data Protection Act 1988 and (Amendment) Act 2003. He/she may use the Data Protection application form or write a letter clearly stating that he/she are applying under Data Protection Acts.

**All applications should use the ‘Data Access Request form’ (Appendix I) and be addressed to**

Louise Byrne

Data Protection Officer

Educate Together

Equity House

16/17 Upper Ormond Quay

Dublin 7

**To the individual seeking to access his/her personal data:**

To help us answer your request please be as specific as possible about the information you wish to see, and give as much information as you can to help us find it. You are legally entitled to a decision regarding your request within 40 days of Educate Together receiving your request. However every effort will be made by the relevant person to deal with your request as soon as possible. You will be asked to provide proof of your identity.

If you are unhappy with the decision you have the right to complain to the Data Protection

Commissioner who will investigate the matter for you. The Commissioner has legal powers to ensure that your rights are upheld.

Further details on your rights under the Data Protection Acts are available at the Data Protection Commissioners website http://www.dataprotection.ie/

**Address:**

Lo Call Number 1890 252 231

Telephone +353 57 868 4800

Fax +353 57 868 4757

E-mail info@dataprotection.ie

Address Data Protection Commissioner

 Canal House,

 Station Road

 Portarlington

 Co. Laois

 Ireland.

Public office hours 09:15 - 17:30hrs

 (17.15 Friday)

**5. Confidentiality**

It is the policy of Educate Together that board members and employees of Educate Together will not disclose confidential information belonging to, or obtained through their affiliation with Educate Together to any person, including their relatives, friends, and business and professional associates, unless Educate Together has authorized disclosure. This policy is not intended to prevent disclosure where disclosure is required by law.

Board members, volunteers and employees are cautioned to demonstrate professionalism, good judgment and care to avoid unauthorised or inadvertent disclosures of confidential information and should, for example, refrain from leaving confidential information contained in documents or on computer screens in plain view.

Upon separation of employment and at the end of a board member’s term, they shall return, all documents, papers, and other materials, that may contain confidential information.

Failure to adhere to this policy will result in discipline, up to and including separation of employment or service with Educate Together.

**Appendix I**

**DATA ACCESS REQUEST FORM**

Louise Byrne

Data Protection Liaison

Educate Together

Equity House

16/17 Upper Ormond Quay

Dublin 7

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dear Louise,

I wish to make an access request under Section 4 of the Data Protection Acts 1988 and 2003 for a copy of any information your company holds about \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

This request relates to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Please accompany this form with a copy of your photo ID (driving license, passport, national proof of age card etc.).

If any information pertains to a minor, their Parent / Guardian’s signature must be provided as consent, please include his/her photo ID in addition to yours as his/her parent/guardian.

I hereby give consent for all information to be issued and made available to the undersigned.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Re. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Block capitals)

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_