



Data Protection Policy

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1. Introduction

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Educate Together. This includes obligations in dealing with personal data, in order to ensure that the organisation complies with the requirements of the relevant legislation, namely the General Data Protection Regulation (GDPR) 2018.

This policy applies to all personal data collected, processed and stored by Educate Together.

2. Basis for Processing

Educate Together needs to collect and use data (information) for a variety of purposes. The purposes of processing data include the organisation and administration of courses, recruitment and payment of staff, policy makers and the public at large and 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. Educate Together is classified as a data controller under the applicable data protection legislation.

3. Rationale and Scope

Educate Together 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 Educate Together in relation to its staff, members, board of directors and third parties in the course of its activities.

The policy covers both personal and sensitive personal data held in relation to data subjects by Educate Together. The policy applies equally to both held in manual and automated form. All personal and sensitive data will be treated with equal care by Educate Together.

This policy should be read in conjunction with the associated Subject Access Request procedure and the Educate Together Data Retention Schedule.

4. Data Protection Principles

As data controller, Educate Together must comply with Article 5 of GDPR which sets out the principles relating to the processing of Personal Data.

Educate Together will administer its responsibilities under the legislation in accordance with the data protection principles outlined in the Act as follows:

(a) Lawfulness, fairness and transparency: Educate Together obtains and processes personal data fairly and in accordance with the fulfilment of its functions as patron of schools and as a Department of Education approved management body. In keeping with GDPR Article 6 when Educate Together is processing personal data, all processing principles will be followed, in addition with at least one of the following lawful bases.

- the legitimate interests of Educate Together or third parties to whom the data are disclosed except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which required protection of Personal Data;
- the performance of a contract to which the data subject is party;
- the performance of a statutory function;
- the performance of a legal obligation (provided it does not arise under contract);
or
- the necessity in the public interest;
- the prevention of injury or damage to the health of the Data Subject or another person, damage to property or to otherwise protect a person's vital interests.
- Or the data subject has given demonstrable, clear, specific and informed consent to the processing of their Personal Data.

When processing special category personal data, Educate Together will ensure that it has additionally identified an appropriate lawful basis under GDPR Article 9, which set out the lawful bases that apply to the processing of special categories of personal data. Special categories of personal data are those revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data.

(b) Purpose limitation: Educate Together collects data for purposes that are specific, lawful, and clearly stated and the data are only be processed in a manner compatible with these purposes and not further processed in a manner that is incompatible with those purposes.

(c) Data minimisation: Educate Together collects data which is adequate, relevant and limited to what is necessary in relation to the purpose for which data are processed.

(d) Accuracy: Educate Together keeps data which are accurate and, where necessary, kept up to date; every reasonable step is taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

(e) Storage limitation: Data are kept for no longer than is necessary for the purposes for which the personal data are processed.

(f) Integrity and confidentiality: Educate Together will process personal data in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

5. Data Subjects Rights

The GDPR legislation provides for the right of access by the data subject to their personal information. As an individual your rights are:

Right to be informed: You are entitled to information about how your personal data will be processed. We address this right primarily through the publication of this data protection policy. We also publish additional privacy notices/statements which we provide at specific data collection times, for example, our website data privacy statement is available to all users of our website:

<https://www.educatetogether.ie/about/privacy-policy/>

Right of access: You are entitled to see any information we hold about you. Educate Together will, on receipt of a request from a data subject, confirm whether or not their personal data are being processed. In addition, a data subject can request a copy of their personal data. Educate Together, in responding to a right of access, must ensure that it does not adversely affect the rights of others.

Right to rectification: If you believe that Educate Together holds inaccurate information about you, you can request that we correct that information. The personal record may be supplemented with additional material where it is adjudged to be incomplete.

Right to be forgotten: Data subjects can ask Educate Together to erase their personal data. Educate Together will act on such a request providing that there is no compelling purpose or legal basis necessitating retention of the personal data concerned.

Right to restrict processing: Data subjects have the right to seek a restriction on the processing of their data. This restriction (in effect requiring the controller to place a “hold” on processing) gives an individual an alternative to seeking erasure of their data. It may also be applicable in other circumstances such as where, for example, the accuracy of data is being contested.

Right to data portability: This right facilitates the transfer of personal data directly from one controller to another. It can only be invoked in specific circumstances, for example, when processing is automated and based on consent or contract.

Right to object: Data subjects have the right to object when processing is based on Educate Together's legitimate interests or relates to a task carried out in the public interest. Educate Together must demonstrate compelling legitimate grounds if such processing is to continue.

Right not to be subject to automated decision making: This right applies in specific circumstances (as set out in GDPR Article 22).

Right to withdraw consent: In cases where Educate Together is relying on consent to process your data, you have the right to withdraw this at any time, and if you exercise this right, we will stop the relevant processing.

Limitations on Rights

While Educate Together will always facilitate the exercise of your rights, it is recognised that they are not unconditional: Educate Together may need to give consideration to other obligations.

(a) Right to Complain:

(i) If you are concerned about how your personal data is being processed, then please address these concerns in writing to the Educate Together data officer (dpo@educatetogether.ie).

(ii) Should you feel dissatisfied with how Educate Together have addressed a complaint or concern that you have raised, you have the right, as data subject, to bring the matter to the attention of the Irish Data Protection Commission.

(b) 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.

(c) 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 an Educate Together event 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.

(d) 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 are made anonymous, however, they cease 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 are the restrictions on: further processing of personal data which is incompatible with the original purpose; not keeping data longer than necessary for the purpose; and not disclosing the purpose when the data are obtained.

(e) 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 are 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 are held on individuals, and by whom,
- Hold personal data in a secure central location.

(f) Responsibilities of data subjects

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

(g) All staff and other data subjects are responsible for the following

- 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).

(h) 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:

Data Protection Officer,
Educate Together,
Equity House,
16/17 Upper Ormond Quay,
Dublin 7
DO7 H7DE

Or email dpo@educatetogether.ie

6. Making a Data Subject Access Request

GDPR Article 15 gives individuals the right to request a copy of any of their personal data which is being processed (i.e. used in any way) by data controllers. These requests are often referred to as data subject access requests.

An individual wishing to make a data subject access request should be request in writing to:

Data Protection Officer,
Educate Together,
Equity House,
16/17 Upper Ormond Quay,
Dublin 7
DO7 H7DE

Individuals must provide proof of identity with their request.

Third parties who are making a subject access request on behalf of an individual should provide a signed authority from the person confirming their consent to the data access request you have made on their behalf.

To help us facilitate 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 one month of Educate Together receiving your request.

Educate Together can extend the time to respond by a further two months if the request is complex or when a number of requests have been received from the same individual. In these instances, Educate Together will notify the individual within one month of receiving their access request and explain to them why the extension is necessary. However, every effort will be made by the relevant person to deal with your request as soon as possible.

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/>

You will find contact details for the Data Protection Commission here - <https://www.dataprotection.ie/en/contact/how-contact-us>

7. Personal Data Breaches

Article 4(12) of the General Data Protection Regulation (“GDPR”) defines a data breach as: “a breach of security leading to the unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data transmitted, stored or otherwise processed.”

Consequences of a Data Breach: This can have a significant adverse effect on individuals, which can result in physical, material or non-material damage. This can include discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality etc. Children because of their age may be particularly impacted.

Responding to a Data Breach: Where data are misdirected, lost, hacked or stolen, inappropriately accessed or damaged, the incident is properly investigated and reported, and any necessary action is taken to rectify the situation. A data breach can come in many forms, but the most common are:

- Loss or theft of paper or other hard copy
- Data posted, emailed or faxed to the incorrect recipient

- Loss or theft of equipment on which data are stored
- Inappropriate sharing or dissemination
- Staff accessing information to which they are not entitled
- Hacking, malware, data corruption
- Information is obtained by deception or “blagging”
- Equipment failure, fire or flood
- Unescorted visitors accessing data
- Non-secure disposal of data

Educate Together in responding to a data breach will always act to prioritise and protect the rights of those individuals whose personal data are affected.

As soon as Educate Together becomes aware that an incident has occurred, measures will be taken to assess and address the breach appropriately, including actions to mitigate any possible adverse effects.

Where Educate Together believes that there is a risk to the affected individuals, we will (within 72 hours of becoming aware of the incident) submit a report to the Data Protection Commission. Where a breach is likely to result in a high risk to the affected individuals, Educate Together will inform those individuals without undue delay.

All data security breaches will be centrally logged by the DPO to ensure appropriate oversight in the types and frequency of confirmed incidents for management and reporting purposes.

8. Confidentiality

It is the policy of Educate Together that board members, volunteers 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 authorised 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, volunteering or at the end of a board member's term, they shall return, all documents, papers, and other materials, that may contain confidential information.

9. Further information

Extensive information is available from the Data Protection Commission's website, www.dataprotection.ie, or from the Data Protection Commission Office, 21 Fitzwilliam Square South, Dublin 2, D02RD28.

10. Glossary

Data:	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 are processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.
Personal data:	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.
Special categories of data:	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.
Data Controller:	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.
Data Subject:	A living individual who is the subject of the personal data, i.e. to whom the data relate either directly or indirectly.
Data Processor:	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.

Data Protection Officer:	A person appointed by Educate Together to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members and service recipients.
Personal data breach:	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.