


Cork Centre for Independent Living Limited

Data Protection and Management Policy

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Introduction

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Cork Centre for Independent living. This includes obligations in dealing with personal data, to ensure that the organisation complies with the requirements of the relevant Irish legislation, namely the EU GDPR, the Irish Data Protection Act (1988), and the Irish Data Protection (Amendment) Act (2003).

This Policy applies to all Personal Data collected, processed and stored by Cork Centre for Independent Living in relation to its staff, service providers and Service Users in the course of its activities. Cork Centre for Independent Living 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

Everyone has rights about how their personal information is handled. During the course of Cork Centre for Independent Living [Cork CIL] activities Cork CIL will collect, store and process personal information about staff, service users[SU] and **service providers**. **Cork CIL** recognises the need to treat this data in an appropriate and lawful manner and is committed to complying with its obligations in this regard in respect of all personal data it handles.

The policy covers both personal and sensitive personal data held in relation to data subjects by Cork Centre for Independent Living. The policy applies equally to personal data held in manual and automated form.

All Personal and Sensitive Personal Data will be treated with equal care by Cork Centre for Independent Living. Both categories will be equally referred-to as Personal Data in this policy, unless specifically stated otherwise.

This policy should be read in conjunction with the associated Subject Access Request procedure, the Data Retention and Destruction Policy, the Data Retention Periods List and the Data Loss Notification procedure. All Cork CIL officers, staff and volunteers must comply with the Data Protection principles set out in the relevant legislation. This policy may be amended at any time. Any breach of this policy will be taken seriously and may result in disciplinary action up to and including dismissal.

Cork Centre for Independent Living as a Data Controller

When Staff, volunteers and Service Users give personal details to an organisation or individual, they have a duty to keep these details private and safe. This process is known as **data protection**. Organisations or individuals who control the contents and use of your personal details are '**data controllers**'.

In the course of its daily organisational activities, Cork Centre for Independent Living acquires, processes and stores personal data in relation to:

- Employees of Cork Centre for Independent Living
- Applicants for vacancies
- Service Users / Leaders of Cork Centre for Independent Living
- Prospective service users referred for assessment for service
- Third party service providers engaged by Cork Centre for Independent Living

In accordance with the Irish Data Protection legislation, this data must be acquired and managed fairly. Not all staff members will be expected to be experts in Data Protection legislation. However, Cork Centre for Independent Living is committed to ensuring that its staff have sufficient awareness

of the legislation to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, staff must ensure that the Data Protection Officer is informed, ensure that appropriate corrective action is taken.

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

This is consistent with Cork Centre for Independent Living's obligations under the terms of its contract with its Data Processors.

This policy sets out the Cork CIL rules on data protection and the legal conditions that must be satisfied in relation to the collecting, obtaining, handling, processing, storage, transportation and destruction of personal and sensitive information.

This policy also provides the guidelines for this exchange of information, as well as the procedure to follow if a Cork CIL staff member is unsure whether such data can be disclosed. In general terms, the staff member should consult with the Cork CIL Data Protection Officer to seek clarification.

Definitions

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

Data	<p>This includes both automated and manual data.</p> <p>Automated data means data held on computer, or stored with the intention that it is processed on computer.</p> <p>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.</p>
Personal Data	<p>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, Cork Centre for Independent Living refers to the definition issued by the Article 29 Working Party, and updated from time to time.)</p>
Sensitive Personal Data	<p>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. Sensitive personal data can only be processed under strict conditions, and will usually require the express consent of the person concerned.</p>
Data Controller	<p>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.</p>
Data Subject	<p>A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.</p>
Data Processing	<p>Data processing means performing any operation or set of operations on data, including:</p> <ul style="list-style-type: none">• obtaining, recording or keeping data,• collecting, organising, storing, altering or adapting the data,• retrieving, consulting or using the data,• disclosing the information or data by transmitting, disseminating or otherwise making it available,• aligning, combining, blocking, erasing or destroying the data.
Data Processor	<p>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.</p>
Data Protection Officer	<p>A person appointed by Cork Centre for Independent Living 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</p>
Data User	<p>Data users include employees whose work involves using personal data. Data users have a duty to protect the information they handle by</p>

following the Cork CIL's data protection and security policies always.

Relevant Filing System 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.

The Data Protection Principles

Anyone processing personal data must comply with the 8-eight enforceable principles of good practice. The following key principles are enshrined in the Irish legislation and are fundamental to the Cork Centre for Independent Living's Data Protection policy. In its capacity as Data Controller, Cork Centre for Independent Living ensures that all data shall be:

1. Obtained and processed fairly & lawfully

The Acts are intended not to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. The data subject must be told who the data controller is (in this case **Cork CIL**), the purpose for which the data is to be processed by the Cork CIL, and the identities of anyone to whom the data may be disclosed or transferred.

For personal data to be processed lawfully, certain conditions must be met. These may include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for the legitimate interest of the data controller or the party to whom the data is disclosed.

When sensitive personal data is being processed, more than one condition must be met. In most cases the data subject's explicit consent to the processing of such data will be required.

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

- The identity of the Data Controller (Cork Centre for Independent Living)
- 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 may be fair.

Cork Centre for Independent Living 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, Cork Centre for Independent Living will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;
- Where Cork Centre for Independent Living intends 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 Cork Centre for Independent Living's lawful activities, and Cork Centre for Independent Living 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 Cork Centre for Independent Living and operating on its behalf.

2. Obtained and kept for only for one or more specified, explicit and lawful purposes[s]

Cork Centre for Independent Living 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 Cork Centre for Independent Living holds their data, and Cork Centre for Independent Living will be able to clearly state that purpose or purposes.

Personal data should only be collected to the extent that it is required for the specific purpose notified to the data subject. Any data which is not necessary for that purpose should not be collected in the first place.

3. Used & Disclosed only in ways compatible with the specified purpose[s]

Any use of the data by Cork Centre for Independent Living will be compatible with the purposes for which the data was acquired. If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose before any processing occurs.

Personal data may only be processed for the specific purposes notified to the data subject when the data was first collected or for any other purposes specifically permitted by the Acts. This means that personal data must not be collected for one purpose and then used for another.

4. Kept Safe & Secure

The Cork CIL and its employees will ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

The Acts require the Cork CIL to put in place procedures and technologies to maintain the security of all personal data. Personal data may only be transferred to a third-party data processor if the third party has agreed to comply with those procedures and policies or has adequate security measures in place.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access.

Cork Centre for Independent Living will ensure that administrative and IT validation processes are in place to ensure:

- Confidentiality
- Integrity
- Availability
- Security
- Method of Disposal

5. Accurate & complete data

Personal data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and steps should be taken to check the accuracy of any personal data at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data should be destroyed. Employees should ensure that they notify their Manager/Human Resources of any relevant changes to their personal information so that it can be updated and maintained accurately. Examples of relevant changes to data would include a change of address.

Cork Centre for Independent Living will:

- ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy;
- conduct periodic reviews and audits to ensure that relevant data is kept accurate and up-to-date. Cork Centre for Independent Living conducts a review of sample data every six months to ensure accuracy; Staff contact details and details on next-of-kin are reviewed and updated every two years.
- conduct regular assessments in order to establish the need to keep certain Personal Data.

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

Cork Centre for Independent Living will ensure that the data it processes in relation to Data Subjects are relevant to the purposes for which those data are collected. Data which are not relevant to such processing will not be acquired or maintained. Data must be processed in line with data subjects' rights. Data subjects have a right to:

- Request access to any data held about them by a data controller.
- Prevent the processing of their data for direct-marketing purposes.
- Ask to have inaccurate data amended.
- Prevent processing that is likely to cause damage or distress to themselves or anyone else.

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

Cork Centre for Independent Living 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, Cork Centre for Independent Living undertakes to destroy, erase or otherwise put this data beyond use.

Personal data should not be kept longer than is necessary for the purpose however, Cork CIL has various legal obligations to keep certain employee data for a specified period. In addition, the Cork CIL may need to retain personnel data for a period to protect its legitimate interests. For guidance in relation to data retention employees should refer to Cork CIL Data Retention Framework

8. Dealing with Subject Access Requests

Cork CIL undertake to manage 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. Cork Centre for Independent Living has implemented a Subject Access Request procedure by which to manage such requests in an efficient and timely manner, within the timelines stipulated in the legislation.

9. Providing Information over the phone

Any employee dealing with telephone enquiries should be careful about disclosing any personal information held by the Cork CIL over the phone. Refer the request to their manager for assistance in difficult situations. No employee should feel forced into disclosing personal information.

Implementation

As a Data Controller, Cork Centre for Independent Living 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 Cork Centre for Independent Living's data in a compliant manner will be viewed as a breach of contract, and will be pursued through the courts. Failure of Cork Centre for Independent Living's staff to process Personal Data in compliance with this policy may result in disciplinary proceedings.

Review of Policy

The Cork CIL will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives on at least an annual basis and more frequently if required considering changes in the law and organisational or security changes.

Principle of Practice.

Confidentiality

Cork CIL will ensure that only authorised persons have access to an employee's personnel file and any other personal or sensitive data held by the Cork CIL. Employees are required to maintain the confidentiality of any data to which they have access.

Integrity

Cork CIL will ensure that that the personal data is accurate and suitable for the purpose for which it is processed

Availability

Cork CIL will ensure that that authorised users should be able to access the data if they need it for authorised purposes.

Security

All data will be kept in secure lockable desks and cupboards.

All **desks and** cupboards shall be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.).

Data users, a CLEAN DESK policy will apply. This means that no files or documents containing personal and or sensitive data shall be kept on desks

Data users should ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

All PC's will be password protected

All phones containing SU Contact numbers or personal details will be password protected.

All staff will ensure that no files or documents can be viewed even accidentally by unauthorised staff or visitors the course of working day

No service user's files are to be kept in staff vehicle.

Methods of disposal.

Paper documents should be shredded using a cross cut shredder.

Documents to be shredded must be kept secure until shredded

Floppy disks and CD-ROMs should be physically destroyed when they are no longer required.

Data Subject Access Requests

As part of the day-to-day operation of the organisation, Cork Centre for Independent Living's staff 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 Cork Centre for Independent Living, such a request gives rise to access rights in favour of the Data Subject.

There are specific time-lines within which Cork Centre for Independent Living must respond to the Data Subject, depending on the nature and extent of the request. These are outlined in the attached [Subject Access Request Guidelines](#).

Third Party Requests

In the course of its role as Data Controller, Cork Centre for Independent Living 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. Request for Transfer of Data Outside the State

Providing Information over the Phone

Any employee dealing with telephone enquiries should be careful about disclosing any personal information held by the Cork CIL over the phone. The employee should:

Check the identity of the caller to ensure sure that information is only given to a person who is entitled to that information.

Suggest that the caller put their request in writing if the employee is not sure about the identity of the caller and in circumstances where the identity of the caller cannot be verified.

Refer the request to their manager for assistance in difficult situations. No employee should feel forced into disclosing personal information.

Transferring Data Outside the State

It is possible that Cork CIL may be requested to transfer data to countries outside the European Economic Area, which do not have comparable data protection laws to Ireland. If this is required, the Cork CIL will take steps to ensure that the data has the same level of protection as it does inside of the Republic of Ireland. The Cork CIL will only transfer the data to third parties that agree to guarantee the same level of protection and with explicit data subject consent.