

Dunmanway Family Resource Centre

CLG

Data Protection Policy & Procedure

	Approval date: 25/05/22	Revision date: 25/05/24
Responsibility for policy approval	Board of Directors	
Responsibility for policy proposal	Audit & Finance Sub-Committee	
Responsibility for implementation	Project Coordinator	
Responsibility for ensuring review	Project Coordinator	

G D P R

Overview of the General Data Protection Regulation

Dunmanway Family Resource Centre will ensure that all personal data that it holds will be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- kept in a form which permits identification of data subjects for no longer than is necessary
- processed 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

1. Introduction to the GDPR

Under the EU General Data Protection Regulations (GDPR) Dunmanway Family Resource Centre is required to comply with the GDPR and undertakes to do so. Throughout this policy document, numbers prefixed by "Art.:" in brackets (eg: {Art:5}) refer to the relevant Article(s) in the GDPR.

For ease of access, extracts of relevant GDPR Articles are contained in the Appendix to this Policy.

2. Definitions

The definitions of terms used in this policy are the same as the definitions of those terms detailed in Article-4 of the GDPR.

Data Subject

A data subject is an identifiable individual person about whom the organisation holds personal data.

Contact Information

For the purposes of this Policy, "Contact Information" means any or all of the person's:

- Full name (including any preferences about how they like to be called)
- Full postal address
- Telephone and/or mobile number(s)
- E-mail address(es)
- Social media IDs/ User Names (eg: Facebook, Skype, Hangouts, WhatsApp)

3. Principles of the GDPR

Dunmanway Family Resource Centre will ensure that all personal data that it holds will be:

- a. processed lawfully, fairly and in a transparent manner in relation to individuals
- b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes
- c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed

- d. accurate and, where necessary, kept up to date; every reasonable step must be 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. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f. processed 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

4. Lawful Processing

Dunmanway Family Resource Centre will obtain, hold and process all personal data in accordance with the GDPR for the following lawful purposes.

In all cases the information collected, held and processed will include Contact Information (as defined in 2 above).

4.1 By Consent

- a. People who are interested in, and wish to be kept informed of, the activities of the organisation
- b. Subject to the person's consent, this may include information selected and forwarded by Dunmanway Family Resource Centre on activities relevant to those of the organisation by other organisations

[Note: this will not involve providing the person's personal data to another organisation].

The information collected may additionally contain details of any particular areas of interest about which the person wishes to be kept informed.

The information provided will be held and processed solely for the purpose of providing the information requested by the person.

4.2 By Contract

People who sell goods and/or services to, and/or purchase goods and/or services from Dunmanway Family Resource Centre.

The information collected will additionally contain details of:

- a. The goods/services being sold to, or purchased from Dunmanway Family Resource Centre
- b. Bank and other details necessary and relevant to the making or receiving of payments for the goods/services being sold to, or purchased from the organisation

The information provided will be held and processed solely for the purpose of managing the contract between Dunmanway Family Resource Centre and the person for the supply or purchase of goods/services.

4.3 By Legal Obligation

People where there is a legal obligation on Dunmanway Family Resource Centre to collect, process and share information with a third party – e.g. the legal obligations to collect, process and share with Revenue payroll information on employees of the organisation.

The information provided will be held, processed and shared with others solely for the purpose meeting Dunmanway Family Resource Centre's legal obligations in terms of employees for:

Taxation (Revenue Commissioners)

For the purpose of managing an employee's PAYE and other taxation affairs the information collected will additionally contain details, as required by the Revenue Commissioners, of:

- a. The person's PPS Number
- b. The person's taxation codes
- c. The person's salary/wages, benefits, taxation deductions & payments
- d. Such other information as may be required by the Revenue Commissioners

Pensions

For the purpose of managing an employee's statutory pension rights the information collected will additionally contain details, as required by the organisation's pension scheme of:

- a. The person's PPS Number;
- b. The person's salary/wages, benefits, taxation & payments
- c. Such other information as may be required

4.4 By Vital Interest

Dunmanway Family Resource Centre undertakes no activities which require the collection, holding and/or processing of personal information for reasons of vital interest.

4.5 **By Public Task**

Dunmanway Family Resource Centre undertakes no public tasks which require the collection, holding and/or processing of personal information.

4.6 **Legitimate Interest**

Volunteers, Including Trustees

In order to be able to operate efficiently, effectively and economically, it is in the legitimate interests of Dunmanway Family Resource Centre to hold such personal information on its volunteers and trustees as will enable the organisation to communicate with its volunteers on matters relating to the operation of the organisation, e.g.:

- the holding of meetings
- providing information about the organisation's activities – particularly those activities which, by their nature, are likely to be of particular interest to individual volunteers/trustees
- seeking help, support and advice from volunteers/trustees, particularly where they have specific knowledge and experience
- ensuring that any particular needs of the volunteer/trustee are appropriately and sensitively accommodated when organising meetings and other activities of Dunmanway Family Resource Centre

Closed Circuit TV (CCTV) Recording

Dunmanway Family Resource Centre collects video CCTV images of people entering and moving around its premises in order to safeguard its collection from theft and vandalism, as required by its insurers.

The information collected is only processed and, where appropriate, shared with other authorities (e.g. An Garda Síochána) where it is necessary to investigate a potential crime.

5. **Individual Rights**

[Note: The following clauses are taken primarily from the guidance provided by the Office of the Data Protection Commissioner (www.dataprotection.ie)]

Data protection is a fundamental right set out in Article 8 of the EU Charter of Fundamental Rights, which states:

1. Everyone has the right to the protection of personal data concerning him or her

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified
3. Compliance with these rules shall be subject to control by an independent authority

This means that every individual is entitled to have their personal information protected, used in a fair and legal way, and made available to them when they ask for a copy. If an individual's personal information is incorrect, they are entitled to ask for that information to be corrected.

In order to process personal data, organisations must have a lawful reason. The lawful reasons for processing personal data are set out in Article 6 of the GDPR.

6. Operational Policies & Procedures – The Context

The Board of Directors understand and accept their responsibility under the EU General Data Protection Regulation (GDPR) to hold all personal data securely and use it only for legitimate purposes with the knowledge and approval of the data subjects.

By the following operational policies and procedures, the Board of Directors undertake to uphold the principles and requirements of GDPR in a manner which is proportionate to the nature of the personal data being held by Dunmanway Family Resource Centre.

The policies are based on the Board of Directors assessment, in good faith, of the potential impacts on both the organisation and its data subjects of the personal data held by Dunmanway Family Resource Centre being stolen, abused, corrupted or lost.

7. Personnel

7.1 Data Protection Officer

In the considered opinion of the Board of Directors the scope and nature of the personal data held by the Charity is sufficient to warrant the appointment of a Data Protection Officer. The Data Protection Officer is the Project Coordinator.

7.2 Data Controller

The Board of Directors is the Data Controller for the organisation.

7.3 Data Processor

The Board of Directors will appoint at least 2 and not more than 5 of its number, or other appropriate persons, to be the Data Processors for the organisation.

The Charity will not knowingly outsource its data processing to any third party (e.g. Google G-Suite, Microsoft OneDrive) except as provided for in the section "Third Party Access to Data".

7.4 Access to Data

Except where necessary to pursue the legitimate purposes of the organisation, only the Data Processors shall have access to the personal data held by Dunmanway Family Resource Centre.

7.5 Training

The Board of Directors and Data Processors will periodically undergo appropriate training commensurate with the scale and nature of the personal data that Dunmanway Family Resource Centre holds and processes under the GDPR.

8. Collecting & Processing Personal Data

Dunmanway Family Resource Centre collects a variety of personal data commensurate with the variety of purposes for which the data are required in the pursuit of its charitable objects.

All personal data will be collected, held and processed in accordance with the relevant Data Privacy Notice provided to data subjects as part of the process of collecting the data.

A Data Privacy Notice will be provided, or otherwise made accessible, to all persons on whom the organisation collects, holds and processes data covered by the GDPR. The Data Privacy Notice provided to data subjects will detail the nature of the data being collected, the purpose(s) for which the data are being collected and the subject's rights in relation to Dunmanway Family Resource Centre's use of the data and other relevant information in compliance with the prevailing GDPR requirements.

9. Information Technology

9.1 Data Protection by Design/Default

In as much as:

- a. None of the organisation's volunteer Board of Directors are data protection professionals
- b. It would be a disproportionate use of charitable funds to employ a data protection professional, given the scale and nature of the personal data held by the

organisation, the Board of Directors will seek appropriate professional advice commensurate with its data protection requirement whenever:

- They are planning to make significant changes to the ways in which they process personal data
- There is any national publicity about new risks (e.g. cyber-attacks) which might adversely compromise Dunmanway Family Resource Centre's legitimate processing of personal data covered by the GDPR

Personal data will never be transmitted electronically (e.g. by e-mail) unless securely encrypted.

9.2 Data Processing Equipment

The scale and nature of the personal data held by Dunmanway Family Resource Centre is not sufficient to justify the organisation purchasing dedicated computers for the processing of personal data.

Instead the organisation has contracted an IT specialist who provides Code 42 Crash Plan Cloud Storage, facilitating virtual secure storage locally and also backed up in Dublin.

There are no removable storage devices to be used to store or retain any data for the organisation

Commented [PO1]: Proposed Text

9.3 Data Processing Location

Data Processors shall only process the organisation's personal data in a secure location, and not in any public place, e.g. locations where the data could be overlooked by others, or the removable data storage devices would be susceptible to loss or theft.

Computers/laptops in use for data processing will not be left unattended at any time.

9.4 Data Backups

To protect against loss of data by accidental corruption of the data or malfunction of a removable data storage device (including by physical damage), all the organisation's personal data shall be backed up periodically and whenever any significant changes (additions, amendments, deletions) are made to the data.

Backup copies of the data shall be held in separate secure locations which are not susceptible to common risks (e.g. fire, flood, theft).

As far as is reasonably practical, all files containing personal data covered by the GDPR will be encrypted by the use of appropriate software. The encryption keys will be held securely in a location which is separate from the data storage media.

9.5 *Obsolete or Dysfunctional Equipment (Disposal of Removable Storage Media)*

Equipment used to hold personal data, whether permanently or as interim working copies, which come to the end of their useful working life, or become dysfunctional, shall be disposed of in a manner which ensures that any residual personal data held on the equipment cannot be recovered by unauthorised persons.

In as much as:

- a. This will be a relatively infrequent occurrence
- b. Techniques for data recovery and destruction are constantly evolving
- c. None of the Board of Directors have relevant up-to-date expert knowledge of data cleansing

Equipment which becomes obsolete or dysfunctional shall not be disposed immediately. Instead it will be stored securely while up-to-date expert advice on the most appropriate methods for its data cleansing and disposal can be sought and implemented.

10. Data Subjects

10.1 *The Rights of Data Subjects*

In compliance with the GDPR, Dunmanway Family Resource Centre will give data subjects the following rights.

These rights will be made clear in the relevant Data Privacy Notice provided to data subjects:

- the right to be informed
- the right of access
- the right to rectification
- the right of erasure (also known as "right to be forgotten")
- the right to restrict processing
- the right to data portability

- the right to object
- the right not to be subjected to automated decision making, including profiling

The above rights are not available to data subjects when the legal basis on which the Charity is holding & processing their data are: Subject Consent, Legal Obligation, Contractual Obligation and Legitimate Interest

Data subjects will be clearly informed of their right to access their personal data and to request that any errors or omissions be corrected immediately.

Such access shall be given and the correction of errors or omissions shall be made free of charge provided that such requests are reasonable and not trivial or vexatious.

There is no prescribed format for making such requests provided that:

- a. the request is made in writing, signed and dated by the data subject (or their legal representative)
- b. the data claimed to be in error or missing are clearly and unambiguously identified
- c. the corrected or added data are clear and declared by the subject to be complete and accurate

It will be explained to subjects who make a request to access their data and/or to have errors or omissions corrected, or that their data be erased, that, while their requests will be actioned as soon as is practical there may be delays where the appropriate volunteers or staff to deal with the request do not work on every normal weekday.

Where a data subject requests that their data be rectified or erased the Data Controller and Data Processor will ensure that the rectifications or erasure will be applied to all copies of the subject's personal data including those copies which are in the hands of a Third Party for authorised data processing.

10.2 Right of Portability

Dunmanway Family Resource Centre will only provide copies of personal data to the subject (or the subject's legal representative) on written request.

The organisation reserves the right either:

- a. to decline requests for portable copies of the subject's personal data when such requests are unreasonable (ie: excessively frequent) or vexatious
- or*

- b. to make a reasonable charge for providing the copy

Data Retention Policy

Personal data shall not be retained for longer than:

- c. In the case of data held by subject consent - the period for which the subject consented to the organisation holding their data
- d. In the case of data held by legitimate interest of the charity - the period for which that legitimate interest applies. For example: in the case of data subjects who held a role, such as a volunteer, with Dunmanway Family Resource Centre the retention period is that for which the organisation reasonably has a legitimate interest in being able to identify that individual's role in the event of any retrospective query about it
- e. in the case of data held by legal obligation - the period for which the organisation is legally obliged to retain those data.

Dunmanway Family Resource Centre shall annually review the personal data which it holds and remove any data where retention is no longer justified. Such removal shall be made as soon as is reasonably practical, and in any case no longer than 20 working days (of the relevant Data Processor) after retention of the data was identified as no longer justified.

11. Privacy Impact Assessment

11.1 Directors' Data

The volume of personal data is very low – less than 15 individuals

The sensitivity of the data is low-moderate: the most sensitive data being date of birth, previous names and previous addresses

The risk of data breach is small as the data are rarely used, with the majority of the data being held for a combination of legal obligation and legitimate interest.

Overall impact: LOW

11.2 Volunteers'/Members' Data

The volume of personal data is low – less than 100 individuals

The sensitivity of the data is low: the most sensitive data being an e-mail address;

The risk of data breach is small – primarily the accidental disclosure of names & e-mail addresses.

Overall impact: LOW

11.3 Supporters' & Enquirers' Data

The volume of personal data is low-moderate.

The sensitivity of the data is low: the most sensitive data being an e-mail address; The risk of data breach is small – primarily the accidental disclosure of names & e-mail addresses.

Overall impact: LOW

12. Third Party Access to Data

Under no circumstance will the organisation share with, sell or otherwise make available to Third Parties any personal data except where it is necessary and unavoidable to do so in pursuit of its charitable objects as authorised by the Data Controller.

Whenever possible, data subjects will be informed in advance of the necessity to share their personal data with a Third Party in pursuit of Dunmanway Family Resource Centre's objects.

Before sharing personal data with a Third Party the organisation will take all reasonable steps to verify that the Third Party is, itself, compliant with the provisions of the GDPR and confirmed in a written contract. The contract will specify that:

- The organisation is the owner of the data
- The Third Party will hold and process all data shared with it exclusively as specified by the instructions of the Data Controller
- The Third Party will not use the data for its own purposes
- The Third Party will adopt prevailing industry standard best practice to ensure that the data are held securely and protected from theft, corruption or loss
- The Third Party will be responsible for the consequences of any theft, breach, corruption or loss of the organisation's data (including any fines or other penalties imposed by the Data Commissioner's Office) unless such theft, breach, corruption or loss was a direct and unavoidable consequence of the Third Party complying with the data processing instructions of the Data Controller
- The Third Party will not share the data, or the results of any analysis or other processing of the data with any other party without the explicit written permission of the Data Controller

- The Third Party will securely delete all data that it holds on behalf of Dunmanway Family Resource Centre once the purpose of processing the data has been accomplished
- The organisation does not, and will not, transfer personal data out of the EU

13. Data Breach

In the event of any data breach coming to the attention of the Data Controller. They are to inform the Data Protection Officer who will in turn inform the Chairperson in the Board of Directors who will immediately notify the Data Commissioner's Office.

In the event that full details of the nature and consequences of the data breach are not immediately accessible (e.g. because Data Processors do not work on every normal weekday) the Board of Directors will bring that to the attention of the Data Commissioner's Office and undertake to forward the relevant information as soon as it becomes available.

14. Privacy Policy & Privacy Notices

Dunmanway Family Resource Centre has a Privacy Policy and appropriate Privacy Notices which it makes available to everyone on whom it holds and processes personal data, in accordance with **Error! Reference source not found.**

- In the case of data obtained directly from the data subject, the Privacy Notice will be provided at the time the data are obtained. This normally will form part of the assessment process.
- In the case that the data are not obtained directly from the data subject, the Privacy Notice will be provided within a reasonable period of the organisation having obtained the data (within one month), **or**, if the data are used to communicate with the data subject, at the latest, when the first communication takes place; **or** if disclosure to another recipient is envisaged, at the latest, before the data are disclosed
- Dunmanway Family Resource Centre Privacy Policy is available on our main webpage www.dfrc.ie within the footer.

Team Member Agreement on Data Protection Policy

I have read, understand, and agree to comply with the foregoing policy and procedure. As an employee, I am aware that violations of this policy may subject me to disciplinary action, including termination of employment or legal action. As a government scheme member or student on placement, I may be subject to disciplinary action by my educational establishment or government scheme. As a volunteer, I will be asked to meet with the Project Coordinator to discuss matters in relation to the organisation's Volunteer Policy and Procedure. I also understand that the above policy can be amended at any time.

Signed by Team Member		Signed by Dunmanway Family Resource Centre CLG	
Signature		Signature	
Print Name		Print Name	
Date		Date	