

# Western Care Association

*John Moore Road, Castlebar, Co. Mayo.*

Telephone: (094) 9025133 Fax: (094) 9025207 e-mail: [info@westerncare.com](mailto:info@westerncare.com)



**May, 2018**

To: Each Board Member

**Re: PRIVACY NOTICE – Members of the Board of Directors**

Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing of personal data. Personal data means information relating to a living individual who is or can be identified from the data that is in possession of the organisation.

The General Data Protection Regulation (GDPR) comes into effect on 25th May 2018 and will replace current data protection laws in the European Union. The GDPR sets out obligations in relation to the obtaining, collecting, recording, organising, storing, retrieving, disclosing, transmitting and retention of personal information.

Being transparent and providing information to individuals about how you use their personal data is a key requirement of the GDPR.

We are required to provide each individual (Data Subject), by way of a Privacy Notice, with the following information, to ensure that the processing of your data is fair and transparent.

## **What is a Record?**

- A record is any form of data which is held or stored manually, mechanically or electronically.
- According to the Freedom of Information Act a record can include;- Files, memoranda, hand written notes, book, diaries, plans, maps, photographs, tapes, videos, CD's, discs, databases, emails.

## **Why Keep Records?**

- To ensure the information needed to provide the best possible service is accurately recorded, regularly updated and easily retrieved
- To provide documentation evidence of care and service given to people
- To meet our legal requirements to which Western Care Association is subject to
- To form a basis for planning future services and supports
- Vital interest: the processing is necessary to protect someone's life.
- For the purpose of the legitimate interests pursued by the controller

## **What Records does Western Care Keep on you?**

- Information on your nomination to the Board of Directors which includes two forms of identification

- Copy of your Garda Vetting form
- Your application form to become a company member.
- Your contact details, details of term served on the Board, occupation and details of directorships held are maintained on our company register.
- Your attendance at board meetings which are published in our Annual Report
- Any photograph taken during your time as a board member.
- Your biography & photograph which you provide is published on our website.
- A short biographical statement is held on individuals seeking election to the board in situations where a ballot takes place. This bio is circulated to members of the particular Regions where the ballot is taking place.
- A copy of a utility bill belonging to you.

**Archived Records:** Records are held as follows;-

- Company registers must be kept for the life of the company.
- Your records will be retained for 6 years after your cease in your role
- Your Photo ID will be destroyed once out of date.
- Minutes of meetings, resolutions etc. must be kept for 10 years from the date of the meeting.
- We are obliged to keep records indefinitely where a case /file is under investigation or if there is a court case pending or has taken place.

### **Who Can See My Records?**

- Only the Executive Director and his office can access your records.
- We provide The Companies Registration Office with your contact details, personal information such as DOB, Occupation and details of other directorships you may hold on an annual basis. This B1 form is completed online annually. The same information is provided to the Companies Registration Office, when a new Director joins the Board.
- Your photographic ID /Utility Bill are shared with our auditors annually. This is a requirement under the Anti-Money Laundering Act. Occasionally, this may be shared with our solicitors for the same purpose.
- We are also required to notify the Health Information & Quality Authority (HIQA) of any changes to the identity of a company director, secretary or chairperson. The only information we provide to HIQA is your name.

### **How are Records released to others outside Western Care?**

- Consent must always be sought in writing from the person prior to releasing records outside of the above. A specific consent form will be provided setting out the purpose of the consent and details of who the records will be shared with.
- There are legal obligations which may in exceptional circumstances require the Association to maintain or share records where the consent of the person is not forthcoming.

These situations are:

- When ordered by a judge in a Court of Law or by a Tribunal established by an Act of the Oireachtas,
- Where it is required by other legislation,
- Where it is necessary to protect a person's welfare or vital interests,
- Where it is urgently required to prevent injury or damage to a person's health.

## **Is Information Held Securely?**

- Under the GDPR, we have a legal responsibility to keep personal data safe and secure. Only staff with consent to do so can access your information.
- All files are kept in a secure manner.
- All electronic information is held on centrally controlled computer server and password protected.
- A central archive holds all older information in a secure manner.

## **Data Subject Request**

You can request access to your records by submitting a written Data Subject Access Request to the Data Protection Officer, Western Care Association, John Moore Road, Castlebar, enclosing proof of identity, such as a copy of your driving license or passport. Records will be subject to applicable exemptions.

## **Your Individual Rights under the GDPR**

- The right to be forgotten
- The right to restriction of processing
- The right to object to certain processing
- The right to Data Portability
- The right to access your personal data
- Rights in relation to profiling and automated decision making

If you are not satisfied that Western Care Association adhered to its obligations under GDPR you can complain to the Data Protection Authority, Office of the Data Protection Commissioner, Canal House, Station Road, Portarlinton, Co. Laois, R32 AP23. Phone +353 (0761) 104 800 | LoCall 1890 25 22 31

## **Freedom of Information**

The Freedom of Information Act 2014 requires organisations such as Western Care Association to have an open and transparent attitude to the availability of information in relation to its services. It is intended to facilitate public access to information held by Western Care Association which is not routinely available by other means i.e. annual reports, information leaflets and administrative access.

Please visit our website on [www.westerncare.com](http://www.westerncare.com) for more information on Data Protection & Freedom of Information

## **Further information**

If you would like to discuss anything in this Privacy Notice, please contact the:

Data Protection Officer  
Western Care Association  
John Moore Road,  
Castlebar,  
Co. Mayo.  
Telephone: 094 9025133

## DEFINITIONS AND INTERPRETATION

*In this Privacy Notice Leaflet, the following terms shall have the following meanings:*

<b>Privacy Notice</b>	A right to be informed, about the way in which we use, share and store personal information.
<b>Data Protection</b>	When you give your 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.
<b>General Data Protection Regulation</b>	The General Data Protection Regulation (GDPR) comes into effect on 25th May 2018 and will replace current data protection laws in the European Union. The new law requires the organisation to be fully transparent to individuals and be able to demonstrate accountability for all our data processing activities.
<b>Personal Data</b>	Data relating to an individual who is or can be identified, directly or indirectly, either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of a person. It can be anything from a name, address, date of birth.
<b>Processing</b>	Doing anything with data
<b>Legal obligation</b>	The processing is necessary for you to comply with the law
<b>Vital Interests</b>	The processing of personal data is necessary to protect an interest which is essential for the life of the individual
<b>Legitimate interests</b>	The processing of personal data is necessary for the purpose of the genuine interest pursued.
<b>Data Subject</b>	The Data Subject is a living individual to whom personal data relates.
<b>Subject Access Request</b>	It is a written, signed request from an individual to see information held on them. The Data Controller must provide all such information in a readable form within 30 days
<b>Right to be forgotten</b>	The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her if there are no legitimate grounds for the processing
<b>Data Portability</b>	The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit that data to another controller
<b>Profiling &amp; Automated Decision Making</b>	The data subject has the right not to be subject to a decision based solely on automated processing

**Third Party**

Any legal entity or person who is not the Data Controller

**Office of the Data  
Commissioner**

The Government organisation that enforces data protection legislation. The Information Commissioner can issue Enforcement Notices and prosecute Data Controllers.