

Data Protection



WESTERN CARE ASSOCIATION

STAFF PRIVACY NOTICE

Contents:

Purpose	3
Data Protection	3
General Data Protection Regulation (GDPR)	3
What is a record?	3
Why keep records?	4
What information do we process?	4
The types of data we hold and who do we share it with?	4
How do we use your information?	5
How is your information shared?	5
Will your information be transferred abroad?	6
How long do we keep your information?	6
Is your information held securely?	6
What happens if you do not provide us with your information?	6
Will you be subject to profiling or automated decision making?	6
What are your rights under data protection law?	6
How can I view my file/records?	7
Data Subject Request	7
Further information	7
Definitions and Interpretation	8

PRIVACY NOTICE FOR STAFF EMPLOYED IN WESTERN CARE ASSOCIATION

Purpose

Western Care Association must comply with all applicable data protection, privacy security laws and regulations in the locations in which we operate. We respect your rights to privacy and to the protection of your personal interests. The purpose of this privacy notice is to explain how we collect and use personal information pursuant to your contract of employment with the Association.

Data Protection

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.

General Data Protection Regulation (GDPR)

The General Data Protection Regulation came into force on the 25th May 2018. It replaced the existing data protection framework. GDPR protects the privacy rights of individuals and places enhanced accountability and transparency obligations on organisations when using your information. It also places further requirements on organisations to safeguard the rights of individuals in relation to the processing of their personal data, and sets out obligations in relation to the obtaining, collecting, recording, keeping data, organising, storing, retrieving, disclosing, transmitting and retention of personal information.

Western Care Association has a responsibility to demonstrate compliance with the requirements of GDPR and to ensure that personal data is:

- Processed in a lawful, fair and transparent manner
- Processed in ways compatible with the purpose for which it was given to you initially
- Adequate, relevant and limited in terms of processing
- Kept accurate, complete and up to date
- Retained no longer than is necessary for the specified purpose or purposes
- Kept safe and secure

Being transparent and providing information to individuals about how you use their personal data is a key requirement of the EU General Data Protection Regulation (GDPR).

We are required to provide each Data Subject, by way of a Privacy Notice, with the following information, to demonstrate our firm commitment to privacy about the information we collect and process in connection with their employment.

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, hard written notes, book, diaries, plans, maps, drawings, diagrams, photographs, films, tapes, videos, CD's, discs, databases, emails.

Why keep Records?

- To ensure the information required is accurately recorded and easily retrieved
- To meet the legal requirements to which Western Care Association is subject to
- Necessary to comply with employment and revenue law
- Necessary to ensure employees are paid
- To protect the vital interests of the data subject

What information do we process?

As your employer, we need to keep and process certain information about you for normal employment and HR management purposes, to comply with our legal obligations and, where necessary, to protect our legitimate business interests. We will collect and process information from you during the recruitment process, during the employment relationship and following the ending of the employment relationship.

Personal data is normally obtained directly from you, in certain circumstances, it will, however, be necessary to obtain data from internal third parties, e.g. your line manager, or from external third parties, e.g. references from previous employers, the Revenue Commissions, Garda Vetting Bureau for Garda Vetting, Police Clearance, Doctor, etc.

The types of data we hold and who do we share it with?

- **Recruitment Related Data** such as your application and/or CV which includes work and education history, interview notes and related documentation.
This information may be shared with members of interview boards, which may include internal and/or external interview board members to ensure an effective recruitment process.
- **Personnel Manual File** (Retained in Head Office) **Personnel Electronic File:** Records include contracts of employment, and HR records including contact details, PPS number, pay details, bank account details, Medical Report/Hepatitis B Vaccine Record, Birth Certificate, Garda Vetting Disclosure, etc., together with information relating to the ending of employment, including resignation letters, reference letters.
This information may be shared with Revenue Commissioners, Department of Social Protection, Workplace Relations Commission, HIQA, Banks, Pension Company or Trustees of the Scheme. This information may also be shared with organisations that provide services to the Company, i.e. Legal advisors, IBEC, Occupational Health.
- **Payroll data** which includes bank account details, salary arrangements, PPS number, pay sheets /anti-social returns necessary for payment, deductions for union membership, credit union, VHI, Pension Company, Permanent Health Insurance Provider.
This information may be shared with Revenue Commissioners, Department of Social Protection, Workplace Relations Commission, Banks/Credit Union, Pension Company or Trustees of the Scheme. This information may also be shared with organisations that provide services to the Company, i.e. legal advisors, IBEC, Pension Provider, Permanent Health Insurance Provider.

- **Pension details** such as your application, expression of wishes form and other documentation required.
The information is gathered by the Association on behalf of the Pension Company during the recruitment process where relevant. The Application Form is forwarded to the Pension Company and the Expression of Wishes Form is forwarded onto the Trustees of the Pension Scheme and is retained securely in the National Federation of Voluntary Bodies Office.
- **Staff File in Services:** - your line manager holds a staff file relating to you. This may include work history form, drivers licence, qualifications, references, garda vetting, copies of supervisory support notes, together with relevant correspondences between the line manager/HR and employee.
- There may be a separate file held which may include, issues addressed through investigations and/or disciplinary issues such as dignity at work issues, protection and welfare issues. This file is separate from the Personnel File

How do we use your information?

The information we hold and process will be used for management and administrative purposes. We keep it and use it to enable us to run our business, manage our employment relationship with you effectively, lawfully and appropriately and protect employees' rights and interests. This includes using your information to enable us to manage the employment contract, comply with legal/regulatory obligations, pursue our legitimate interests and protect our legal position in the event of legal proceedings against the company.

Where you have logged a personal mobile phone number with the HR Department this will be used to facilitate communication with you, specifically in relation to training, but more generally should the need arise, i.e. weather alert, etc.

Where there is a need to process your data for a purpose other than those set out in this notice, we will inform you of this.

How is your information shared?

- Your information may be disclosed to third parties where we are legally obliged to do so or where our employment contract requires or permits us to do so. For example we pass on certain information in relation to the Pension Company, Permanent Health Insurance, HIQA, pay deductions for union membership. These occasions are outlined above.
- Western Care is subject to regulation/inspection by the Health Information and Quality Authority (HIQA) as they have responsibility to regulate the quality of services provided in residential and respite house (Designated Centres). During a HIQA inspection they may request to look at your key records. We are required to submit specific information to HIQA as part of the notification of the appointment of Persons in Charge and Persons Participating in Management of Designated Centre e.g. references, garda vetting, qualifications and work history.
- 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 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.

Will your information be transferred abroad?

Your information will not be transferred abroad.

How long do we keep your information?

Any personal data processed about you is retained only for as long as it is required. Your data is subject to legislation and regulatory rules we must follow, set by authorities such as the Department of Finance, Health Service Executive, Health & Safety Authority, Revenue and various employment legislation. Usually this means that we hold your data while you are employed by Western Care Association and for a period thereafter in line with our records retention and destruction policy.

Is your information held securely?

- Under the GDPR, we have a legal responsibility to keep personal data safe and secure. Only staff authorised as part of their role 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.

What happens if you do not provide us with your information?

In some cases, you may decline to provide us with your personal data. However, if we believe that we require relevant information to effectively and properly manage the employment relationship, we may not be able to continue our employment relationship with you if you decline to provide us with that personal data.

Will you be subject to profiling or automated decision making?

You will not be subject to automated decision making or profiling.

What are your rights under data protection law?

You have the following rights under data protection law, although your ability to exercise these rights may be subject to certain conditions:

- The right to receive a copy of and/or access the personal data that we hold about you, together with other information about our processing of that personal data;
- The right to request any inaccurate data that is held about you is corrected, or if we have incomplete information you may request that we update the information such that it is complete;
- The right, in certain circumstances, to request that we erase your personal data;
- The right, in certain circumstances, to request that we no longer process your personal data for particular purposes, or object to our use of personal data or the way in which we process it;
- The right, in certain circumstances, to transfer your personal data to another organisation;
- The right to object to automated decision making and/or profiling; and

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, Portarlington, Co. Laois, R32 AP23. Phone +353 (0761) 104 800 | LoCall 1890 25 22 31

How can I view my File /Records?

- You can contact the Director of Human Resources, or the Data Protection Officer who will explain the process to you.
- Following this, you will need to put your request in writing to the Data Protection Officer.

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, passport or Public Service Card. Records will be subject to applicable exemptions.

Further information

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

Data Protection Officer
Western Care Association
John Moore Road,
Castlebar,
Co. Mayo.

Telephone: 094 9025133

Review:

This data privacy notice will be reviewed from time to time to take into account changes in the law and the experience of the notice in practice.

DEFINITIONS AND INTERPRETATION

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

Privacy Notice	A right to be informed, about the way in which we use, share and store personal information.
Data Protection	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.
General Data Protection Regulation	The General Data Protection Regulation (GDPR) came into effect on 25th May 2018 and will replaced 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.
Personal Data	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.
Processing	Doing anything with data
Legal obligation	The processing is necessary for you to comply with the law
Vital Interests	The processing of personal data is necessary to protect an interest which is essential for the life of the individual
Legitimate interests	The processing of personal data is necessary for the purpose of the genuine interest pursued.
Data Subject	The Data Subject is a living individual to whom personal data relates.
Subject Access Request	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
Right to be forgotten	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
Data Portability	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

**Profiling & Automated
Decision Making**

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.