

## Meath Women's Refuge and Support Services

### Data Privacy Notice and Protection Policy

Last updated	July 2018
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#### Definitions

<b>Organisation</b>	Meath Women's Refuge and Support Services
<b>GDPR</b>	means the General Data Protection Regulation.
<b>Responsible Person as Data Protection Officers</b>	Means [Deirdre Murphy and Sinead Smith].
<b>Register of Systems</b>	means a register of all systems or contexts in which personal data is processed by the Organisation.

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Meath Women's Refuge and Support Services. This includes obligations in dealing with personal data, in order to ensure that the organisation complies with the requirements of the relevant Irish legislation, namely the General Data Protection Regulation (GDPR) 2018, the Irish Data Protection Act (1988), and the Irish Data Protection (Amendment) Act (2003).

#### Rationale

MWRSS 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 the organisation in relation to its staff, service providers and clients in the course of its activities. We make no distinction between the rights of Data Subjects who are employees, and those who are not. All are treated equally under this Policy.

#### Scope

The policy covers both personal and sensitive personal data held in relation to data subjects by MWRSS. 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 MWRSS. 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 Employee Data Protection Policy, Subject Access Request procedure, the Data Retention and Destruction Policy which includes Data Retention Periods and the Data Breach Notification procedure. MWRSS has also developed consent forms for women and children we work with.

### **1. Data protection principles**

MWRSS is committed to processing data in accordance with its responsibilities under the GDPR.

Article 5 of the GDPR requires that personal data shall 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.”

### **2. General provisions**

- a. This policy applies to all personal data processed by MWRSS
- b. The Responsible Person shall take responsibility for MWRSS ongoing compliance with this policy.
- c. This policy shall be reviewed by the board at least annually (May of each year)

### **3. Lawful, fair and transparent processing**

- a. To ensure its processing of data is lawful, fair and transparent, MWRSS shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed at least annually.

- c. Individuals have the right to access their personal data and any such requests made to MWRSS shall be dealt with in a timely manner.

#### **4. Lawful purposes**

- a. All data processed by MWRSS must be done on one of the following lawful bases: **consent, contract, legal obligation, vital interests, public task or legitimate interests**. MWRSS shall note the appropriate lawful basis in the Register of Systems.
- b. **Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.**
- c. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent will be clearly available and systems will be in place to ensure such revocation is reflected accurately in MWRSS systems.

#### **5. Data minimisation**

- a. MWRSS shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- b. MWRSS shall only collect information required to complete its functions in terms of funding and legal requirements.

#### **6. Accuracy**

- a. MWRSS shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

#### **7. Data Retention, Archiving and removal**

- a. To ensure that personal data is kept for no longer than necessary, MWRSS shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
- b. The archiving policy shall consider what data should/must be retained, for how long, and why. (see data retention, archiving and removal policy)

#### **8. Security**

- a. MWRSS shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place.

#### **9. Breach**

In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, MWRSS shall promptly assess the risk to people's rights and freedoms and if appropriate report this breach to the Information Commissioner within the timescale permitted under GDPR which is 72 hours. The organisation has a separate breach reporting template to record and process breach reports.

(See data breach reporting template)

### **MWRSS as a Data Controller**

In the course of its daily organisational activities, MWRSS acquires, processes and stores personal data in relation to:

- Employees
- Service Users
- Third party service providers

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, MWRSS is committed to ensuring that its staff have sufficient awareness of the legislation in order 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, and in order that appropriate corrective action is taken.

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

This is consistent with MWRSS's obligations under the terms of its contract with its Data Processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a MWRSS staff member is unsure whether such data can be disclosed.

In general terms, the staff member should consult with the Data Protection Officer to seek clarification.

### **Subject Access Requests**

Any formal, written request by a Data Subject for a copy of their personal data (a Subject Access Request) will be referred, as soon as possible, to the Data Protection Officer, and will be processed as soon as possible.

It is intended that by complying with these guidelines, MWRSS will adhere to best practice regarding the applicable Data Protection legislation. (see subject access request procedure)

## Third-Party processors

In the course of its role as Data Controller, MWRSS 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.

MWRSS may share employee data in certain circumstances where it is required e.g. accountants, pension providers, legal providers, payroll processors and HR advisors as well as statutory agencies e.g. revenue commissioners, department of social protection. This sharing of information will follow the principles of data protection, including its legal obligations. More detail on this can be found in the employee data protection policy.

In terms of service users who access the services and supports of the organisation, their data may be shared with professional agencies and organisations including statutory agencies, in the main with the consent of service users through interagency working and this will be documented in the format of a consent form. In certain cases, we are legally obliged to share information on service users e.g. in the case of a child protection referrals to Tusla. Statistical information on our work which does not identify personal details of service users is provided to our funders as part of our funding obligations and contract with funders e.g. Tusla, Victims of Crime etc.

These Data Processors include:

- Sage
- Thesaurus
- ROS Online
- Microsoft Office 365
- Google

## The Data Protection Principles

The following key principles are enshrined in the Irish legislation and are fundamental to the MWRSS's Data Protection policy.

In its capacity as Data Controller, MWRSS ensures that all data shall:

### **1. ... be obtained and processed fairly and lawfully.**

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 (MWRSS)
- 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.

MWRSS 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, MWRSS will ensure that collection of the

data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;

- Where MWRSS 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 MWRSS's lawful activities, and MWRSS 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 MWRSS and operating on its behalf.

**2. .... be obtained only for one or more specified, legitimate purposes.**

MWRSS 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 MWRSS holds their data, and MWRSS will be able to clearly state that purpose or purposes.

**3. .... not be further processed in a manner incompatible with the specified purpose(s).**

Any use of the data by MWRSS will be compatible with the purposes for which the data was acquired.

**4. .... be kept safe and secure.**

MWRSS will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by MWRSS in its capacity as Data Controller.

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

**5. ... be kept accurate, complete and up-to-date where necessary.**

MWRSS 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. MWRSS conducts a review of sample data every year to ensure accuracy;
- conduct regular assessments in order to establish the need to keep certain Personal Data.

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

MWRSS 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.

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

MWRSS 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, MWRSS undertakes to destroy, erase or otherwise put this data beyond use. (see storage, retention and deletion policy and procedure)

**8. ... be 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.**

MWRSS 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.

### **Data Subject Access Requests**

As part of the day-to-day operation of the organisation, MWRSS'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 MWRSS, such a request gives rise to access rights in favour of the Data Subject.

There are specific time-lines within which MWRSS must respond to the Data Subject, depending on the nature and extent of the request. These are outlined in the data subject access request policy and procedure as cited earlier.

MWRSS's staff will ensure that, where necessary, such requests are forwarded to the Data Protection Officer in a timely manner, and they are processed as quickly and efficiently as possible, but within not more than one month from receipt of the request.

### **Implementation**

As a Data Controller, MWRSS 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 MWRSS's data in a compliant manner will be viewed as a breach of contract, and will be pursued through the courts.

Failure of MWRSS's staff to process Personal Data in compliance with this policy may result in disciplinary proceedings.

### **Definitions**

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

#### **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 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.

**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. (If in doubt, MWRSS refers to the definition issued by the Article 29 Working Party, and updated from time to time.)

**Sensitive Personal 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 relates 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 MWRSS 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

**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.