

Polasaithe Naíonra Céimeanna Beaga

Polasaí 54: PERSONAL DATA PROTECTION POLICY



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Version	1.0
Date	Nov 2018
Policy Number	Policy Number 54
Owner	Naíonra Céimeanna Beaga
Validity and document management	<p>This document is valid from Nov 1 2018.</p> <p>The owner of this document is the Owner / Manager, who must check and, if necessary, update the document at least once a year.</p> <p>This policy was adopted by Naíonra Céimeanna Beaga on 1 Nov 2018.</p> <p>Signed by: Katie Uí Chaoimh; Príomh Stiúthóir on behalf of Naíonra Céimeanna Beaga</p>

Table of contents

1. Introduction.....	3
2. Who is this policy for?	3
3. Reference Documents	3
4. Definitions	4
5. Basic Principles	5
6. Building Data Protection into the Naíonra Céimeanna Beaga Services	7
7. Fair Processing Guidelines.....	8
8. Organisation and Responsibilities	9
9. Response to Personal Data Breach Incidents.....	10
10. Audit and Accountability	10
11. Conflicts of Law	10
12. Validity and document management.....	Error! Bookmark not defined.

1. Introduction

Naíonra Céimeanna Beaga strives to comply with applicable laws and regulations related to Personal Data protection in Ireland.

This policy document outlines the basic principles by which Naíonra Céimeanna Beaga handles personal data of parents, children, suppliers, employees and other individuals who are involved with the service. This policy indicates the responsibilities of its employees, contractors, volunteers and students while processing personal data.

Employees will consider the personal data held in their individual classrooms. Examples of personal data we hold would be the information on each child usually located in a folder. It contains critical information such as medical instructions and allergy information, it also contains dates of birth so we can ensure we celebrate a child's birthday, it also contains legal guardian contact information etc. We know this information needs to be in the classroom as operationally it needs to be at hand however we will ensure that we take all reasonable measures to keep it safe; in a cupboard out of reach and out of sight.

Another example is the collection of information from a parent or guardian about their child for registration purposes on PIP. This information is required for children to be registered for various schemes (ECCE, CCSP, TEC, CCS). We ensure that we have consent for collecting that information from that parent or guardian and then we need to ensure that we protect that information and dispose of it confidentially at the appropriate time. This document outlines the Naíonra Céimeanna Beaga policy for Personal Data Protection.

2. Who is this policy for?

All employees either permanent or temporary, all contractors, all volunteers and students need to read and understand this document so they are fully aligned with the policy of Naíonra Céimeanna Beaga. This policy is available to parents on request to outline how our service obtains, holds and processes personal data.

3. Reference Documents

There are certain legal documents that are relevant to this policy and we refer to these documents throughout. For your information these documents are listed below:

- EU GDPR 2016/679 (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC)
- Irish Data Protection Act, 1988 and Amended Act 2003

4. Definitions

Naíonra Céimeanna Beaga have listed below a number of key definitions of terms that are used in this document for your information. They are specifically drawn from Article 4 of the European Union's General Data Protection Regulation:

Personal Data

Any information relating to an identified or identifiable natural person ("**Data Subject**") who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Sensitive Personal Data

Personal data which are, by their nature, particularly sensitive in relation to fundamental rights and freedoms merit specific protection as the context of their processing could create significant risks to the fundamental rights and freedoms. That personal data includes data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or sexual orientation.

Data Controller

The natural or legal person, public authority, agency or any other body, which alone or jointly with others, determines the purposes and means of the processing of personal data.

Data Processor

A natural or legal person, public authority, agency or any other body which processes personal data on behalf of a Data Controller.

Processing

An operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of the data.

5. Basic Principles

Naíonra Céimeanna Beaga is considered a Data Controller. Therefore Naíonra Céimeanna Beaga are responsible for the data that they obtain and have to demonstrate compliance with the data protection principles as listed below.

The principles listed below outline the basic responsibilities for Naíonra Céimeanna Beaga when handling personal data.

Lawfulness, Fairness and Transparency

Personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

There are three components to this principle; Lawfulness, Fairness and Transparency and they are all linked. The person must be told what processing will occur (Transparent), the actual processing must match this description (Fair), and finally the processing must match one of the six purposes specified in the GDPR (Lawful). When it comes to (Lawful) Naíonra Céimeanna Beaga relies on a GDPR fundamental which is consent for the majority of the processing that it undertakes. Naíonra Céimeanna Beaga also relies on the lawful GDPR fundamental of contractual for processing.

Purpose Limitation

Personal data is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

We define up front the personal information we collect, what is going to be used for and we ensure that the personal information we hold is used for the intended purpose only.

We do that through our privacy notice, our terms and conditions and our consent forms.

For example, if we collect personal information from a parent about their child and they have consented to that information being used in our registration forms and for the care of their child, I cannot use that information for any other purpose.

Data Minimisation

Personal data must be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.

Only collect/hold enough data to carry out the process, don't collect/hold what you don't need. Keep it minimal.

Accuracy

Personal data must be accurate and, where necessary, kept up to date.

Any data that is being held needs to be accurate. Naíonra Céimeanna Beaga strives to keep the personal information they hold up to date and accurate. Data subjects should notify the service if their data needs to be updated. For example, a new phone number or home address. Data subjects (people), can request any information held on them by Naíonra Céimeanna Beaga as this is their right, they can also request correction or completion of information relating them.

Storage Period Limitation

Personal data must be kept for no longer than is necessary for the purposes for which the personal data are processed.

Simply put, if you don't need the information get rid of it. You should refer to the "Data Retention Policy" and the "Appendix – Data Retention Schedule" for information on why we keep data and for how long. They take into account the legal and contractual requirements and retention periods for information. There may be circumstances where we are required to hold certain data beyond the outlined time period, for example in the event of an accident or incident.

Integrity and confidentiality

Processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage using appropriate technical and organisational measures

Only authorised employees have access to the personal information that Naíonra Céimeanna Beaga collects. Only those that require access should have it. The physical security of the filing cabinets and rooms are considered and locked when not in use. Access to electronic devices that hold personal data are restricted to the staff that use them on a regular basis.

Accountability

Naíonra Céimeanna Beaga is responsible for and must be able to demonstrate compliance with the principles outlined above.

All third-party contractors, (dance teachers, payroll, HR advisors) that provide Naíonra Céimeanna Beaga with services, Naíonra Céimeanna Beaga have a contract of services in place. The contract includes processes that outlines that any personal information processed by the third party is being done so in compliance with the six principals outlined above. This is very important as Naíonra Céimeanna Beaga remain responsible for the personal data even if the third party are responsible for a data breach.

6. Building Data Protection into the Naíonra Céimeanna Beaga Services

In order to demonstrate compliance with the principles of data protection, Naíonra Céimeanna Beaga build and engrain data protection into its day to day activities.

Notification to Data Subjects (Privacy Notice)

See the Fair Processing Guidelines section below.

Data Subject's Choice (Consent)

See the Fair Processing Guidelines section below.

Collection of Data

Naíonra Céimeanna Beaga strives to collect the least amount of personal data possible. If personal data is collected from a third-party such as a neighbour or friend of the data subject, the employee must ensure that the personal data is collected lawfully and consent is obtained.

Any collection of personal data should be done from the data subject, the person, directly so consent can be given prior to the collection of data.

Using the Data, Retaining the Data and Disposing of the Data

The purposes, methods, storage limitation and retention period of personal data must be consistent with the information contained in the Privacy Notice.

Naíonra Céimeanna Beaga maintains the accuracy, integrity, confidentiality and relevance of personal data based on the processing purpose. Adequate security mechanisms designed to protect personal data must be used to prevent personal data from being stolen, misused, or abused, and prevent personal data breaches.

Katie Uí Chaoimhis responsible for compliance with the requirements listed in this section.

Disclosure to Third Parties

Whenever Naíonra Céimeanna Beaga uses a third-party supplier to process personal data on its behalf, Katie Uí Chaoimh must ensure that this processor will provide security measures to safeguard personal data that are appropriate to the associated risks.

Naíonra Céimeanna Beaga must contractually require the supplier to provide the same level of data protection. The supplier must only process personal data to carry out its contractual obligations for Naíonra Céimeanna Beaga or upon the instructions of Naíonra Céimeanna Beaga and not for any other purposes.

Rights of Access by Data Subjects

When acting as a data controller, Katie Uí Chaoimh is responsible to provide data subjects with a reasonable access mechanism to enable them to access their personal data, and must allow them to update, rectify, erase, or transmit their Personal Data, if appropriate or required by law. The access mechanism will be further detailed in the Data Subject Access Request Procedure.

This process can be kept simple, provided the data subject, the person, can access their files via email or by physical access for example.

Data Portability

Data Subjects have the right to receive, upon request, a copy of the data they provided to us in a structured format and to transmit those data to another controller, for free. Katie Uí Chaoimh is responsible to ensure that such requests are processed within one month, are not excessive and do not affect the rights to personal data of other individuals.

In simple terms, for example, the parent can request a copy of their files to be sent to another childcare service Naíonra Céimeanna Beaga have to provide that information and transmit that information within one month and must not include any information about any other person's.

Right to be Forgotten

Upon request, data subjects have the right to obtain from Naíonra Céimeanna Beaga the erasure of its personal data. This must be done only in compliance with any legal or statutory obligations.

For example, there may be a requirement for you to retain the file until the child is aged 21 years as per the requirements of your insurance company because there was an accident. If a data subject request the file to be erased you have the right to retain that information and not erase it based on legal your obligations. Legal counsel should be sought in such cases.

7. Fair Processing Guidelines

Personal data must only be processed when explicitly authorised by Katie Uí Chaoimh.

The Company must decide whether to perform the Data Protection Impact Assessment for each data processing activity according to the Data Protection Impact Assessment Guidelines.

Simply put if an employee decides to process, use personal data, for an activity for example writing to all parents to inform them of a school outing, that employee must get authorisation from Katie Uí Chaoimh. Katie Uí Chaoimh will then confirm if they have the consent to carry out that activity and should that employee have access to that personal information.

Notices to Data Subjects – Privacy Notice

At the time of collection, or before, collecting personal data for any kind of processing activities Katie Uí Chaoimh is responsible to properly inform data subjects of the following:

- the types of personal data collected
- the purposes of the processing
- processing methods
- the data subjects' rights with respect to their personal data,
- the retention period,
- if data will be shared with third parties
- Naíonra Céimeanna Beaga security measures to protect personal data.

This information is provided through the Privacy Notice.

Where personal data is being shared with a third-party, Katie Uí Chaoimh must ensure that data subjects have been notified of this through a Privacy Notice.

Where sensitive personal data is being collected, Katie Uí Chaoimh must make sure that the Privacy Notice explicitly states the purpose for which this sensitive personal data is being collected.

Obtaining Consent

Katie Uí Chaoimh is responsible for retaining a record of consent. Katie Uí Chaoimh is responsible for providing data subjects with options to provide the consent and must inform and ensure that their consent can be withdrawn at any time.

Where collection of personal data relates to a child under the age of 16, Katie Uí Chaoimh must ensure that parental consent is given prior to the collection using the Parental Consent Form. Personal data must only be processed for the purpose for which they were originally collected. In the event that Naíonra Céimeanna Beaga wants to process collected personal data for another purpose, Naíonra Céimeanna Beaga must seek the consent of its data subjects in clear and concise writing for that new process.

Any such request should include the original purpose for which data was collected, and also the new, or additional, purpose(s). The request must also include the reason for the change in purpose(s). Once consent is obtained, for example, on completing a registration form, if Naíonra Céimeanna Beaga decides in the future it wants to use that collected data for advertising a new service, they have to obtain consent again specifically for that.

8. Organisation and Responsibilities

The responsibility for ensuring appropriate personal data processing lies with everyone who works for or with Naíonra Céimeanna Beaga and has access to personal data processed by the Naíonra Céimeanna Beaga.

The key areas of responsibilities for processing personal data lie with Katie Uí Chaoimh.

9. Response to Personal Data Breach Incidents

In Naíonra Céimeanna Beaga we strive to ensure confidentiality in all of our communications with parents via email, post and text. When the Naíonra Céimeanna Beaga learns of a suspected or actual personal data breach, Katie Uí Chaoimh must perform an internal investigation and take appropriate remedial measures in a timely manner, according to the Data Breach Policy.

Where there is any risk to the rights and freedoms of data subjects, Naíonra Céimeanna Beaga must notify the Irish Data Protection Authorities (Data Commissioner) without undue delay and within 72 hours. As part of the Data Breach Policy all of the effected persons must be informed also.

What is a data breach?

There are many types of data breaches. For example, you may be emailing a list of parents or guardians information about a recent outbreak of chickenpox in the school, you prepare the email and you accidentally add all of the parent's email addresses into the "To" field or the "Cc" field of the email and you send it – That is considered a data breach as you have emailed all on the list everyone else's email address. If you Bcc (Blind Carbon Copy) all email addresses this would be acceptable, as other email addresses cannot be seen.

10. Audit and Accountability

Katie Uí Chaoimh is responsible for auditing how well individual rooms and areas of the Childcare Service implement this Policy. Checks are carried out on the implementation of this policy regularly. Any employee who violates this Policy will be subject to disciplinary action and the employee may also be subject to civil or criminal liabilities if his or her conduct violates laws or regulations.

11. Conflicts of Law

This Policy is intended to comply with the laws and regulations in Ireland in which Naíonra Céimeanna Beaga operates. In the event of any conflict between this Policy and applicable laws and regulations, the latter shall prevail.