



Mohill Family Support Centre CLG

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**Data Protection Policy**

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**Date June 2018**

**Reviewed 03.08.22**



## **1. Introduction**

Mohill Family Resource Centre CLG is committed to a policy of protecting the rights and privacy of individuals in accordance with the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003 and General Data Protection Regulations 2018. For administrative purposes (e.g. to pay staff, to administer programmes, to record progress and to comply with legal obligations to funding bodies and government), Mohill Family Support Centre CLG needs to process personal data in relation to its staff, volunteers and other individuals with whom the centre works with. To comply with the law, personal data must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

### **1. Introduction**

#### **1.1. The General Data Protection Regulation**

The General Data Protection Regulation 2016 replaces the EU Data Protection Directive 95/46/EC and supersedes the laws of individual European Union member states that were developed in compliance with Data Protection Directive 95/46/EC. The purpose of the General Data Protection Regulation (hereafter referred to as the “GDPR”) is to protect the “rights and freedoms” of natural persons (i.e. living persons) and to ensure that personal data is not processed without their knowledge, and wherever possible, that it is processed with their consent.

##### **1.2.1 Material Scope – GDPR Article 2**

The GDPR applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system

##### **1.2.2 Territorial Scope – GDPR Article 3**

The GDPR applies to the processing of personal data in the context of the activities of an establishment of a Controller or a Processor in the Union, regardless of whether the processing takes place in the Union or not. The GDPR applies to the processing of personal



data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to the following

1) The offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union.

Or

2) The monitoring of their behaviour as far as their behaviour takes place within the Union.

### **1.2.3 Definitions – GDPR Article 4**

For the purposes of the GDPR, the following definitions apply:

Personal data means any information relating to an identified or identifiable natural person ('Data subject'); an identifiable natural person is one 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.

Processing means any 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.

Restriction of processing means the marking of stored personal data with the aim of limiting their processing in the future. Filing system means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

Data controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of



personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Recipient means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing.

Third party means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

Personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Supervisory Authority means an independent public authority which is established by a Member State pursuant to Article 51.

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### **1.3 Company Obligations**

In undertaking the business and activities of Mohill Family Support Centre CLG we gather, store personal data on a variety of data subjects including clients, staff, volunteers, suppliers and members of the public. Mohill Family Support Centre CLG use of personal data ranges from individual enquiries, CCTV footage, financial transactions with service users, and suppliers through to the processing client data throughout their work, volunteering and interactions with Mohill Family Support Centre CLG. Mohill Family Support Centre CLG store personal data of staff, volunteers and other individuals, this is defined as a Data Controller for the purposes of the GDPR. GDPR applies to all data relating to, and descriptive of, living individuals defined in the GDPR as personal data. Individuals are referred to as 'data subjects'. Some of the data that Mohill Family Support Centre CLG creates, collects and processes may be sensitive data i.e. data concerning a data subject's physical or mental health, or trade union membership

Data Protection is an important part of Mohill Family Support Centre CLG is an important part of the organisation overall information security arrangements. All information will be handled safely and securely in accordance with Mohill Family Support Centre CLG policies and procedures. In addition, some data sets are subject to external regulation/legislation and it is important that staff/volunteers recognise both categories when handling Mohill Family Support Centre CLG information and data.



The GDPR places obligations on Mohill Family Support Centre CLG and the way it handles personal data. In turn, the staff and volunteers in Mohill Family Support Centre CLG have responsibilities to ensure that personal data is processed fairly, lawfully and in a transparent manner. Staff and volunteers also have responsibilities to ensure that personal data is processed securely. Mohill Family Support Centre CLG will only process data if we have a valid condition of processing (e.g. consent from the data subject or a service agreement with the data subject) and we have provided information to data subjects about how and why we are processing their information (i.e. privacy notice). There are restrictions on what Mohill Family Support Centre CLG is allowed to do with personal data such as passing personal information on to third parties, transferring information outside the European Economic Area or using it for the purposes of fundraising or direct marketing.

## **2. Purpose of Policy**

This Data Protection Policy sets out the responsibilities of Mohill Family Support Centre CLG, its staff, volunteers, contractors, agents and third parties associated with the organisation with respect to compliance with the GDPR. This policy and associated policies and procedures, forms the framework from which staff, volunteers, contractors and associated third parties should operate to ensure compliance with the GDPR and data protection legislation.

## **3. Scope**

This policy applies to all staff, volunteers, Board of Directors/Officers, contractors, agents and third parties associated with Mohill Family Support Centre CLG, and all items of personal data that are created, collected, stored and/or processed through Mohill Family Support Centre CLG, across all its services/activities.

## **4. Individual Rights**

The individuals for whom Mohill Family Support Centre CLG stores personal data have the following rights:



- To have their personal data obtained and processed fairly, kept securely and not illegitimately disclosed to others
- To be informed of the identity of the Data Controller and of the purpose for which the information is held
- To get a copy of their personal data when requested and in line with the Centre's policies and procedures
- To have their personal data corrected or deleted if inaccurate or when requested
- To prevent their personal data from being used for certain purposes: e.g. blocked for research purposes
- Under Employment Rights, not to be forced to disclose information to a prospective employer. No one can force another person to make an access request, or reveal the results of an access request, as a condition of recruitment, employment or provision of a service. Where Garda vetting for employment purposes is necessary, this can be facilitated where the individual gives consent to the data controller to release personal data to a third party.

It should be noted that under the Freedom of Information Act records containing personal information may be released to a third party, where the public interest so requires in line with Mohill Family Support Centre CLG policies and procedures.

### **5. Principles of Act**

Mohill Family Support Centre CLG will administer its responsibilities under the legislation in accordance with the eight stated data protection principles outlined in the Act as follows:

*1. Obtain and process information fairly*

Mohill Family Support Centre CLG will obtain and process personal data fairly and in accordance with the fulfillment of its functions.

*2. Keep data only for one or more specified, explicit and lawful purposes*



Mohill Family Support Centre CLG will keep data for purposes that are specific, lawful and clearly stated and the data will only be processed in a manner compatible with these purposes.

3. *Use and disclose data only in ways compatible with these purposes*

Mohill Family Support Centre CLG will only disclose personal data that is necessary for the purpose/s or compatible with the purpose/s for which it collects and keeps the data

4. *Keep data safe and secure*

Mohill Family Support Centre CLG will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction. Mohill Family Support Centre CLG is aware that high standards of security are essential for all personal data

5. *Keep data accurate, complete and up-to-date*

Mohill Family Support Centre CLG have procedures that are adequate to ensure high levels of data accuracy and will examine the general requirement to keep personal data up-to-date. Appropriate procedures will be put in place to assist staff in keeping data up-to-date

6. *Ensure that data are adequate, relevant and not excessive*

Personal data held by Mohill Family Support Centre CLG will be adequate, relevant and not excessive in relation to the purpose/s for which it is kept

7. *Retain data for no longer than is necessary for the purpose or purposes for which they are kept*

The centre will implement a policy on retention periods for personal data

8. *Give a copy of his/her personal data to that individual, on request*

Mohill Family Support Centre CLG has policies and procedures in place to ensure that data subjects can exercise their rights under the Data Protection legislation. There is a 28-day process and under current legislation there is no fee to the individual.





## **6. Roles and Responsibilities**

Mohill Family Support Centre CLG has overall responsibility for ensuring compliance with the Data Protection legislation. However, all employees and volunteers of the Mohill Family Support Centre CLG who collect and/or control the contents and use of personal data are also responsible for compliance with the Data Protection legislation. The Centre will provide support, assistance, advice and training as required in order to ensure that it is in full compliance with the legislation.

## **7. Procedures and Guidelines**

This policy supports the provision of a structure to assist Mohill Family Support Centre CLG to be in compliance with the Data Protection legislation, including the provision of best practice guidelines and procedures in relation to all aspects of Data Protection.

## **8. Data Breach**

Where a disclosure or a breach of data occurs, Mohill Family Support Centre CLG will refer to the [Data Protection Commissioners Personal Data Security Breach Code of Practice](#) for guidance on dealing with such breaches or wrongful disclosures.

If there is a breach in relation to Data Protection all breach must be reported immediately to the Coordinator of the Centre if he/she cannot be contacted the Chairperson of Mohill Family Support Centre CLG must be contacted.

The Coordinator/Chairperson of Mohill Family Support Centre CLG will report the nature of the breach to the Data Protection Commissioner, within 72 hours, unless the data was anonymised or encrypted.

Breaches that are likely to bring harm to an individual – such as identity theft or breach of confidentiality – must also be reported to the individuals concerned.



## **7. Review**

This Policy will be reviewed regularly in light of any legislative or other relevant indicators.

This Policy was discussed and ratified at meeting of the Voluntary Board of Directors on:

**Signed:** *Fiona O Driscoll*

**Position on Board:** Chairperson

**Date:** June 2018

**Reviewed by the Coordinator 3.08.2022**