

## **Information Regarding Data Protection**

Data Protection laws, such as the General Data Protection Regulation (GDPR) and the Data Protection Acts 1988 to 2008, set out rules for organisations which use or store personal data about living people and give rights to those people whose personal data has been collected. Data about learner disabilities, learner differences and long term health conditions is special category personal data and Carlow College has various obligations in respect of this data.

The Disability Policy, in particular this Appendix, and the Privacy Notice for Learners, which is available on the college website, together explain how the college uses learner data. This Appendix provides a brief overview only and should be read together with the Privacy Notice.

In some instances, learners are asked to give their consent for the use of their data about disabilities, learning differences and long term health conditions. Consent may cover using the data for specified purposes and for the sharing of the data by the Academic Resource Office (ARO) with other parties. Learners may grant or refuse consent, or may later withdraw consent, if it is initially elected to grant consent. However, learners should be aware that if they refuse or withdraw consent, it may not be possible to provide reasonable accommodations. Withdrawal of consent does not affect the lawfulness of processing prior to its withdrawal. Consent may be withdrawn by contracting [academicresource@carlowcollege.ie](mailto:academicresource@carlowcollege.ie).

While consent is a well-known basis on which organisations process personal data (and special category personal data), Carlow College may, in limited circumstances require to use data regarding disabilities, learning differences and long term health conditions without learner consent. This is permitted by Data Protection laws and in all circumstances Carlow College will ensure that it acts in accordance with legislation. Areas where the College may use such learner data without consent include, but are not limited to the following:

- Emergency situations where learners are injured or unwell;
- To protect the vital interests of learners or other individuals e.g. safeguarding concerns;
- Sharing information with law enforcement agencies, such as An Garda Síochána, in connection with the prevention, detection and investigation of crime;
- For the establishment, exercise and defence of legal claims;
- Investigations under college policies;
- Statistical purposes, such as research into use of the college's support services.

In all situations where the college uses learner data, it will exercise the greatest possible discretion and protect the privacy of learners to the greatest degree possible.

Learner data is shared among college staff in a manner commensurate with staff duties.

In some instances, Carlow College may share learner data externally. For example, the College avails of funding from the ESF / National Office for Equity of Access to Higher Education, to provide supports to learners. In such cases, learner data is managed under the external

organisation's Data Protection policy. Carlow College will ensure that we have agreements in place with external organisations, where necessary, with regard to the sharing of learner data.

Finally, under the Disability Policy, learners who are provided with supports such as assistive technology, which permit the recording of classes, may themselves collect the personal data of fellow learners, college staff and external lecturers. The college expects that learners who use assistive technology will not record discussion indicated in class as private or personal, and if it is inadvertently recorded, that learners protect the privacy of others by not sharing the data with others, looking after the device carefully and deleting files when no longer required.