Carlow College, St. Patrick's

Privacy Notice for Employees

Author/Owner	Data Protection Officer
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Contents

Introduction

This Privacy Notice is made available to employees in order to inform you about categories of employee personal data processed by Carlow College, St Patrick's, what we use the data for, who we share the data with, how long we retain the data, and your rights.

The College is subject to the General Data Protection Regulation (GDPR) and the Data Protection Acts 1988 to 2018. Unless stated otherwise, the controller of employee data is Carlow College, St. Patrick's. We respect your right to privacy and take every appropriate measure to secure personal data processed by Carlow College, St. Patrick's.

Further information is available in the College's Data Protection Policy, our Records of Processing Activities document, which is available on the Staff Portal, and from the Data Protection Officer. Various College policies also refer to employee personal data and should be read in conjunction with data protection-focused documents.

Where the word 'employee' is used in this Privacy Notice it is intended to cover all situations where there is an employment relationship or human resources activity, regardless of whether the relationship is based on an employment contract, a volunteer or work experience agreement or a contract for services. This Privacy Notice applies to current and former job applicants, employees, independent contractors and consultants, and holders of voluntary and work experience placements.

Data protection principles

The GDPR sets out a number of principles with which organisations processing personal data must comply. In compliance with these principles, we will ensure that:

- Processing is lawful, fair and transparent
- Data is collected for specified, explicit and legitimate purposes
- Data collected is adequate, relevant and limited to what is necessary for the purposes of processing
- Data is kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- Data is not kept in a form which permits identification of data subjects for longer than is necessary, for the purposes for which it is processed
- Data is processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical and organisational security measures.

Definitions

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 person.

Special categories of personal data are those which reveal racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Types of data held

The College processes a number of categories of data regarding employees, including:

- Job application, curriculum vitae and supporting records, including references from former employers, qualifications and training, and employment history
- Records created during the recruitment process, including interview board notes
- Vetting records
- Job description, agreement or contract and wider terms and conditions
- Contact details, including email address, postal address and telephone numbers
- Date of birth, gender, marital status, disability or medical condition
- Next of kin/emergency contact details
- Professional body membership or accreditation, insurance documentation
- Nationality and right to work documentation
- Training records
- Personal Public Service Number (PPSN) or tax reference number
- Staff identification number
- Payroll data, including bank account details, taxation information, obligatory and voluntary deductions, salary and increments
- Leave records and supporting material, including medical certificates and return to work documentation. Family-related leave records may allude to your family members
- Medical reports
- Photograph
- Details of formal and informal proceedings involving you such as grievance, dignity and respect, and performance management reviews and plans
- CCTV images
- Vehicle details and premises access records
- Engagement with College services such as library use and availing of the College Nurse's services
- Time and attendance records
- Claim forms and supporting documentation for various payments, including expenses, training and conference attendance, correction and invigilation of examinations, membership of professional associations and book publication bursaries
- Records of pensions and Personal Retirement Savings Accounts (PRSAs)
- Records arising from termination of the employment contract, resignation or retirement
- Certification of employment information at the request of employees for various purposes, for example, references, mortgages, subsequent employers and social welfare claims
- Records relating to our health and safety obligations, including accident and incident reports, risk assessments, mandatory training and issue of personal protective equipment (PPE)
- Records arising from operational activities, including interaction with regulatory bodies, quality assurance, external examiners and learners
- Industrial relations, and legal advice and cases
- Data that you send and receive using the College's IT systems
- Employee input into promotional materials and internal communications materials, such as staff newsletters.

How does the College collect this data?

Much of the employee data that the College holds is collected directly from you or is generated during your employment. Third parties, such as your referees and our service providers may also supply data to us**.** Information regarding you may be processed through various systems, including CCTV. We acquire some data from public bodies, such as the Revenue Commissioners.

In a limited number of cases, the College may contract services for the benefit of employees and family members but not have access to resulting data, for example, our Employee Assistance Programme (EAP). The EAP provider is the controller of the personal data that it processes. The College does not provide data to the EAP provider apart from administrative contact details. Otherwise, the data that is held by the EAP provider is volunteered by users of the service. This may include data relating to your family members. The EAP provider does not provide personal data regarding service users to the College, and supplies statistical information only.

Personal data provided by you about others

You may provide us with personal data about other individuals, for example, next of kin/emergency contact details and information about your family circumstances and dependents. You should notify the relevant person that you are providing his/her contact details to us as your next of kin/emergency contact.

Purposes of processing employee data

Employee data is processed for a number of purposes, including:

- Recruitment and selection
- Complying with our legal obligations, including employment law, taxation and vetting of relevant employees
- Managing the employment relationship, for example, attendance, performance, disciplinary matters, grievance, workforce and business planning, promotion, complaints, and the wider terms and conditions of the employment contract or agreement
- Administering various payments, including salary and expenses
- Administering operational matters, providing information about College news and events, internal reporting and promoting our services
- Providing support and well-being services
- Providing IT, telephone and library services
- Conducting audits and preventing fraud
- Obtaining medical opinion on the working capacity of the employee
- Ensuring the safety and security of our employees and other stakeholders, facilities and premises, and networks and communications systems
- Managing insurance and legal issues.

Legal bases for processing

Data protection law permits us to process personal data only when we can identify a legal basis. A number of legal bases apply to the processing of employee data. These include:

- Where you give your consent for the processing
- Processing is necessary for the performance of a contract or to take steps prior to entering into a contract

- Processing is necessary for compliance with a legal obligation to which the controller is subject
- Processing is necessary in order to protect the vital interests of the data subject or another person
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- Processing is necessary for the legitimate interests of the controller or third party.

Where special categories of personal data are processed, we have to be able to apply a further legal basis to the processing. The usual bases which apply are:

- Your explicit consent for the processing
- Processing is necessary for carrying out the obligations and exercising rights of the controller or data subject in the field of employment and social security and social protection law
- Processing is necessary to protect the vital interests of the data subject or another person
- Processing relates to personal data which are manifestly made public by the data subject
- Processing is necessary for the establishment, exercise or defence of legal claims
- Processing is necessary for reasons of substantial public interest
- Processing is necessary for occupational medicine or the assessment of the working capacity of the employee.

Recipients of employee data

Carlow College, St. Patrick's shares your data with the following categories of recipients. In all cases, we will ensure that there is a legitimate reason for the sharing of your data, and that the data shared is adequate, relevant and limited to what is necessary:

- Internally, employee records arising from the employment relationship are held by Human Resources, Accounts, Leave Administration and line and senior management. Employee data concerning operational matters is shared with other departments, as appropriate
- Agents and contractors of the College, including insurers, legal, human resources and financial advisors, pension providers, occupational health provider, auditors, training providers and IT providers
- Regulatory bodies, including Quality and Qualifications Ireland
- Where employees are involved in representing the College, data may be sent to Study Abroad and Exchange partners, and other collaborators, including civic bodies and working groups
- Public bodies and authorities, including where required or permitted by law or court order, for example, the Higher Education Authority, Revenue Commissioners, the Department of Employment Affairs and Social Protection, the Workplace Relations Commission, and An Garda Síochána in connection with the prevention, detection and investigation of crime
- We may also disclose your personal data to any recipient with your consent or at your request, for example, for reference purposes
- We will act in your best interests in an emergency situation, for example, disclose medical data to the emergency services in a life-threatening situation
- Data which requires to be retained permanently may be transferred to the Delany Archive, an independent charitable trust based in Carlow College, St. Patrick's, and in which the College is a partner.

Data subject rights

Data subjects have the following rights, subject to a number of restrictions, which are set out in data protection legislation:

- The right to information about how we process your data
- The right to access the personal data we hold about you
- The right to request the rectification of incorrect or incomplete data
- The right to request the erasure of data, the so-called 'right to be forgotten'
- The right to restrict processing of data
- The right to object to the processing of data
- The right to data portability, that is, the right to receive your personal data, which you provided to us, and to require the College to transfer it to another controller
- The right not to be subject to a decision made solely on automated processing, including profiling.

There is an informal procedure in place whereby employees may access their employee file held by Human Resources without recourse to a formal data subject request. Employees may also contact the Data Protection Officer to request such access, if so wished. Employees who wish to make any other data subject request should contact the Data Protection Officer.

We will seek your consent to process personal data, where necessary. Where processing of personal data is based on consent, you may withdraw your consent at any time. Withdrawal of consent does not affect the lawfulness of processing prior to the withdrawal of consent.

Some of our systems make automatic calculations, such as our leave and payroll systems. Rechecks by a human are available on request.

Third country transfer

In general, employee data is not transferred outside the European Union (EU). An exception which may occur, in limited circumstances, is data required in connection with Study Abroad or Exchange Programmes. Where data is transferred outside the EU, we will ensure that an appropriate safeguard is in place.

Information security

Carlow College, St. Patrick's has in place a range of measures to protect the integrity and confidentiality of personal data, and to secure it against unauthorised access, loss, destruction or damage.

Retention

We will not retain your personal data for longer than is necessary. Retention periods are set out in detail in our Records of Processing Activities document. The retention periods outlined there are determined by factors including legal obligation, contractual necessity and operational reasons.

Failure to provide data

You may decline to provide us with data in some circumstances. Where there is a statutory or contractual requirement for data we may not be in a position to enter into or continue a contractual relationship with you, or to administer contractual benefits.

Updates

This Privacy Notice may be updated from time to time in order to make necessary amendments.

Contact

If you have any queries about this Privacy Notice or wish to make a data protection request, please contact:

Bernie Deasy

Data Protection Officer

Email	bdeasy@carlowcollege.ie, dataprotection@carlowcollege.ie
Telephone	059-9153200
Postal address	Carlow College, St. Patrick's, College Street, Carlow.

How to make a complaint

If you are unhappy with the way in which your personal data has been processed, you may, in the first instance, contact the College's Data Protection Officer using the contact details provided above. If you remain dissatisfied, you have to right to complain to the Data Protection Commission at:

Email	info@dataprotection.ie
Telephone	+353 (0761) 104800
LoCall number	1890 25 22 31
Postal address	Data Protection Commission, Canal House, Station Road, Portarlington, Co. Laois, R32 AP23.