



Life on a Roll Data Protection Policy May 2018

Introduction

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Life on a Roll (LOAR). This includes obligations in dealing with personal data, to ensure that the organisation complies with the requirements of the relevant Irish legislation, namely the Irish Data Protection Bill 2018 and EU GDPR <https://www.eugdpr.org/>

Rationale

LOAR 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 LOAR in relation to its service providers and clients during its activities.

Scope

The policy covers both personal and sensitive personal data held in relation to data subjects by LOAR. 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 LOAR. Both categories will be equally referred-to as Personal Data in this policy, unless specifically stated otherwise. This policy specifically references procedures in relation to the following: Subject Access Requests, Data Retention and Destruction, Data Loss Notification and Third-Party processing.

Life on a Roll as a Data Controller

During its daily organisational activities, LOAR may acquire, process and store personal data in relation to some individual clients & customers to provide them with their services offered. In accordance with the Irish Data Protection legislation, this data must be acquired and managed fairly. LOAR is committed to ensuring it has sufficient awareness of the legislation to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, LOAR must ensure that the Data Protection Officer is informed, in order that appropriate corrective action is taken.

Due to the nature of the services provided by LOAR, there may be regular and active exchange of personal data between LOAR and its Data Subjects. In addition, LOAR may exchange personal data with Data Processors on the Data Subjects' behalf. This is consistent with LOAR'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 LOAR data procedural efforts.

The Data Protection Principles

The following key principles are enshrined in the Irish legislation and are fundamental to LOAR's Data Protection policy. In its capacity as Data Controller, LOAR 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 - LOAR
- 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.



LOAR will meet this obligation in the following way.

- LOAR will request informed consent of the Data Subject before their data is processed;
- Where it is not possible to seek consent, LOAR will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;
- Processing of the personal data will be carried out only as part of LOAR's lawful activities, and LOAR 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 LOAR and operating on its behalf. Should this situation arise, a formal, written contract will be issued 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.

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

LOAR will obtain data for purposes which are specific, lawful and clearly stated before the commencement of any work. A Data Subject will have the right to question the purpose(s) for which LOAR holds their data, and LOAR will be able to clearly state that purpose or purposes.

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

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

3. be kept safe and secure.

LOAR will employ high standards of security 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 LOAR in its capacity as Data Controller. Access to and management of customer records is limited to those who have appropriate authorisation and password access.

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

LOAR 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. LOAR conducts a review of sample data every six months to ensure accuracy;
- conduct regular assessments to establish the need to keep certain Personal Data.

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

LOAR 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.



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

The Data Protection Commission of Ireland and The Data Protection Acts state that personal information held by Data Controllers (LOAR) should be retained for no longer than is necessary for the purpose or purposes for which it was obtained. If the purpose for which the information was obtained has ceased and the personal information is no longer required, the data must be deleted or disposed of in a secure manner. In relation to the retention of HR related records, we would consider a retention period of 12 months to be appropriate. LOAR therefore retains personal information for a period of up to 12 months from the time of commencement of work with the client, when at such time, LOAR undertakes to destroy, erase or otherwise put the personal data beyond use unless otherwise agreed amongst LOAR and client for the purposes of continuing said work.

7. ... 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.

Where a formal request is submitted by a Data Subject in relation to the data held by LOAR, such a request gives rise to access rights in favour of the Data Subject. LOAR 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 40 days from receipt of the request. It is intended that by complying with these guidelines, LOAR will adhere to best practice regarding the applicable Data Protection legislation.

Implementation

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

In such a situation that LOAR believes there to be a personal data breach that has occurred or believes may have occurred or in circumstances where LOAR has determined that the breach presents a risk to the affected individuals, LOAR commits to immediately contacting the Data Protection Commission utilising the Breach Notification Form.



Definitions

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

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| 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. |
| 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 LOAR 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. |
