

# Privacy Notice

## Human Resource Department

This is a statement of the practices of the Human Resource Department of Dundalk Institute of Technology in connection with the capture and use of personal data and the steps taken by the Institute to protect your personal information and to respect your right to privacy.

The Institute fully respects individuals' privacy rights and we seek to preserve the privacy rights of those who share information with the Institute. Any personal data which you volunteer to the Institute will be treated with the highest standards of security and confidentiality in accordance with Irish and European Data Protection legislation. The Institute will process your personal information in line with the General Data Protection Regulation (GDPR) (EU) and the Data Protection Act 2018.

This privacy notices explains the following:

- How we collect and use personal data
- The purpose and legal basis for collecting your personal data
- The retention period your data is kept
- How we store and keep personal data safe
- Special categories of data
- Third parties whom we may share information with
- Archived information
- Your rights explained
- Contact.

### **How and why we collect personal data**

The data we collect from you will be used by the Institute in accordance with the purposes set out in this privacy notice. Personal data is collected via online website forms, written application forms and documents, email, telephone enquiries and surveys. Information is also collected via third parties such as the Revenue Commissioners and applicant referees.

#### **Staff**

Personal data is collected for the purposes of recruitment and for the formation and administration of contracts of employment and employee relationships. Personal data may be collected for human resource and pension administration purposes in line with your contract of employment. For example new employees have to undergo an employment medical before taking up a post and date of birth and previous public sector pension held details are required to enable the Institute join staff member to the appropriate pension scheme. Staff may also volunteer information if joining *DkITSport* or attending the Medical Unit. See Appendix 1 for further information on data collected and legal basis for processing.

### **Governing Body**

The Institute processes personal data of members of Governing Body for the purpose of assisting members to undertake their duties as participants of this body.

### **Service Providers**

The Institute processes personal data of service providers to the college for the formation and administration of the contract of service and service relationship.

### **Students**

We process data relating to students for the purpose of payments of wages and operating statutory and other deductions for students undertaking work for the Institute or students who are receiving a stip-end or grant as part of their research or further education studies. Additional privacy information for students is contained in the Students Privacy statement on the Institute's website and in line with information as provided to students at registration.

### **Purpose for processing personal data**

- (1) Processing of payments of wages/salaries  
Statutory and other deductions
- (2) Performance of a contract  
Statutory requirements  
Necessary to carry out the objectives and functions of the RTC Acts and as amended by IoT Act (and as amended thereafter).

### **Members of the public**

Information is collected from members of the public to allow us to respond to enquiries, process transactions and administer services.

### **CCTV**

CCTV cameras are in operation on campus to provide protection for students, staff and visitors and buildings and facilities in the context of an open campus. More information is available in our CCTV Policy available on the Institute webpage.

### **Photography**

The Institute may take photographs or videos that may incorporate staff and students on campus at official events such as at Conferring ceremonies. Other public events also take place throughout the academic year and photographs or videos may be taken and shared on the Institute's website or social media accounts ; Open Day for example or Science Week. Where the use of photographs or

video may not be reasonably expected by individuals the Institute will seek consent to publish photographic or video content where it is practical to do so. Individuals have the right to object to the use of their photograph / image and should contact the event organiser in the first place or subsequently, the Data Protection Officer at the details listed herein.

## **Cookies**

We use information gathered from cookies to help to improve your experience of DkIT.ie Some cookies are essential so you can move around our website and use its features. Some cookies are third party cookies and you can refuse or consent to third party cookies when you first visit our website or by following the guidelines in our Cookie Policy. You can find more information in our Cookie Policy on our website.

## **The purpose and legal basis for collecting your data**

So that the use of personal data is lawful, it should be processed on the basis of either the consent of the individual concerned being obtained or another legal basis as set out in the GDPR or Data Protection Act 2018.

The Institute will ensure that your data is processed fairly and lawfully in keeping with the principles of data protection and will process personal data under various legal bases depending on the purpose for which the data is collected.

Specific information on the legal basis for processing your personal data will be provided at the point of collection of the personal data. These may include:

- Where the processing of personal information is a statutory function of the Institute as a public organisation. Statutory functions of the Institute are set out in the RTC Act 1992 and as amended, Institutes of Technologies Act 2006 and as amended and Technological University Act 2018.
- Where the Institute is required to process personal information by law including the sharing of data with the Higher Education Authority or in complying with employment law.
- Where the processing of personal information is necessary for the establishment of a contract with you.
- Sometimes the processing of personal information is not related to an Institute's official functions but is based on processing data on legitimate interests' grounds. For example in evaluating a candidate who has applied for a position in the Institute.
- The Institute may process your personal data where it needs to protect your vital interests or those of another individual – where we know or have reason to believe that you may suffer harm. Another example would be we retain your Next of Kin details as it is in your vital interests that we inform the nominated person in case an emergency arises.

- When using sensitive personal information, the Institute will generally seek explicit consent for this processing except where another condition applies for example employment law, legal claims etc.

## **The retention period your data is kept**

All the personal information we collect from you and subsequently process will cover a period commencing during the recruitment process throughout your time with the Institute and culminating with you leaving the Institute due to retirement or obtaining employment in another organisation.

In adhering to data protection principles the Institute will only retain your data for as long as is required and in accordance with our Records Management Policy and Retention Schedule.

## **How we store and keep your personal data safe**

Information collected from you will be stored confidentially and securely as required by the Institutes Information Security policy. Dundalk Institute of Technology is committed to ensuring all accesses to, uses of, and processing of Institute data is conducted in a secure manner.

When we store your personal data on our systems the data will primarily be stored on the Institute premises and secure IT platforms within the EEA which are subject to European data protection requirements.

We may on occasion store your data outside the EEA in the following circumstances:

- For processing international applications and sharing data with partner Colleges.
- When using cloud services for the secure storage of data. Some cloud service providers store data in international data centres however the Institute will only use services which are compliant with the EU GDPR and who satisfy the conditions for processing personal data outside the EEA.
- For research projects with other research partners where we have your consent to do so.
- If we are required to do so by law.

## **Special categories of data**

The Institute processes special categories of data that relate to you in limited circumstances and in accordance with Data Protection legislation. These are typically related to the ordinary course of human resources administration and would include the exercising of rights and performance of obligations under employment and social security law. Dundalk Institute of Technology Human

Resources will process special category where necessary for the purposes of assessing the working capacity of employees and for the purposes of occupational and preventative medicine and ill health retirements. We may in certain circumstances disclose certain special category information to occupational healthcare providers. Data may be processed where

- It is necessary for the purposes of providing or obtaining legal advice or for the purposes of or in connection with, legal claims, prospective legal claims, legal proceedings or prospective legal proceedings or is otherwise necessary for the purposes of establishing, exercising or defending legal rights.
- For reasons of substantial public interests
- Where it is necessary and proportionate for the performance of a function under the Institute's enactment.
- In relation to the management of medical risk and medical claims.

### **Third parties whom we may share information with**

DkIT may share your data with third parties where necessary for purposes of the processing and where there is a legal basis to do so. We may share relevant personal information with the following categories of third parties:

- State or regulatory bodies – this will include the Higher Education Authority (HEA), Department of Education & Skills, Department of Finance, Department of Public Expenditure & Reform, Department of Social Welfare, Department of Justice & Equality.
- Research sponsors and external funding agencies.
- Research and academic partners.
- Potential employers where you have requested us to share your data.
- Your professional service providers where you have requested us to share your data.
- Occupational Health Providers and medical practitioners.
- Professional services as supplied to the Institute, such as legal firms and auditors.
- Companies and individuals that provide services to the Institute such as insurance brokers and providers and pension administrators.
- IT or cloud service providers that provide essential services to the Institute eg Microsoft.
- Firms that provide archiving and storage and disposal of confidential records.
- Trade Unions when we are required to by law.
- An Garda Síochána when we are required to by law.

When we share data with any of the above mentioned third parties, we endeavour to only share the data that is required, that the data is only processed according to our specific instructions and that the same standards of confidentiality and security are maintained. When the processing action is complete third parties will be required to return the data to the Institute except where they are required to retain it by law.

## Archived information

One of the functions of the Institute is to curate the Institute's archives which comprise the Institute's administrative, legal and historical records of historical value. This archived information represents the corporate memory of the Institute and is of important historical value. The Institute will process personal data of archival value in accordance with section 42 of the Data Protection Act 2018 which permits that personal data of archival value in the public interest may be retained. This data will be stored and secured in accordance with the principles of data protection.

## Your rights explained

You have the following rights over the way we process your personal data. Rights are subject to certain criteria and exceptions in accordance with data protection law.

- |                         |  |
|-------------------------|--|
| <b>Right of Access:</b> | You have the right to request a copy of the personal data we are processing about you and to exercise this right easily.   |
| <b>Consent:</b>         | You have the right to withdraw your consent where that is the legal basis of our processing.   |
| <b>Rectification:</b>   | You have the right to have any inaccuracies of your personal data rectified.   |
| <b>Erasure:</b>         | You have the right to have your personal data deleted where we no longer have any justification for retaining it subject to exemptions such as the use of anonymised data for scientific research.   |
| <b>Object:</b>          | <p>You can object to the Institute processing your personal information if</p> <ul style="list-style-type: none"><li>- We have processed your data based on a legitimate interest or for the exercise of our tasks as an Institute if you believe the processing is disproportionate or unfair to you.</li><li>- Your data was processed for the purposes of direct marketing or profiling related to direct marketing.</li><li>- We have processed your personal data for scientific or historical research purposes or statistical purposes unless we are conducting this processing for the performance of a task carried out for reasons of public interest.</li></ul> |
| <b>Restriction:</b>     | <p>You have the right to restrict our processing of your personal data if:</p> <ul style="list-style-type: none"><li>- You are querying the accuracy of the personal data</li><li>- The personal data was processed unlawfully</li><li>- The erasure of the personal data has to be prevented in order to comply with legal obligations</li></ul>  |

- You have objected to the processing of the personal data and wish to restrict the processing until such time as a legal basis for continued processing has been verified.

**Data Portability:** You have the right where it is technically feasible, to have an accessible electronic copy of your data transferred or moved to another data controller if we are processing your data based on your consent and if that processing is carried out by automated means.

**Review:** This privacy notice will be reviewed from time to time and will be updated to reflect any changes in Institute practice or the law. You are required to regularly review this policy for changes and make yourself aware of same.

**Contact:** If you have any queries relating to the processing of your personal data or you wish to exercise any of your rights relating to your data you can contact the Human Resource Manager on [HR@dkit.ie](mailto:HR@dkit.ie) or the Data Protection Officer at email [dataprotection@dkit.ie](mailto:dataprotection@dkit.ie) or telephone 042 93 70222.

If you are not satisfied with the information we have provided to you in relation to the processing of your personal data you have recourse to make a complaint to the Data Protection Commission by accessing their website and selecting the link *Making a Complaint to the DPC*.

## **Appendix 1:**

### **Recruitment Related Data:**

#### *Data Sets:*

Personal data collected as part of the recruitment process will include: name, contact details, date of birth, curriculum vitae, work and education details, referee names, interview notes and related documentation.

#### *Purpose for processing:*

The data is collected so as to complete the recruitment process and to assess candidate suitability for the role.

#### *Legal basis for processing the data:*

This processing is necessary to execute effective recruitment processes and in order to carry out the objectives and functions of the RTC Act 1992/Institute of Technologies Act 2006/TU Act 2018.

It is also necessary because:

- It is in the performance of a contract
- It is a Statutory requirement
- It is in the vital interest of the individual
- Of Legal claims
- It is permitted by section 42 of the Data Protection Act 2018.

If an applicant does not provide the data required by Dundalk Institute of Technology, we may be unable to consider their employment application.

#### *Categories of recipients:*

Your personal information may be shared with Government Departments and external agencies who provide services to DkIT such as HR advisors, legal advisors, pension advisors, Governing Body, referees, occupational health providers.

### **Payroll Related Data:**

#### *Data Sets:*

Personal data collected and retained will include: name, PPSN, salary details, marriage status/tax status, working hours, annual leave, and exclusion orders. Voluntary deductions details held for Union membership, and Health Companies subscriptions. Special categories of personal data may be included.

#### *Purpose for processing:*

This data is processed for payment purposes.



*Legal basis for processing the data:*

In order for Human Resources to perform their contractual obligations arising from employment contracts, they must have payment information on file relating to data subjects ie employees. This data is also retained by consent. Employees have expressly provided their data to be used for the purpose of payments.

*Categories of recipients:*

This information may be shared with Government Departments and Agencies and other external agencies who provide services to Dundalk Institute of Technology HR Department eg, HR advisors, Pension Advisors, legal advisors.

## **Personnel File and Employee Self Service (CORE)**

*Data Sets:*

Personal data contained within your personnel file may include contracts of employment and HR records including contact details, PPSN, payment details, bank account details, working hours, annual leave, sick leave, occupational health referrals and reports, disciplinary correspondence and sanctions, emergency contact details, pension details, family details for benefits entitlement, learning and development data, qualifications, correspondence relating to any applications made under various Institute Policies and all other relevant documents necessary in fulfilment of our statutory functions and legal obligations under the RTC Act 1992 and subsequently IoTI Act 2006, TU Act 2018 all as amended.

*Purpose for processing:*

This data is processed to comply with employment, pension and social protection laws to ensure that terms and conditions of employment are properly adhered to and managed and to defend and prepare for legal cases.

*Legal basis for processing the data:*

The processing is necessary to comply with various employment and social protection laws. The processing is also necessary for the performance of the employment contract and also in the legitimate business interests of Dundalk Institute of Technology.

Emergency contact and/or Next of Kin details are collected from employees to protect employees' vital interests in the event of an accident or emergency. This processing is necessary for the performance of DkIT's statutory functions in the public interest.

If above information is not supplied by an individual the Institute may be unable to continue their employment.

*Categories of recipients:*

This information may be shared with Government Departments and Agencies and other external agencies who provide services to Dundalk Institute of Technology HR Department eg, HR advisors, Pension Advisors, legal advisors.

## **Promotions and Probations Data**

### *Data Sets:*

The personal data held as part of this process include candidates' applications and associated correspondence, scores, promotion correspondence, progression applications and approval, probation information.

### *Purpose for processing:*

This data is retained to assist the Institute in complying with contractual entitlements. As part of the employment contract, it is a power that is conferred on the employer to assess employees for the purposes of progressing their career in the organisation. It's also retained for legitimate interests. The Institute needs to be able to assess the progress and capabilities of its employees for the purposes of progression and is an integral part of the duties of the organisation.

### *Legal basis for processing the data:*

The processing is necessary for Dundalk Institute of Technology to support an effective probation and promotions process in line with the objectives and functions of the Institute under the related legislation.

### *Categories of recipients:*

Human Resource staff, Heads of School/Department/Function as appropriate, Governing Body.

## **Pensions Data**

### *Data Sets:*

Personal data held in the personnel file may include contracts of employment and HR records and as noted previously include contact details, PPSN, payment details, bank account details, working hours, annual and other leave, emergency contact details, family details and may include special categories of data. One other element contained on personnel file may be pensions data.

### *Purpose for processing:*

This data is retained as part of the employment contract because as part of this contract DkIT has pension scheme(s) in place and the employee will be allocated to the appropriate one upon taking up a position. This data is also held by way of consent as the data subject (employee) has expressly provided their data for the purposes of opting into a pension scheme.

If an employee does not provide this data, Dundalk Institute of Technology may be unable to administer their pension entitlements.

### *Legal basis for processing the data:*

The processing is necessary to comply with pensions legislation and for the performance of the pension and employment contract with the employee. Processing of special categories of personal data is carried out for pension purposes in line with Data Protection Act.

*Categories of recipients:*

The information may be shared with Government Department and Agencies and other external third parties who provide services to Dundalk Institute of Technology such as HR advisors, legal advisors, pension advisors.

## **General Data – Grievance, Disciplinary, Dignity at Work Investigations**

*Data Sets:*

Personal data held in regard to this category may be name, address, email address, telephone number, id reference number, details of case / grievance pertaining to complainant and respondents, witnesses as appropriate.

*Purpose for processing:*

The data is used to ensure employee complaints are fairly and properly investigated in accordance with natural justice and relevant Institute policies and to enable Dundalk Institute of Technology to meet its statutory functions and legal obligations under the relevant legislation.

*Legal basis for processing the data:*

The processing is necessary to apply fair procedures to any employee investigation for the performance of the employment contract, to achieve the legitimate interests of Dundalk Institute of Technology and to meet our legal obligations as an employer.

*Categories of recipients:*

The information may be shared with Government Departments and Agencies and other external agencies who provide services to the Institute for example, independent investigators, HR advisors, legal advisors.

## **Medical Information**

*Data Sets:*

A range of medical data may be processed by Dundalk Institute of Technology in the course of employment. Included may be sick certificates, sick leave records, sick pay records, occupational health assessments etc.

*Purpose for processing:*

This data is used for the purpose of managing employee absences, sick pay in accordance with their contracts of employment, to allow DkIT to assess the fitness to work of relevant employees and to assess qualification for payments under the Critical Illness Protocol and TRR (Temporary Rehabilitation Remuneration as permitted by data protection law.

*Legal basis for processing the data:*

The processing is necessary to determine the working capacity of the employee subject to the appropriate safeguards being adopted. It is also to enable the Institute carry out obligations under employment law and to meet the legitimate business and legal interests of Dundalk Institute of Technology.

*Categories of recipients:*

Information may be shared – in limited circumstances – with Government Departments and agencies and other external agencies who provide services to Dundalk Institute of Technology such as HR advisors, Legal advisors, pension advisors, occupational health service provider.

## **Termination of Employment**

*Data Sets:*

Termination related information may be processed in the form of resignation letters, reference letters etc.

*Purpose for processing:*

This data will be used to manage the termination of the employment relationship in an orderly format.

*Legal basis for processing the data:*

Processing of this information is necessary to comply with the employment contract and to meet the Institute's legal obligations to properly manage the termination of employment relationship in line with Institute policy.

*Categories of recipients:*

Information may be shared with Government Departments and agencies and other external agencies who provide services to Dundalk Institute of Technology such as HR advisors, Legal advisors, pension advisors, occupational health service provider.

## **Email and internet usage**

*Data Sets:*

May include emails stored in an employee's email inbox relating to an employee's browsing history and IT usage.

*Purpose for processing:*

The purpose for which the data may be used is for example to protect against the dangers associated with email and internet usage and to ensure employees are using such systems in accordance with Institute policies.

*Legal basis for processing the data:*

Processing is necessary in connection with Dundalk Institute of Technology's statutory functions under the relevant legislation to manage employee performance and ensure the security of email and internet systems.

*Categories of recipients:*

Information may be shared with Government Departments and agencies and other external agencies who provide services to Dundalk Institute of Technology such as HR advisors, Legal advisors, pension advisors, occupational health service provider.

21<sup>st</sup> April 2020.