

Youth Work Ireland Laois Policy

Title: Data Protection Policy

Effective Date: 15.03.2021

Youth Work Ireland Laois Form Number: 1

Version: 1

Total Content: 10 Pages. (Excluding cover signing pages).

Created by: _____ Dated: _____

Reviewed by: _____ Dated: _____

Approved By: _____ Dated: _____

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I have read, understood and agree to abide by policy document:

Youth Work Ireland Laois, Data Protection Policy.

Signed:

Date:

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DATA PROTECTION POLICY

INTRODUCTORY STATEMENT

Youth Work Ireland Laois's Data Protection Policy applies to *personal data* held by the company, which is protected by the Data Protection Acts 1988 to 2018 and the EU General Data Personal Regulation (GDPR).

The policy applies to all staff, Board of Directors (BOD), Young People availing of the service, students, and others (to include prospective or potential young people, staff, Board members, and their parents/guardians), insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and special categories of personal data will be protected by the company.

DATA PROTECTION PRINCIPLES

The BOD is a data controller of personal data relating to its past, present and future staff, young people, parents/guardians and other members of the YWIL. As such, the BOD is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 to 2018 and GDPR, which can be summarised as follows:

1. **Obtain and process Personal Data fairly**

Information on Young People gathered with the help of parents/guardians, young people themselves, and staff. Information may be provided by other agencies where relevant. In relation to information the YWIL holds on other individuals (members of staff, individuals applying for positions, parents/guardians of Young People, etc), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or engagement with YWIL. All such data is treated in accordance with the Data Protection legislation and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

2. **Consent**

Where consent is the basis for provision of personal data, (e.g. data required to join a programme or project, or activity, YWIL will require a clear, affirmative action e.g. ticking of a box/signing a document to indicate consent. Consent can be withdrawn by data subjects in these situations.

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3. **Keep it only for one or more specified and explicit lawful purposes**

YWIL will inform individuals of the reasons they collect their data and the uses to which their data will be put. All information is kept with the individuals best interest in mind at all times.

4. **Process it only in ways compatible with the purposes for which it was given initially**

Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a “need to know” basis, and access to it will be strictly controlled.

5. **Keep Personal Data safe and secure**

Only those with a genuine reason for doing so may gain access to the information. Personal Data is securely stored under lock and key in the case of manual records and protected with computer software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops, iPads), are password – protected.

6. **Accuracy of data**

Young People, parents/guardians, and/or staff should inform YWIL of any change to their personal data to ensure accuracy, and the data is complete and up-to-date. Records must not be altered or destroyed without proper authorisation.

7. **Ensure that it is adequate, relevant and not excessive**

Only the necessary amount of information required to provide an adequate service will be gathered and stored.

8. **Retention Period of data**

As a general rule, the information will be kept for the duration of the individual’s time in the YWIL. Thereafter, YWIL will comply with GDPR guidelines on the storage of Personal Data. In the case of members of staff, YWIL will comply with both GDPR guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. YWIL may also retain data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and or/defending a claim under employment legislation and/or civil law.

9. **Provide a copy of their personal data to any individual on request**

Individuals have a right to know, and have access to a copy of personal data held about them, by whom, and the purpose for which it is held.

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SCOPE

The Data Protection legislation applies to the keeping and processing of *Personal Data*. The purpose of this policy is to assist bodies to meet statutory obligations, to explain those obligations to staff, Board members, young people, and volunteers, to inform them of how their data will be treated.

The policy applies to all YWIL staff, the Board of Directors, parents/guardians, and others, (including prospective or potential members and their parents/guardians, and applicants for staff positions, in so far as YWIL handles or possesses their *Personal Data* in the course of their dealing with YWIL.

Definition of Data Protection Terms

In order to properly understand YWIL's obligations, there are some key terms, which should be understood:

“Personal Data” means any data relating to an identifiable person i.e. a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller (BOD)

Data Controller is the Board of Directors of YWIL

Data Subject is an individual who is the subject of personal data

Data Processing – performing any operation or set of operations on data, including:

- Obtaining, recording or keeping the data,
- Collecting, organising, storing, altering or adapting the data
- Retrieving, consulting or using the data
- Disclosing the data by transmitting, disseminating or otherwise making it available
- Aligning, combining, blocking, erasing or destroying the data

Data Processor – a person who processes personal information on behalf of a data controller, but **does not include an employee of a data controller** who processes such data in the course of their employment, for example, this might mean an employee of an organisation to which the data controller out-sources work. The Data Protection legislation places responsibilities on such entities in relation to their processing of the data.

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Special categories of Personal Data refers to *Personal Data* regarding a person's

- racial or ethnic origin
- political opinions or religious or philosophical beliefs
- physical or mental health
- sexual life and sexual orientation
- genetic and biometric data
- criminal convictions or the alleged commission of an offence
- trade union membership

Personal Data Breach – 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. This means any compromise or loss of personal data, no matter how or where it occurs.

RATIONALE

In addition to legal obligations, YWIL has a legal responsibility to comply with the Data Protection Acts 1988 to 2018 and the GDPR

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. YWIL takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the Regional Director and Board of Directors to make decisions in respect of the efficient provision of youth services. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the service and Board of Directors.

OTHER LEGAL OBLIGATIONS

Implementation of this policy takes into account other legal obligations and responsibilities. Some of these are directly relevant to data protection. *For example:* The *Freedom of Information Act 1997* provides a qualified right to access to information held by public bodies which does not necessarily have to be "Personal Data", as with data protection legislation.

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Under *Children First Act 2015*, mandated persons within YWIL have responsibilities to report child welfare concerns to TUSLA- Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

RELATIONSHIP TO THE MISSION OF YWIL:

YWI Laois seeks to:

- enable young people to develop their full potential
- provide a safe and secure environment
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society

We aim to achieve these goals while respecting the privacy and data protection rights of those who interact with us. YWIL wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection legislation.

PERSONAL DATA

The Personal Data records held **may** include:

1. **Staff records:**

a) Categories of staff data:

As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the service, work placement personnel, and employment scheme personnel. These staff records may include:

- Name, address and contact details, PPS number.
- Name and contact details of next-of-kin in cases of emergency.
- Original records of application and appointment to/or promotion post.
- Details of approved absences, (sick leave, annual leave, career breaks, parental leave, study leave, etc.)
- Details of work record (qualifications, etc.)
- Details of any accidents/injuries sustained on YWIL property or in connection with the staff member carrying out their duties.
- Records of any reports YWIL, (or its employees), have made in respect of the staff member to State departments and/or other agencies.

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b) *Purposes:*

Staff records are kept for the purposes of:

- the management and administration of YWIL business (now and in the future)
- to facilitate the payment of staff.
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities, etc.
- to enable YWIL to comply with its obligations as an employer, including the preservation of a safe, efficient working environment (including complying with its responsibilities under the Safety, Health and Welfare at Work Act 2005)
- to enable YWIL to comply with requirement set down by the Department of Children & Youth Affairs, the Revenue Commissioners, and any other governmental, statutory and/or regulatory departments and/or agencies.
- and for compliance with legislation relevant to youth services.

c) *Location and Security procedures of YWI Laois:*

- a. Manual records are kept in a secure, locked filing cabinet in the Regional Director's office only accessible to personnel who are authorised to use the data. Employees are required to maintain the confidentiality of any data to which they have access.
- b. Digital records are stored on password-protected computer. YWIL has a security alarm activated during out-of-office hours.

2. **Young Persons records:**

a) *Categories of young people's data:*

These may include:

- Information which may be sought and recorded at membership application and may be collated and compiled during the course of the young person's time in the service. These records may include:
 - name, address and contact details, PPS number
 - date and place of birth
 - name and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
 - religious belief

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- racial or ethnical origin
- membership of the Traveller community, where relevant
- any relevant special conditions (e.g. special education needs, health issues, etc.) which may apply
- Information on previous records (including reports, references, assessments and other records from any previous relevant services availed of by the student
- Psychological, psychiatric and/or medical assessments
- Attendance of groups/workshops/activities/programmes.
- Photographs and recorded images of students (including at YWIL events) are managed in line with YWIL policy on photography/videography.
- Records of significant achievements
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g .records of any serious injuries/accidents etc. (Note: it is advisable to inform parents/guardians that a particular incident is being recorded).
- Records of any reports that YWIL may have made in respect of the young person to State Departments and/or other agencies.

b) *Purpose: The purpose for keeping young people's records include:*

- to enable each to develop to their full potential
- to comply with legislative or administrative requirements
- to enable parents/guardians to be contacted in the case of emergency or the case YWIL events, etc.
- to meet the requirements of the young person in as far as is possible/practical within the service
- to make sure that young people meet the minimum age requirement for attendance at groups/workshops/programmes.

c) *(Location and Security procedures as above):*

3. **Board of Directors records:**

a) *Categories of Board of Directors data:*

- Name, address and contact details of each member of the Board of Directors (including former members of the Board of Directors)
- Records in relation to appointment to the Board
- Minutes of Board of Directors meetings and correspondence to the Board which may include references to individuals.

b) *Purposes:*

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To enable the Board of Directors to operate in accordance with applicable legislation and to maintain a record of Board appointments and decisions.

c) (*Location and Security procedures as with records listed above*):

CCTV IMAGES/RECORDINGS

CCTV is installed in YWI Laois (See CCTV Policy).

----cameras are installed externally e.g. outside premises security door.

----cameras are installed internally in office and public spaces, with the exception of counselling room and toilet areas.

These CCTV systems may record images of staff, young people, and members of the public who visit the premises. The viewing station is in the Regional Directors office and also in the administration/youth work office area.

Purposes:

Safety and security of staff, young people and visitors and to safeguard YWIL property.

LINKS TO OTHER POLICIES

YWIL policies need to be consistent with one another, relevant policies already in place or being developed or reviewed, shall be examined with reference to the *Data Protection Policy* and any implications which it has for them shall be addressed.

The following policies and documents may be among those considered:

- Child Protection Procedures
- Anti-Bullying Procedures
- Code of Behaviour
- Membership Procedures and Database
- Internet Usage Policy

PROCESSING IN LINE WITH A DATA SUBJECT'S RIGHTS

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Data in YWIL will be processed in line with the data subject's rights. Data subjects have a right to:

- Know what personal data is being kept on them
- Request access to *any data* held about them by a data controller
- Prevent the processing of their data for direct-marketing purposes
- Ask to have inaccurate data amended
- Ask to have data erased once it is no longer necessary or becomes irrelevant.

Data Processors

YWIL does not outsource to a Data processor offsite.

Personal Data Breaches

All incidents in which personal data has been put at risk must be reported to the Office of the Data Protection Commissioner within 72 hours

When a personal data breach is likely to result in high risk to the rights and freedom of natural persons, the BOD must communicate the personal data breach to the data subject without undue delay.

If a data processor becomes aware of a personal data breach, it must bring this to the attention of the data controller (BOD) without undue delay.

Dealing with a data access request

Individuals are entitled to a copy of their personal data on written request

The individual is entitled to a copy of their personal data

Requests must be responded to within one month. An extension may be required e.g. over holiday periods.

No fee may be charged except in exceptional circumstances where the requests are repetitive or manifestly unfounded or excessive

No personal data can be supplied relating to another individual apart from the data subject

PROVIDING INFORMATION OVER THE PHONE

An employee dealing with telephone enquiries should be careful about disclosing any personal information held by YWIL over the phone. In particular, the employee should:

- Ask that the caller put their request in writing
- Refer the request to the Regional Director for assistance in difficult situations
- Not feel forced into disclosing personal information

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IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES

The BOD is the data controller and the Regional Director implements the Data Protection Policy, ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities

The following personnel have responsibilities for implementing the Data Protection Policy:

Name	Responsibility
Board of Directors	Data Controller
Regional Director:	Implementation of Policy

MONITORING THE IMPLEMENTATION OF THE POLICY

The implementation of the policy shall be monitored by the Regional Director, staff and the Board of Directors

REVIEWING AND EVALUATING THE POLICY

YWIL policies are reviewed on a regular basis (usually annually). On-going review and evaluation will take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Children & Youth Affairs), legislation and feedback from parents/guardians, young people, staff and others. The policy will be revised as necessary in the light of such review and evaluation and within the framework of YWIL planning.