

Data Protection Policy

Rush Multipurpose Youth Facility

Document Control

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Introduction

The principle objective of Rush Multipurpose Youth Facility CLG is to provide facilities for training courses, cultural activities, youth work and recreational activities for the community of Rush and the surrounding areas to provide meeting rooms for local community organisations.

Ancillary objectives extend to supporting the creation of new clubs and societies both based on the centre or occasional use only.

Rush Multipurpose Youth Facility CLG is guided by its memorandum and articles of association. It is a company limited by guarantee with no share capital therefore members do not benefit from the community centre in commercial terms and act in an entirely voluntary capacity. All profits and activities are carried out for the benefit of community interest through the provision of youth and community facilities to the local community. The community of interest is defined as the area of Rush and surrounding areas. Services are prioritised for residents from this area. Members comprise of representatives from the local community and user groups. The elected board of Directors will adhere to the social objectives outlined in this document and the memorandum and articles of association. It is envisaged that subgroups will be established in agreement with the board of directors to explore specific areas of development.

In order to provide the most effective and targeted range of services to meet the needs of the community and service users of Rush Multipurpose Youth Facility CLG is required to collect, process and use certain types of information about people and organisations. Depending on the service being sought or provided, the information sought may include 'personal data' as defined by the Data Protection Act 2018 and by the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past; current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect process and use certain types of personal data to comply with regulatory or legislative requirements.

Definitions as defined by the Data Protection Act 2018 and by the General Data Protection Regulation (GDPR)

Article 4 (1) defines '**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 natural person"

Article 9 (1) lists the **special categories of personal data**

"revealing 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"

Article 4 (2) defines **processing** as

“ any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction”

What and who is a Data Controller?

A data controller under Article 4 (7) of the General Data Protection Regulation (EU) No. 2016/679 means

“the natural or legal person / entity, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law”

In the case of Rush Multipurpose Youth Facility CLG The Centre’s Board of Management is the Data Controller

Principles Relating to the Processing of Personal Data

All personal data processed by Rush Multipurpose Youth Facility CLG in the course of its work will be dealt with in compliance with the Principles relating to Processing Personal Data laid down in Article 5 (1) of the General Data Protection Regulations set out hereunder:

Personal data shall be:

- (a) Processed lawfully, fairly and in a transparent manner in relation to the data subject
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- (c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- (d) Accurate and, where necessary, kept up to date;
- (e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- (f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

This policy sets out how Rush Multipurpose Youth Facility CLG will handle and process data, deal with a request for data by a data subject and manage a breach of data.

Data in this policy document means both personal data and sensitive personal data.

In particular we are committed to protecting personal data as enshrined in the second title (Freedoms) of the Charter of Fundamental Rights of the European Union which has full legal effect under the Treaty of Lisbon since 1st December 2009.

This policy must be read in conjunction with the Data Protection Act 2018 and Regulation EU No. 2016/679 the General Data Protection Regulations.

It also references the controls in place in respect of the use of CCTV systems. Rush Multipurpose Youth Facility CLG also has a CCTV policy.

Rush Multipurpose Youth Facility CLG is required to collect data for many of the services it provides to the community it serves. It collects it on paper, by way of application forms, correspondence etc. It also receives data by way of emails and holds data electronically on shared drives and servers.

In all cases it must ensure that data is processed in compliance with the 6 GDPR Principles:

- Lawfulness, Fairness and Transparency
- Purpose Limitation
- Data Minimisation
- Accuracy
- Storage Limitation
- Accountability, integrity and confidentiality.

1. Policy in Respect of Compliance with the Data Protection Acts.

It is the policy of Rush Multipurpose Youth Facility CLG to comply fully with the Data Protection Acts. It will, as a Data Control Authority, carry out all duties and functions as set out in the Acts and ensure that the gathering and holding of data is done so solely within the terms of the Acts.

2. Appointment and Role of a Data Protection Officer

Under Article 37 (1) Rush Multipurpose Youth Facility CLG is not required to appoint a data protection officer as it is not a public authority or body. Rush Multipurpose Youth Facility CLG will assign the Centre Manager as a data protection champion to take ownership of data protection e.g. keep records, monitor compliance, provide advice and training etc.

3. Policy in Respect of Informing Customers of their privacy rights

Rush Multipurpose Youth Facility CLG has in place a Privacy Policy which advises customers, service users and the general public of their privacy rights when providing personal data to the community centre for processing. As well as a general policy and a website policy, a number of sections have their own privacy notices, which are posted on the website. All policies and privacy notices are subject to constant review.

4. Policy in Respect of Adherence with Guidelines issued by the Office of the Data Protection Commissioner.

It is the policy of Rush Multipurpose Youth Facility CLG to adhere to all guidelines issued by the Office of the Data Protection Commissioner. These include guidance on such matters as CCTV, records management as well as rulings in respect of complaints made to that Office.

5. Policy in Respect of Data Protection Rules.

It is the policy of Rush Multipurpose Youth Facility CLG to adhere to the six Data Protection Principles which are fundamental to Data Protection law.

The Principles are that personal data shall be-

- 5.1 Processed lawfully, fairly and in a transparent manner in relation to individuals.
- 5.2 Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 5.3 Collected for specified, explicit and legitimate purposes.
- 5.4 Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- 5.5 Information is accurate and where necessary kept up to date.
- 5.6 Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

6 Policy in Respect of Rights of the Individual.

(A Data Subject means an individual who is the subject of personal data.)

It is the policy of Rush Multipurpose Youth Facility CLG to ensure that the rights of the Individual are fully protected as set out below:

Rights for individuals under the GDPR include:

- 1. subject access
- 2. to have inaccuracies corrected
- 3. to have information erased
- 4. to object to direct marketing
- 5. to restrict the processing of their information, including automated decision-making
- 6. data portability

The rights individuals will enjoy under the GDPR are the same as those under the Data Protection Act 2018. Rush Multipurpose Youth Facility CLG has a procedure in place for dealing with Data Subject Access Requests which can be accessed on the Community Centres website in the Data Protection section [insert web address here](#).

We will strive to ensure there is no undue delay in processing an Access Request and, at the latest; they must now be concluded within one month.

7. Policy in Respect of Managing Data Protection Breaches.

It is the policy of Rush Multipurpose Youth Facility CLG to have a central point of access for Data Subject Access Requests as well as providing assistance to requesters. A data subject has the right of access to personal data which have been collected concerning them. Rush Multipurpose Youth Facility CLG will endeavour to ensure this right can be exercised easily. All data subject access requests will be channelled through a central point which will be the Data Champion. In the event that the Data Champion is absent or unavailable a senior colleague will be appointed by the Data Controller to temporarily perform this duty. A Data Subject Access Request must meet certain requirements as specified in the Data Protections Acts.

These are:

- It must be in writing.
- Rush Multipurpose Youth Facility CLG will make reasonable enquiries to satisfy itself about the identity of the person making the request to ensure personal data is only released to those entitled to it.
- Data Subject Access Requests will be dealt with as soon as may be and in any event not more than one month of receipt in accordance with the new regulations.
- If no action is taken on the request within one month the controller “shall inform the data subject of their right to lodge a complaint with the Supervisory Authority” and is deemed a refusal.
- The response time on a request may be extended by “two further months where necessary, taking into account the complexity and number of requests”. This extension must be informed to the data subject within one month of receipt of request, together with the reason for delay.
- In the event of receiving a very general Data Access Request, e.g. “please give me everything you have on me”, additional information may be sought on the nature of the request, such as the approximate date of a particular incident, our reference number, the identity of the other party, etc. A Data Subject Access Form, available on the Community Centre’s website, can be used for such clarifications.
- There is no charge for making a Data Access Request however where requests are manifestly unfounded or excessive in particular because of their repetitive nature the controller may charge a reasonable fee or refuse to act on the request.
- The controller shall provide a copy of the personal data to the requester. If further copies are requested by the data subject, the controller may charge a reasonable fee based on administrative costs.

The policy and procedure in relation to requests by the Garda Síochána (or other law enforcement or investigation agency) for access to data from Community Centre’s records in relation to the prevention, detection or prosecution of offences or investigations of incidents is that any such request should:

- Be made in writing.
- Provide detail in relation to the data required.
- State the reason it is required.
- Quote the relevant legislation which applies to their request for data.
- Be signed by a person at management level in the organisation, e.g. Garda in Charge, Investigating Manager etc.

8 Policy in Respect of Restriction on the rights of access:

It is the policy of Rush Multipurpose Youth Facility CLG to examine each request to ensure that data which can be released is released and that restrictions on release under the Acts are adhered to.

The release of records and data is governed by the Data Protection Act and General Data Protection regulation which contains a legislative measure Article 18 to restrict the scope of the obligations and rights provide for the relevant section of the regulation. Some of these include -

1. national security or defence;
2. public security;
3. the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties,
4. other important objectives of general public interest of the Union or of a Member State,
5. the protection of judicial independence and judicial proceedings;
6. the protection of the data subject or the rights and freedoms of others;
7. the enforcement of civil law claims.

9.1 Policy in Respect of CCTV.

Rush Multipurpose Youth Facility CLG has a policy in respect of CCTV systems it operates. The policy will distinguish between private and public CCTV. It will provide for a maximum 35-day retention period, which will be followed by the deletion of images (except in exceptional circumstances), restricted access to monitors, servers and recording equipment and security to ensure images are neither deleted nor modified.

9.2 Child Protection Policy

In accordance with the Children's First Act 2015 and Children First: National Guidance for the Protection and Welfare of Children (2017), Rush Multipurpose Youth Facility CLG has in place a policy in respect of Child Safeguarding, which is available on request or through the Centre's website. Implementation of this Policy will be conducted in a manner consistent with the Data Protection Policy.

10. Policy in respect of the Review of this Policy Document

It is the policy of Rush Multipurpose Youth Facility CLG to review this policy annually in light of its operations and in terms of new legislative or other relevant factors and following guidance from the Office of the Data Protection Commissioner.

Data Protection

The EU General Data Protection Regulation (EU) 2016/679, and Data Protection Act 2018 mean that Rush Multipurpose Youth Facility CLG must be fair in how it handles and stores any personal information we collect.

The Acts protect personal privacy and rights of individuals by restricting how Rush Multipurpose Youth Facility CLG Community Centre uses and shares your personal information.

When you give us personal information, you have rights regarding how this information is used. Rush Multipurpose Youth Facility CLG has a duty to keep your details private and safe.

What is Personal Data?

The EU GDPR 2016/679 defines 'personal data' as:

'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 natural person;

We must protect any Personal Data that is:

- Held on computer
- Held on paper or in any other manual filing system
- In the form of photographs, CCTV/video recordings, your image or recordings of your voice.

We must ensure that your Personal Data is always:

- (a) processed lawfully, fairly and in a transparent;
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- (d) accurate and, where necessary, kept up to date;
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

When Rush Multipurpose Youth Facility CLG records Personal Data about you, you have a right to know:

- (a) The contact details of Rush Multipurpose Youth Facility CLG's Data Protection assigned person;
- (b) How your personal data will be used, and why;

(c) What other agencies, if any, with whom your data may be shared.

In addition, in order to ensure **Rush Multipurpose Youth Facility CLG** is acting in a fair and transparent manner, you have the right to know:

- a) How long we will keep your Personal Data for, and why;
- b) that you have the right to request access to your Personal Data, to a copy of it, to have any inaccuracies rectified, to have it erased (under certain circumstances), to object to its use, and to having it transferred ('data portability');
- c) That you have the right to lodge a complaint with a supervisory authority;
- d) Of the existence of any automated decision-making, including profiling, and the reasons for it.

How to access your Personal Data

Under Article 12 of the EU GDPR 2016/679 you have a right to find out, free of charge, if the **Rush Multipurpose Youth Facility CLG** holds information about you. You can also find out what information we have and why we have it.

XXX CLG (INSERT COMMUNITY CENTRE NAME) must respond to your request for such information within one month.

Under Article 15 of the EU GDPR 2016/679, you have a right to get a copy of any personal information we have in any format we have it. You are entitled to know where we got the information, how it has been used and if it has been passed on to anyone else.

To help us deal with your Data Subject Access Request you may be asked for any of the following:

- Proof of identity
- Current or previous postal address
- Whether you need specific or all information held by Rush Multipurpose Youth Facility CLG.

Rush Multipurpose Youth Facility CLG provides a **Data Subject Access Request Form** (see attached) to facilitate data subject access request.

All requests for personal data held by Rush Multipurpose Youth Facility CLG must be made in writing by post or email to the Data Protection Champion;

Rush Multipurpose Youth Facility CLG *Manager*

Acknowledgement of receipt of the Subject Access Request form will be made within 5 working days.

DATA PROTECTION POLICIES AND PRIVACY NOTICES

Upholding your rights – Data Protection Commissioner

If you feel Rush Multipurpose Youth Facility CLG is not respecting your data protection rights, please contact us. If you are not satisfied with our response, you may contact the Office of the Data Protection Commissioner as follows:

The Office of the Data Protection Commissioner

Canal House, Station Road, Portarlinton, Co. Laois

LoCall: 1890 252 231, Telephone: 057 8684800, Fax: 057 8384757

Email: info@dataprotection.ie

Website: <http://www.dataprotection.ie>

INSERT SITE LOGO

**Rush Multipurpose Youth Facility CLG
Subject Access Request Form**

Request for Access to Personal Data under the (EU) General Data Protection Regulation and the Data Protection Acts, 1988 to 2018.

Please Note:

1. A Request in writing can be made and signed by the applicant.
2. An acceptable form of Proof of Identity must accompany this Subject Access Request form.
3. Within the terms of the General Data Protection Regulation, XXX CLG (INSERT COMMUNITY CENTRE NAME) will respond to your request for personal data within one month. In some circumstances where requests are complex or numerous, this period may be extended
4. Where a request is manifestly unfounded, excessive, of a repetitive nature or where more than one copy is sought, a fee may apply.
5. Community Centre's Privacy Statement is set out at the end of this form
6. If the application is being made through a solicitor, a signed form consenting to the release of data to solicitor is required.
7. Third party requests by parent/guardian requires their identification documents

PLEASE COMPLETE ALL PARTS OF THE FORM

1	Full Name
2	Postal Address (including Eircode)

3	Telephone Number:
4	Email Address:
5	Please outline details of the data sought:
6	To assist us in locating the data requested, please indicate the location within Rush Multipurpose Youth Facility CLG, where you believe your personal data may be in existence:
7	Please indicate the time period for which the data being sought relates to
8	Please provide any previous reference numbers relating to your contact with Rush Multipurpose Youth Facility CLG

Verification of Identity

In order for us to verify your identity, please provide the following information. A copy of Photo ID i.e. Passport or Driving Licence and a copy of a recent Utility Bill or Government letter issued within the last three months to your current address.

I,..... [insert name] wish to have access to my personal data or identifiable images that I believe Rush Multipurpose Youth Facility CLG retains on me as outlined below:

I declare that all the details I have provided in this form are true and complete to the best of my knowledge.

Signed: _____

Date: _____

If you have ticked 'No' to any question below, we regret we cannot process your request.

Please return this form to:

Data Protection Champion, CLG Rush Multipurpose Youth Facility CLG Mill Bank Rush Co Dublin. Dublin or by e-mail to manager@rushcoco.ie

Further information on Data Protection Subject Access Requests can be found on the website of the Data Protection Commission – www.dataprotection.ie

Checklist Have you:

1. Completed the Subject Access (SAR) Request form in full - YES/NO
2. Signed and dated the Declaration on the SAR form - YES/NO
3. Included an appropriate form of Photo ID - YES/NO
4. Included a copy of a recent utility bill or Government letter - YES/NO
5. Included letter of consent to Solicitor (where applicable) - YES/NO

Privacy Statement Rush Multipurpose Youth Facility CLG processes all personal information in accordance with the General Data Protection Regulation and the Data Protection Acts, 1988 to 2018. Further information in relation to this is available on our website