

CHESHIRE IRELAND PRIVACY NOTICE

Summary:

This Privacy Notice explains how Cheshire Ireland process and use your personal information and your rights in relation to that information. Cheshire Ireland are obliged to process your personal data in accordance with S./I No: 658/2018 Data Protection Act 2018 (henceforth, the GDPR).

This Privacy Notice explains why and how Cheshire Ireland will use the personal information that is obtained from you or others, with whom it's shared with, and the rights you have in connection with the information used.

Data Controller:

Cheshire Ireland is a Not-for-Profit organisation and a registered charity that works to support adults with physical disabilities and/or neurological conditions.

Cheshire Ireland is the controller under the meaning of the GDPR in relation to the processing activities described below. This means that Cheshire Ireland decides why and how your personal information is processed. Data is processed in manual (paper) and electronic (computer, laptop, tablet etc.) form.

Data Protection Officer:

Cheshire Ireland has nominated a data protection officer who has responsibility in relation to data protection compliance within the organisation. Our data protection officer can be contacted on dp@cheshire.ie or please call Central Office on 01-4295767.

What types of data is processed:

There are two main types of data:

1. Personal Data
2. Special Categories of Personal Data.

Personal Data includes any information that might identify a person (i.e. a person's name, address etc.).

Special Categories of Personal Data includes reference to certain types of data such as a person's health, race, ethnicity, political opinions, religious and/or philosophical beliefs, trade union membership and sexual orientation. It also includes data relating to a person's genetics or biometric data (that is data which relates physically to a person and identifies them i.e. their fingerprint).

Because Cheshire Ireland provides clinical, social and support related services to people with disabilities, it processes personal data and special categories of personal data. This is also the case for its employees as it often holds health related data (such as occupational health assessments etc.) which may be of relevance to their employment.

In certain circumstances Cheshire Ireland may only process personal data (and not special categories of personal data) relating to individuals (i.e. where an individual signs a 'visitor's book' within a service, and where a relative of a person Cheshire Ireland supports provides their contact details in case of emergency).

Why does Cheshire Ireland process the data? What is the Legal Basis to do so?

Cheshire Ireland must only process data legally in a way that is fair and transparent. It shall generally process and share **personal data** on the following grounds:

1. It is necessary for us to process the data in order to provide services to the people Cheshire Ireland support and/or employ to provide such services (by way of contract); **and/or**
2. It is necessary for data to be processed in order to comply with a legal obligation (i.e. in designated centres Cheshire Ireland are required to keep certain records in line with the Health Act 2007 Regulations 2013 for inspection by HIQA); **and/or**
3. It is necessary to pursue the legitimate interests of Cheshire Ireland;
 - a) in order to best support the people supported by the organisation it is necessary to process their data so that Cheshire Ireland can ensure that services provided are individualised and proportionate;
 - b) to process the data of the people employed to fulfil that purpose;
 - c) to process relevant stakeholders' data (e.g. the data of family members, funders, partners etc.) for funding, reporting etc.; **and/or**
4. Consent has been given by an individual to Cheshire Ireland to process their data for one or more purposes. In the event that an individual does not consent it may prevent or inhibit Cheshire Ireland from providing a service.

In relation to the processing of **special categories of personal data** in addition to the above it shall lawfully do so because:

1. It is necessary for the provision of health and social care related services and for the assessment of the working capacity of employees of Cheshire Ireland; **and/or**
2. The processing is carried out during the course of Cheshire Ireland's activities as a Not-for-Profit organisation where the processing relates to individuals who have regular contact in relation to its mission, vision and values and where the data is not disclosed outside the organisation; **and/or**
3. Explicit consent has been given by a person to Cheshire Ireland to process their data for one or more specific purposes.

What does Cheshire Ireland do with your data?

The purposes for which Cheshire Ireland processes your data are as follows:

- Provide services to the people supported by Cheshire Ireland (which includes data recording and practices which are required by HIQA). The types of services provided can range from and include various elements such as clinical and social care type services and/or tenancy services and/or accommodation services.
- Employ staff to provide services and to run the organisation in an appropriate manner.
- Report to the HSE and other relevant stakeholders as required.
- Advocate on your behalf to relevant stakeholders.

Cheshire Ireland is obliged to ensure that the processing of your data is secure and in a way that respects your privacy.

Categories of third parties who might receive your data

In some circumstances we have to share your information to meet obligations as a service provider/employer. Cheshire Ireland shares information it holds about you with your consent and/or in accordance with this Privacy Notice as follows:

Internally: As is required in order to undertake the work of the organisation.

Third Party Stakeholders:

- Regulators/Statutory Agencies: Which includes the HSE (Cheshire Ireland are required to report to HSE as a condition of its funding); HIQA; Residential Tenancies Board, in the case of services and service provision; Revenue, in the case of its employees; Gardaí (in the case of seeking Garda E-Vetting and/or in the event of any lawful obligation such as under the Criminal Justice (Withholding of Information on offences against Children and Vulnerable Persons) Act 2012);
- Third Party Service Providers: Which includes agency staff that are sometimes required where directly employed staff are unavailable to provide services; emergency response services and various approved housing bodies to assist in the management of your tenancy or in an attempt to find suitable accommodation;
- Public Bodies, which includes local authorities (in the case of tenants of social housing accommodation and where RAS/HAP payments are received), social welfare (in the case of rent supplements where it's paid directly to Cheshire Ireland or where a person is transferring their payment over to RAS/HAP).

Third Party Processors:

- IT Support: Cheshire Ireland engages an external IT support Agency who requires access to Cheshire Ireland's data for the specific purpose of providing support and protection to the said data;
- Payroll/TMS: Includes the IT systems used by employees to manage their working time, clocking in and clocking out and the payroll system that processes wages on a periodical basis;
- Occupational Health: Employees may be referred to occupational health for support and/or assessment.

How long does Cheshire Ireland keep your data?

Cheshire Ireland retains your information only for as long as is necessary and required for the purposes set out in this Privacy Notice or as needed to provide services to you. Cheshire Ireland has a data retention schedule (of which a copy can be requested by emailing dp@cheshire.ie) which sets out the retention periods that Cheshire Ireland has in place for various types of records it processes. If you have a query in relation to any data Cheshire Ireland holds on you or for how long it is held, please contact the Data Protection Officer(s) as mentioned above.

What rights do you have?

You have a number of rights in relation to how Cheshire Ireland use your personal information as follows:

1. The right to access a copy of all personal data held by Cheshire Ireland;

2. The right to have incorrect data, which relates to the data subject, either corrected or removed;
3. The right to erasure;
4. The right to restriction of processing;
5. The right to data portability;
6. The right to object to processing;
7. The right to confirm whether personal data relating to the individual is being processed by the organisation;
8. The right to lodge a complaint with the supervisory authority at www.dataprotection.ie.
9. The right to withdraw consent where that is the basis for processing.

Please note that where Cheshire Ireland provide services to you or are your employer Cheshire Ireland cannot erase your data until such time as its obligation has expired to legally retain your information.

How can you make a complaint or request in relation to your data?

You can contact Cheshire Ireland's Data Protection Officer(s) during normal working hours in relation to any queries or concerns you may have in relation to your data at dp@cheshire.ie or please call Central Office on 01-4295767.

You have the right to file a complaint against Cheshire Ireland with the Irish Data Protection Commissioner which is Ireland's Data Protection Supervisory Authority.

Data Protection Commission

**21 Fitzwilliam Square South
Dublin 2
D02 RD28
Ireland**

Phone Number: 01 7650100 or 1800 437 737

Website you can submit an online form: Data Protection Commission