



POSITIVE FUTURES

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Name of Policy:	Data Protection Policy		
Policy Lead:	Information Manager		
Next Review Date:	01.07.27		
Change Record			
Issue Date	Nature of Change	Ratified by	Date ratified
29.10.18	First issue: developed for the purposes of compliance with the General Data Protection Regulation 2018	Directors	26.04.18
11.12.19	Clarifies that data breaches are now managed via the Data Breach Management Procedure rather than the Incident Management Policy	ED	24.09.19
01.07.24	Introduction of a Record of Processing Activity; clarification that subject access requests can be made verbally or in writing	CSD	27.06.24

Data Protection Policy

Aim

To ensure suitable systems are in place so that personal data is:

- Processed fairly, lawfully and in a transparent manner
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and not excessive
- Accurate and up-to-date
- Not kept for longer than necessary
- Secure.

Context

This policy complies with the European Union General Data Protection Regulation (GDPR) 2018. This policy applies to all services and departments within Positive Futures and applies to all staff and volunteers (including HomeShare Carers / Hosts) and any other organisation or individuals working with / on behalf of Positive Futures who have access to personal data.

The GDPR applies to the processing of ‘personal data’ meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier e.g. name, identification number, location data or online identifier.

‘Special categories’ (sensitive personal data) relating to data subjects attract additional protection and include race, ethnic origin, political opinions, religion, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life and sexual orientation. This type of data could create more significant risks to a person’s fundamental rights and freedoms, for example, by putting them at risk of unlawful discrimination.

Processing personal and special category information involves obtaining, recording, holding or carrying out any operation or set of operations including:

- organisation, adaptation or alteration
- retrieval, consultation or use
- disclosure by transmission, dissemination or otherwise making available
- alignment, combination, blocking, erasure or destruction

Roles and Responsibilities

Everyone within Positive Futures is responsible for keeping information safe and secure.

Chief Executive, as the accountable officer, is overall responsible for ensuring, and being able to demonstrate, that Positive Futures (data controller) is compliant with the GDPR.

Information Manager is responsible for:

- Carrying out the Data Protection Function under the GDPR
- Informing and advising managers and staff about their obligations to comply with the GDPR
- Monitoring compliance with GDPR including managing internal data protection activities, advising on privacy impact assessments; developing training plans and conducting internal audits
- Liaising with supervisory authorities including reporting breaches to the Data Protection Commission (DPC)
- Liaising with relevant manager to be able to respond to any Subject Access requests (SARs) within the allocated timeframe
- Verifying the identities of data subjects submitting a SAR
- Ensuring contracts with processors (a person or organisation that processes data on behalf of Positive Futures, other than an employee of Positive Futures) comply with GDPR
- Ensuring the Records Retention and Disposal Schedule (Peo.15.03) is updated and maintained
- Ensuring the Record of Processing Activity (Peo.15.06) is updated and maintained
- Maintaining the Subject Access Request Log, Data Processing Log and Data Breach Log.

Managers are responsible for:

- Investigating any data breaches or suspected data breaches once they have been reported
- Escalating data breaches to the Information Manager as per the Data Breach Management Procedure (Peo.15.05)
- Ensuring processors sign a data processing agreement (DP 1d) before any personal information is shared, where their obligations relating to data protection are not already covered in the original contract with Positive Futures

- Conducting privacy impact assessments (PIAs) where required using the Privacy Impact Assessment Form (DP 1c)
- Informing the Information Manager of any updates required to the Records Retention and Disposal Schedule (Peo.15.03).

Staff and volunteers (including HomeShare Carers / Hosts) are responsible for:

- Maintaining confidentiality in relation to any personal information relating to data subjects
- Ensuring that records containing personal and sensitive information, are held and managed securely
- Recording any breach or suspected breach using the Data Breach Report Form (DP 1i) and submitting it to their line manager within 1 working day
- Ensuring their personal data is kept accurate and up-to-date on iTrent Self-Service.

Data subjects (an identifiable and living individual who is the subject of personal data, for example the people we support, representatives, carers, staff and volunteers (including HomeShare Carers / Hosts) are responsible for:

- Informing the relevant manager if their personal data is inaccurate or incomplete, where they are unable to rectify it themselves e.g. on iTrent Self-Service.

Policy Statement

Lawful Basis for Processing Personal Data

Positive Futures identifies a lawful basis and, where applicable, a special category condition before processing any personal or special category data. This is documented in the Record of Processing Activity (Peo.15.06). Refer to this record for further details.

Privacy Notices

Details of any processing activities and the rights of data subjects are explained within the relevant Privacy Notices which all data subjects receive before Positive Futures begins to process their personal data. Privacy notices are written in clear, age-appropriate language or in easy-read format, where required and are available on our website www.positive-futures.ie

Retention of Records

The Records Retention and Disposal Schedule (Peo.15.03) details records that are stored by the organisation and the length of time they are retained for. See this record for further details.

Subject Access Requests

Subject access requests can be made verbally, in writing, or by submitting the Subject Access Request Form (DP 1a). Positive Futures gives data subjects access to their personal data free of charge¹ within 1 month² of receiving a subject access request, unless the request is refused. Positive Futures may refuse a request for access to data if the request is manifestly unfounded, excessive or repetitive. If a request is refused the Information Manager will inform the person who has requested the information, of the reason for the refusal and inform them of their right to complain to the supervisory authority and to a judicial remedy, within one month of the decision to refuse the request being made.

Any information relating to a third party is removed from the record before being released, unless the third party has authorised the release of this information.

The Information Manager records any subject access requests on the Subject Access Request Log along with the reasons for any refusals to respond. See Subject Access Request Log for further details.

Data Processing Agreements

Positive Futures has a signed Data Processing Agreement with all data processors to ensure the data processor meets the requirements under the GDPR and ensure the rights of data subjects are protected (where the obligations of the processor relating to data protection are not already covered in the original contract with Positive Futures). Data processing agreements are documented in the Data Processing Log. See Data Processing Log for further details.

¹ A 'reasonable fee' (based on the administrative cost of providing the information) may be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive, and to comply with requests for further copies of the same information.

² A further two months may be added where requested are complex and numerous. Where this is the case the Information Manager must write to the data subject within 1 month explaining why the extension is necessary.

Data Protection by Design and Default

Positive Futures designs systems and processes with data protection in mind and uses privacy impact assessments to identify any new or enhanced technical and organisational measures that are required to protect personal and special category data.

Privacy Impact Assessments

Privacy impact assessments are completed by the relevant manager when undertaking a new project that involves the use of personal data or a new way of working that could have an impact on the privacy of individuals using the Privacy Impact Assessment Template (DP 1c). Any additional or increased risks relating to children's or people we support data are considered. Refer to the Risk Management Policy (Risk 0.01) for further details.

International Transfers

Positive Futures will only transfer personal data outside the European Union to third countries or international organisations when the organisation receiving the personal data has provided adequate safeguards to Positive Futures.

Data Breaches

Data breaches (including any suspected data breaches) are identified, reported, recorded, investigated and escalated as per Data Breach Management Procedure (Peo.15.05). See Data Breach Management Procedure (Peo.15.05) for further details.

The Information Manager records any data breaches on the Data Breach Log. See Data Breach Log for further details.

Audit

Compliance with this policy is audited on a regular basis by the Information Manager.

Information, Instruction and Training

Staff and volunteers (including HomeShare Carers / Hosts) receive information, instruction and training on this policy, as appropriate to their role.

Related Documents

Procedures

- [Records Retention and Disposal Schedule](#) (Peo.15.03)
- [Record of Processing Activity](#) (Peo.15.06)
- [Data Breach Management Procedure](#) (Peo.15.05)

Guidance

- [Keeping Information Safe Guidance](#) (Peo.15.01) & Presentation
- [Subject Access Request Guidance](#) (Peo.15.02)
- [Records Retention and Disposal Schedule Guidance](#) (Peo.15.04)

Process Maps

Forms/Templates

- [Subject Access Request Form](#) (DP 1a)
- Data Processing Agreement Template (DP 1b)
- Privacy Impact Assessment Template (DP 1c)
- Privacy Notice Templates
- Subject Access Request Log
- Data Processing Log
- Data Breach Log
- [File Registration and Destruction Record Template](#) (DP 1h)
- [Data Breach Report Form](#) (DP 1i)

How has this policy been informed by staff, volunteers and the people we support?

This policy has been informed through consultation with the Information Manager and other relevant managers.