

	Data Protection Policy	QF 654	Issue No. 03
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Policy & Procedure for Data Protection



Issue No.	Date	Approved by:	Details of Change
1	17/07/2018	Liz Doran	Initial Release
2	08/06/2020	Vicky Nolan	Updated Title to include who policy refers to
3	10/07/2020	Vicky Nolan	Further information included on each section.

A) INTRODUCTION

This policy is a statement of Barrow Consultancy & Training Ltd.'s (hereafter Barrow Training) commitment to protect the rights and privacy of individuals in accordance with Data Protection Law.

Barrow Training may have to collect and use information about people with whom we work. These may include current, past, and prospective employees, learners, clients, and suppliers. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means.

Barrow Training regard the lawful and correct treatment of personal information as very important to our successful operation and to maintaining confidence between us and those with whom Barrow Training carry out business. Barrow Training will ensure that we treat personal information lawfully and correctly.

To this end Barrow Training fully endorse and adhere to the principles of the General Data Protection Regulation (GDPR) which confers rights on individuals as well as responsibilities on those persons processing personal data.

This policy applies to the processing of personal data in manual and electronic records kept by us in connection with its human resources function as described below. It also covers our response to any data breach and other rights under the GDPR.

This policy applies to the personal data of job applicants, existing and former employees, learners, placement students, workers and self-employed contractors. These are referred to in this policy as data subjects.

B) DEFINITIONS

"Personal data" is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location, online identifier. It can also include pseudonymised data.

"Special categories of personal data" is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

"Criminal offence data" is data which relates to an individual's criminal convictions and offences.

"Data processing" is 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.

C) DATA PROTECTION PRINCIPLES

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, Barrow Training will ensure that:

- a) processing will be fair, lawful and transparent
- b) data be collected for specific, explicit, and legitimate purposes

- c) data collected will be adequate, relevant and limited to what is necessary for the purposes of processing
- d) data will be kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- e) data is not kept for longer than is necessary for its given purpose
- f) data will be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) Barrow Training will comply with the relevant GDPR procedures for international transferring of personal data

D) TYPES OF DATA HELD

Employees

Barrow Training keep several categories of personal data on our employees in order to carry out effective and efficient processes. Barrow Training keep this data in a personnel file relating to each employee and we also hold the data within our encrypted and password-protected computer systems, for example, our holiday booking system.

Specifically, Barrow Training hold the following types of data:

- a) personal details such as name, address, phone numbers
- b) information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter, references from former employers, details on your education and employment history etc
- c) details relating to pay administration such as PPS numbers, bank account details and tax codes
- d) medical or health information
- e) information relating to your employment with us, including:
 - i) job title and job descriptions
 - ii) your salary
 - iii) your wider terms and conditions of employment
 - iv) details of formal and informal proceedings involving you such as letters of concern, disciplinary and grievance proceedings, your annual leave records, appraisal and performance information
 - v) internal and external training modules undertaken

Learners

Learner data is mainly obtained from the details you provide directly through the application/enrolment/registration process, or which your manager/supervisor provides, as well as your academic information, e.g. results, certification.

This is held by Barrow Training on its records systems including encrypted and password-protected Excel spreadsheets and the Veri Learner Management System. Learners engaged in Blended Learning will also have their name and email address stored on the Training for Success Learner Management System.

Categories of personal data collected/recorded include:

- a) Name
- b) Postal and email addresses
- c) Phone number
- d) Date of birth
- e) Gender
- f) PPS Number
- g) Next of kin/emergency contact details
- h) Financial information (including details of funding and fees paid and outstanding)

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- i) Image (for online platform) and proof of identification where necessary
- j) Garda vetting record
- k) Engagement with Barrow Training's virtual learning environment activity
- l) Information about examinations, assessments and results, repeat examinations and learner progression
- m) Certificates awarded
- n) Details of disabilities (optional) and/or medical records (may be necessary in application for reasonable accommodation)
- o) Disciplinary, grievance procedures data
- p) IP address, and the type of device you are using when visiting the Barrow Training website on a mobile device

E) RIGHTS OF DATA SUBJECTS

Your rights relating to your personal data include:

- a) to be informed (via a privacy notice and other communications)
- b) to request access to Personal Data held by Barrow Training, and to have any incorrect Personal Data rectified
- c) where appropriate, to the restriction of processing concerning you or to object to processing
- d) to have Personal Data erased, where appropriate
- e) to data portability regarding certain automated Personal Data
- f) with regard to rights within the legislation relating to "automated decision-making", Barrow Training does not use such processes and they do not arise
- g) to restrict the use of the data Barrow Training hold and the right to object to Barrow Training using your data – please contact the Data Protection Officer if you believe your personal data is being used unlawfully or you have reason particular to your personal situation why Barrow Training should not be processing it.

Requests for any of the above should be addressed by email to info@barrowtraining.ie or in writing setting out your specific request to Barrow Training's Data Protection Officer, Barrow Training, High Street, Bagenalstown, Co. Carlow, R21 TH22. Your request will be processed within 30 days of receipt. Please note, however, it may not be possible to facilitate all requests, for example, where Barrow Training is required by law to collect and process certain personal data including that personal information that is required of any learner of Barrow Training.

Additionally, you can update your personal data by contacting the Training Manager at admin@barrowtraining.ie.

F) RESPONSIBILITIES OF EMPLOYEES

In order to protect the personal data of data subjects, which it holds or to which it has access, Barrow Training have designated employees with specific responsibilities for the processing and controlling of data.

Barrow Training have also appointed employees with responsibility for reviewing and auditing our data protection systems.

G) RESPONSIBILITIES OF DATA SUBJECTS

1. *Updating your details:* The GDPR requires that personal data is accurate. Please let Barrow Training know if your contact details change. If Barrow Training do not have the correct contact details, we cannot take responsibility if we are unable to provide you with any information you require, for example, missing an exam or deadline resulting in serious consequences.
2. *Processing Personal Data:* You must comply with Barrow Training's Data Protection Policy and the GDPR if, as a learner, you have access to the personal data of others; or if you wish to collect or process any personal data as part of your studies or research. You must ensure that you notify and seek approval from your tutor before any processing occurs. If you are processing personal data other than as part of your studies, you should contact the Office of the Data Protection Commissioner (Supervisory Authority) as you will not be covered under Barrow Training's registration. You can contact that Office at info@dataprotection.ie or by writing to the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.

H) LAWFUL BASES OF PROCESSING

Data Protection law requires that Barrow Training must have a valid lawful basis in order to process personal data. Barrow Training relies on a number of such bases as follows:

1. *The provision of a contract* – much of the personal information Barrow Training processes is necessary to meet its commitments to you, for example, processing your data in relation to teaching, assessment and associated administration. The following sets out the main purposes of which we process learners' personal data in the provision of a contract:
 - Recruitment and admission of learners
 - Provision of teaching and associated academic services including examinations, progression and related administration
 - Facilitating accreditation with professional and industrial bodies
 - Managing and administering learners' educational contracts
 - Recording and managing learner conduct (including disciplinary procedures)
 - Maintaining learner records
 - Management and administration of learner finance (including fees and funding)
 - Graduation – type and status of graduate awards are publicly acknowledged at Barrow Training conferring ceremonies and are published in Barrow Training's conferring booklet; Graduation ceremonies are regarded as public events and may be recorded and/or live streamed by Barrow Training.
 - Delivering plagiarism checking and academic validation services
 - Providing services necessary for the learner experience (including IT and communication services)
 - Providing support and maintenance services (including IT)
 - Safeguarding and promoting welfare of learners
 - Dealing with grievances and disciplinary actions

- Dealing with complaints and enquiries
- Providing careers and placement advice and services
- Service improvement via feedback and surveys
- Internal reporting and record keeping
- Responding to data access requests you make
- Inclusion in Barrow Training's Outlook directory
- Providing learner support services including:
 - Disability and learning support services
 - Careers and employment advice and services
 - Health and wellbeing services
 - Barrow Training email distribution lists: as a registered learner you will automatically be added to a number of email distribution lists to enable Barrow Training to manage its operations and provide the full range of services to you. An opt-out option is not permitted for these operations and core services.

The following sets out the main purposes of which we process employees' personal data in the provision of a contract:

- Contact details such as name, address, phone numbers
 - Information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter, references from former employers, details on your education and employment history etc
 - Details relating to pay administration such as PPS numbers, bank account details and tax codes
 - Medical or health information
 - Information relating to your employment with us, including:
 - job title and job descriptions
 - your salary
 - your wider terms and conditions of employment
 - details of formal and informal proceedings involving you such as letters of concern, disciplinary and grievance proceedings, your annual leave records, appraisal and performance information
 - internal and external training modules undertaken
2. *The fulfilment of a legal obligation* – Barrow Training must process your personal data when required to do so under Irish/EU law, for instance:
- Sharing information with statutory bodies
 - Monitoring equal opportunities
 - Providing safety and operational information
 - Performing audits
 - Preventing and detecting crime
 - Administration of insurance and legal claims
 - Garda vetting
3. *To protect the vital interest of you or another person* – under extreme circumstances Barrow Training would share your personal data with third parties to protect your interests or those of another person, for example:

- Providing medical or emergency contact information to emergency services personnel
 - Contacting you or your next of kin, in case of an emergency
4. *Consent* – under certain circumstances, Barrow Training will only process your personal data with your explicit consent. Explicit consent requires you to make a positive, affirmative action and be fully informed about the matter to which you are consenting, for example:
- Dealing with enquiries by providing information on Barrow Training courses and other programmes of study that may be of interest and benefit to learners, applicants and other interested parties
 - Promoting Barrow Training’s services (e.g. career guidance, consultancy)
 - Marketing, including images, online, in print and on social media; publications, invitations and other communications
 - Competition entries – As per the data retention schedule, contact details will be retained until competition closing date has passed and winner has been notified
 - References: Academic staff may agree to provide a reference for you if you apply for a job or further study. You should ensure that the requesting organisation is in a position to provide the academic staff member with a copy of your signed consent to the issuing of your reference to them
 - Participating in third party surveys

You will be given clear instructions on the desired processing activity, informed of the consequences of your consent and of your clear right to withdraw consent at any time.

I) ACCESS TO DATA

As stated above, employees and learners have a right to access to access the personal data that Barrow Training hold on them, as per the Subject Access Request Policy (QF 658). To exercise this right, data subjects should make a Subject Access Request using the Subject Access Request Form (QF 792). Barrow Training will comply with the request without delay, and within 30 days unless, in accordance with legislation, Barrow Training decide that an extension is required. Those who make a request will be kept fully informed of any decision to extend the time limit.

No charge will be made for complying with a request unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the employee making the request. In these circumstances, a reasonable charge will be applied.

J) DATA DISCLOSURES

The Company may be required to disclose certain data/information of an employee to any person. The circumstances leading to such disclosures include:

- a) any employee benefits operated by third parties;
- b) disabled individuals - whether any reasonable adjustments are required to assist them at work;

- c) individuals' health data - to comply with health and safety or occupational health obligations towards the employee;
- d) for sick pay purposes;
- e) HR management and administration - to consider how an individual's health affects his or her ability to do their job;
- f) The smooth operation of any employee insurance policies or pension plans;
- g) to assist law enforcement or a relevant authority to prevent or detect crime or prosecute offenders or to assess or collect any tax or duty.

These kinds of disclosures will only be made when strictly necessary for the purpose.

K) DATA SECURITY

All our employees are aware that personal information should be kept in a locked filing cabinet, drawer, or safe.

Employees are aware of their roles and responsibilities when their role involves the processing of data. All employees are instructed to store files or written information of a confidential nature in a secure manner so that are only accessed by people who have a need and a right to access them and to ensure that screen locks are implemented on all PCs, laptops etc when unattended. No files or written information of a confidential nature are to be left where they can be read by unauthorised people.

Where data is computerised, it should be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up. If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Employees must always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them.

Personal data relating to employees or learners should not be kept or transported on laptops, USB sticks, or similar devices, unless prior authorisation has been received from the Data Protection Officer. Where personal data is recorded on any such device it should be protected by:

- a) ensuring that data is recorded on such devices only where absolutely necessary.
- b) using an encrypted system — a folder should be created to store the files that need extra protection and all files created or moved to this folder should be automatically encrypted.
- c) ensuring that laptops or USB drives are not left where they can be stolen.

Failure to follow the Company's rules on data security may be dealt with via the Company's disciplinary procedure. Appropriate sanctions include dismissal with or without notice dependent on the severity of the failure.

L) THIRD PARTY PROCESSING

Barrow Training may disclose certain personal data to third parties. These external organisations, and the purpose for sharing the information, are set out below. This list will be updated periodically as required.

Barrow Training will only share your personal data with external third parties where we are required to do so under a statutory or legal obligation, or we are required to do so under a contractual obligation or we have your consent, or we are otherwise permitted to do so in accordance with data protection legislation.

The disclosure of your data to third parties includes:

- Accrediting Bodies – Quality and Qualifications Ireland (QQI) and Pre-Hospital Emergency Care Council (PHECC) – Sharing data relating to qualification recognition, quality assurance, and qualification details referenced to the National Framework of Qualifications
- External Software As A Service (SAAS) providers. Barrow Training has entered into commercial agreements with external software service providers to support and enhance teaching, learning and assessment and research mission of Barrow Training. These services include Learning Management Systems (Veri and Training for Success), online discussion forums, lecture and tutorial recording, research publications, authenticity checking, and feedback and assessment. This sharing is governed by a Data Sharing Agreement between the organisation and Barrow Training.
- Acuity Scheduling – When a learner books a course through our website, the information collected, i.e. learner contact details, is shared with Acuity Scheduling, the provider of our online booking service. A Data Sharing Agreement exists between the Acuity Scheduling and Barrow Training.
- Department of Employment Affairs and Social Protection: Information may include details of your progression/completion to ensure continuance of funding
- Stripe – credit/debit card payment provider. Barrow Training will accept credit/debit card payment by phone. This information is processed during the phone call and is not stored by Barrow Training. Therefore, if payment processing is unsuccessful, you will be required to provide the information again.
- FCR Media (website providers) – By simply visiting our website, you do not disclose, nor do we collect, personal data about you. The information collected about your visit is limited to technical data such as:
 - the Internet address (or IP address) of the device you used to access this website
 - whether you reached the site using a search engine or if you clicked a link on another website
 - the type of web-browser you used
 - the type of device you used to access the Internet

We use this data for administrative and statistical purposes as well as to help us improve our website. This technical data does not provide us with the personal data of visitors to our website.

- Web Browsers via Cookies – A cookie is a small piece of data or text file sent by a website to the browser on your computer or mobile device when you are visiting a website. To measure performance, our website uses cookies on certain sections to gather data for statistical purposes only. You can modify your browser to accept or decline these cookies at any given time. Please note if some cookies are blocked, you may not be able to reach certain pages of our website.
- Revenue Commissioners

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- Tenders – Details of relevant employees, tutors and company referees are shared in tender applications
- Awards – Details of relevant employees and tutors are shared in award nominations
- Regulatory Authorities – e.g. Office of the Ombudsman, Office of Data Protection Commissioner, Office of the Information Commissioner
- Legal advisors, Courts
- An Garda Síochána – prevention/detection of crime, apprehension and prosecution of offenders, protection of an individual’s vital interests/welfare or safeguarding national security
- Garda Vetting Bureau – details of learners who have applied for courses that require Garda vetting
- Insurance companies for the purpose of providing insurance cover or in the event of an insurance related claim
- External Authenticators – Assessment scripts for external review, quality assurance
- Employers, voluntary and charitable organisations – To facilitate cooperative and volunteering placements of learners
- Other training providers for external training such as Skillnet groups and County/City Chambers who may fund the training
- Financial sponsors – if a learner’s fees are paid by an external organisation (e.g. your employer, Community Employment Scheme), Barrow Training may share personal data relating to your attendance and academic progress
- Prospective employers for confirmation of qualification and provision of references with your consent
- Press and the media – with your consent we may share information about you for publicity and marketing purposes online, in print and on social media
- Data may be shared with reputable “data processors” for the purposes of sending communications (e.g. Mailchimp)

M) INTERNATIONAL DATA TRANSFERS

Barrow Training does not transfer personal data to any recipients outside of the European Economic Area (EEA).

N) REQUIREMENT TO NOTIFY BREACHES

All data breaches will be recorded on our Data Breach Register. Where legally required, Barrow Training will report a breach to the Data Protection Commission within 72 hours of discovery. In addition, where legally required, Barrow Training will inform the individual whose data was subject to breach.

More information on breach notification is available in our Breach Notification policy (QF 656).

O) TRAINING

Employees must read and understand Barrow Training’s policies on data protection as part of their induction. All employees also receive training in GDPR Awareness which must be

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refreshed every two years, as they have access to the secure data storage systems. This training covers protecting individuals' private data, ensuring data security, and understanding the consequences of any potential breaches of the Company's policies and procedures.

The nominated Data Protection Officer receives additional training in their role under the GDPR.

P) RECORDS

The Company keeps records of its processing activities including the purpose for the processing and retention periods in its Records Management and Retention Policy (QF 791). These records will be kept up to date so that they reflect current processing activities.

Q) DATA PROTECTION COMPLIANCE

Our Data Protection Officer is:

Liz Doran
info@barrowtraining.ie
059 9721416