



WestBIC

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# DATA PROTECTION POLICY

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## 1. Introduction

WestBIC is committed to protecting the rights and privacy of all individuals. WestBIC shall lawfully and fairly process personal data about staff, employees, suppliers and other individuals to achieve our mission and functions.

This Data Protection Policy be read in conjunction with other relevant Data Protection related policies. WestBIC may supplement or amend this policy with additional policies and guidelines from time to time.

## 2. Definitions

**Personal data** is defined 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, by reference to an identifier such as 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.

**Special categories of personal data** (or **'sensitive data'**) are defined as any personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of genetic data, biometric data for uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

## 3. Scope & Purpose

This policy applies to all WestBIC offices.

The purpose of this Data Protection Policy is to enable WestBIC to:

- Ensure compliance with applicable EU and Irish law
- Ensure that WestBIC does all possible to respect the rights and privacy of all staff, and any other individuals whose data WestBIC may hold or use
- Protect the organisation, staff and any other individuals from the consequences of a data breach

## 4. Policy Responsibility

The Data Protection Policy is maintained by WestBIC's Director in conjunction with WestBIC's North West Regional Manager. Managers at all levels of WestBIC will be accountable for being able to demonstrate that this policy has been implemented across their respective departments and are responsible for ensuring that their staff observe its provisions.

## 5. Data Protection Principles

All processing of personal data must be conducted in accordance with the data protection principles. All of WestBIC's policies and procedures should be designed to ensure compliance with the following principles:

### 5.1 Lawful, Fair & Transparent

- *Personal data must be processed lawfully, fairly and transparently*

**Lawful** – WestBIC processes staff data to facilitate employment. The use of a staff member's data for operations common and necessary for such purposes is always deemed lawful and fair.

Where the staff member's data is being used for purposes which are not strictly necessary in order to facilitate the employment of the employee as required by employment law, there is a need to ensure that the use of the data is lawful, and should be set out in WestBIC's record of processing activities.

**Fair** – To store and use personal data fairly, WestBIC is required to make certain information available to the relevant individuals through WestBIC's privacy notice.

This is applicable whether the personal data has been obtained directly from the individual or obtained from another source. The information to be provided in WestBIC's privacy notices will include:

- Contact details for an office / desk within WestBIC
- A complete and transparent list of the how WestBIC uses personal data, and the associated legal bases
- Retention periods for all types of information collected / stored by WestBIC
- A list of the rights of the data subject
- A list of recipients / categories of recipients of personal data which WestBIC uses
- A list of transfers of personal data to third countries (countries outside of the European Economic Area)

**Transparent** – The client will provide the information outlined above to the individual at the time their personal data is collected. WestBIC will ensure that the information provided is detailed and specific, and that such notices are understandable and accessible.

Information must be communicated to the individual in an intelligible form using clear and plain language.

In line with the publication of a Privacy Notice:

- Staff and staff will be made aware of the information held relating to them and its purpose;
- Staff will be made aware that data is sometimes exchanged with third parties;
- Staff will be made fully aware of what information can be disclosed and guidelines on this will be included in staff induction and staff manuals;
- Staff and job applicants will be made aware of the personal information held and its purpose of processing.

### **5.2 Purpose Limitation**

- *Personal data can only be collected for specific, explicit and legitimate purposes*

WestBIC will collect, store and use personal data only for the purposes for which it is collected. Staff must be alert to requests for the use of personal data for purposes other than for which it was collected, no matter how related the use of the data may appear.

Personal data should be used for new purposes only after an assessment of the impact of the new use has been assessed. This assessment may be completed in the form of a Data Protection Impact Assessment (DPIA), refer to **Section 7.7** below.

WestBIC will demonstrate the limitation of the use of personal data through the implementation of the following measures:

- Ensuring data is used only for purposes which are lawful, justified and documented in the record of processing activities;
- Ensure that disclosures of information will be carried out for the purposes which are specified and documented in the record of processing activities.

### **5.3 Data Minimisation**

- *Personal data must be adequate, relevant and limited to what is necessary for the purpose it has been collected*

WestBIC will ensure that methods of data collection, whether by online forms, hardcopy, or other means, collect only the personal data required to identify the individual and provide the benefit or service requested.

WestBIC will demonstrate the minimisation of personal data used through the undertaking of regular reviews of the data requests to ensure the volume of personal data collected is minimal.

#### **5.4 Accuracy**

- *Personal data must be accurate and kept up to date with every effort to erase or rectify without delay*

WestBIC requires accurate and up-to-date data to ensure that the correct services are provided to the correct recipients. All data collection procedures will be designed to ensure that reasonable steps are taken to update personal data where new data has been provided.

All changes to personal data should be shared with each third party with whom the previous data had been shared, unless this is impossible or requires a disproportionate effort.

WestBIC will demonstrate commitment to the maintenance of accurate personal data through the implementation of the following practical measures:

- The encouragement of accurate data entry through staff training;
- The prevention of duplication of storage of personal data where possible.

#### **5.5 Storage Limitation**

- *Personal data must be kept in a form such that the data subject can be identified only if it is necessary for the purpose for which it was collected*

WestBIC will implement appropriate policies and procedures to ensure that personal data is retained only for the minimum period required to provide the services requested by the individual. This may be achieved by destroying the personal data, or by any other appropriate method.

WestBIC will demonstrate the limitation of personal data stored through the implementation of a Data Retention and Disposal Schedule which will apply to data stored in all formats (including hardcopy data, electronic data, information held on portable devices, and CCTV footage).

#### **5.6 Integrity, Confidentiality & Security**

- *Personal data must be collected, stored and used in a manner that ensures appropriate security*

WestBIC will implement appropriate technical and organisation measures to ensure that appropriate security of the processing of personal data is implemented, including:

- The implementation of physical access restrictions;
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- The use of encryption / password protection on all electronic equipment;
- Any sensitive data files will be marked “Do Not Copy” or “Private & Confidential”;
- Email and Internet Security will be regularly reviewed and updated;
- Where possible, use encryption / password protection for all personal data which is transferred electronically by WestBIC;
- Third party processors of data will be required demonstrate data protection compliance and sign a data processing agreement.

### ***5.7 Accountability for demonstrating compliance***

WestBIC will ensure that an adequate record of the processing of personal data is maintained and that WestBIC can evidence that it has complied with this policy and related policies and procedures. Responsibility for collecting and maintaining the evidence is with North West Regional Manager.

## **6. Rights of Individuals whose Data is Collected**

WestBIC will design and maintain appropriate policies, procedures and staff training to ensure the fulfilment of the following rights.

### ***6.1 Right of Access***

Any individual has the right to access their personal data which WestBIC holds in relation to them.

WestBIC will implement procedures to ensure that requests from data subjects for access to their personal data will be identified and fulfilled within 30 days of receipt.

### ***6.2 Right to Rectification***

Any individual has the right to request the rectification of the personal data being held by WestBIC in relation to them if the data is deemed to be inaccurate or incomplete.

WestBIC will implement appropriate controls to ensure that personal data held is accurate and as up-to-date as reasonably possible as well as procedures for the rectification of personal data on receipt of a valid request for rectification.

WestBIC will issue letters to the requestor confirming the receipt of the request and update the requestor on the outcome of the request thereafter.

### ***6.3 Right to Erasure***

Any individual has the right to seek the erasure of their personal data by WestBIC if one of the following applies:

- The personal data is no longer required for the purposes for which it was collected by WestBIC;
- The individual withdraws their consent for WestBIC to use their data, where WestBIC is relying on the individual's consent to use the data, and no stronger lawful basis;
- The personal data is being unlawfully used by WestBIC;
- The individual has a valid objection to the processing of their personal data by WestBIC (see section 6.60);
- The personal data requires deletion in line with legal requirements.

WestBIC will not be required to fulfil an erasure request if the data is required for:

- Exercising the right of freedom of expression and information;
- Compliance with a legal obligation or for the performance of a task carried out in public interest;
- Reasons of public interest in public health;
- Archiving or statistical purposes in the public interest;
- The establishment, exercise or defence of legal claims.

On receipt of a valid request for erasure from the data subject, WestBIC will carry out an assessment of the justification for the retention of the personal data in question. WestBIC will implement appropriate procedures to carry out this assessment and will document the justification for the retention of all personal data for issue to the data subject on receipt of a request for erasure that does not require fulfilment.

WestBIC will issue letters to the individual confirming the receipt of the request and updating them on the outcome of the request thereafter.

On completion of a request for erasure, WestBIC will notify all recipients of the data impacted. Additionally, WestBIC will inform the requestor of all third parties notified upon request.

#### **6.4 *Right to Restriction of Processing***

Any individual has the right to restrict the extent to which WestBIC uses their personal data if one of the following applies:

- The accuracy of the personal data is contested by the data subject;
- The use of the personal data is unlawful and the individual opposes the erasure of the data;
- The personal data is no longer required by WestBIC, but retention is required by the data subject;
- The individual has a pending objection request to the use of their personal data.



WestBIC will implement and maintain appropriate procedures to assess whether a data subject request to restrict the processing of personal data can be implemented.

WestBIC will issue letters to the requestor confirming the receipt of the request and, where the request is fulfilled, WestBIC will write to the requestor to confirm the restriction has been implemented and when the restriction is lifted.

### **6.5 Right to Data Portability**

Any individual has the right to receive the personal data held in relation to him or her, which he or she provided to WestBIC a or to a specified third party in a structured, commonly used and machine-readable format where:

- The data is collected, stored and used on the performance a contract;
- The data is collected, stored and used on the provision of consent by the data subject;
- The data is used for automated purposes.

WestBIC will issue letters to the requestor confirming the receipt of the request and update the requestor on the outcome of the request thereafter.

### **6.6 Right to Object**

Any individual has the right to object to WestBIC using his or her personal data. WestBIC shall no longer use the personal data unless WestBIC can demonstrate compelling legitimate grounds for the use of the personal data which override the interests, rights and freedoms of the requestor or for the establishment, exercise or defence of legal claims.

Where personal data are processed for direct marketing purposes, any individual shall have the right to object at any time to the use of personal data concerning him or her for such direct marketing purposes.

WestBIC will issue letters to the requestor confirming the receipt of the objection and updating the requestor on the outcome of the objection thereafter.

### **6.7 Right not to be Subject to Automated Decision Making**

Any individual has the right not to be subject to a decision based solely on automated processing, including profiling, where such decisions would have a legal or significant effect concerning him or her.

Where WestBIC (or one of our third-party processors) use profiling, WestBIC shall give individuals the right to object to such use of their data.

## **6.8 Right to Complain**

WestBIC will maintain a complaints process whereby any individual will be able to contact the Data Protection Officer who is the North West Regional Manager. The Data Protection Officer will work with the individual to bring the complaint to a satisfactory conclusion for both parties. The individual will be informed of their right to bring their complaint to the Office of the Data Protection Commissioner and will be provided with the appropriate contact details.

## **7. Responsibilities of WestBIC**

WestBIC has responsibility for the following:

### **7.1 Ensuring appropriate technical and organisational measures are implemented**

WestBIC will implement appropriate technical and organisational measures to ensure, and be able to evidence that, it is doing all within its ability to protect personal data.

Including:

- Encrypting personal data;
- The ability to restore the availability and access to personal data in a timely manner in the event of an incident;
- Regular testing, assessing and evaluating of the effectiveness of the organisational and technical measures in place.

### **7.2 Data protection by design and by default**

WestBIC will, at the time of determining the purposes for which personal data will be used as well as while using said data, implement appropriate technical and organisational measures to implement the data protection principles set out at the beginning of this policy and integrate the necessary safeguards into all systems and applications which use personal data.

### **7.3 Implementing appropriate agreements with third parties**

WestBIC will implement appropriate agreements, memoranda of understanding, bilateral agreements and contracts (collectively “agreements”) with all third parties with whom personal data is shared.

All such agreements shall be implemented in writing prior to the commencement of the transfer of personal data. The agreement shall specify:

- The purpose of the transfer
- The requirement for adequate security
- The right to terminate processing
- The restriction of further transfers of the data to other parties

- Assurance that responses will be given to requests for information
- The right to audit
- The extent of processing permitted on the data.

#### **7.4 Transfers of personal data outside of the European Economic Area**

WestBIC will not transfer personal data outside of the European Economic Area unless an adequate level of protection is ensured.

#### **7.5 Maintaining a record of processing activities**

WestBIC will maintain a record of processing activities detailing the processing activities which take place within the business, involving personal data.

This record of processing activities will be reviewed and signed off by Company Director, not less than on an annual basis and will be made available to the Supervisory Authority on request.

#### **7.6 Personal Data Breaches**

A personal data breach is 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 by WestBIC (for example, the most common breach incidents that can occur are correspondence issuing to an unauthorised third party).

WestBIC deems any loss of personal data in paper or digital format to be a data breach.

WestBIC will maintain a procedure for handling data breaches. This procedure will establish the methodology for handling a personal data breach and for the notification of the breach to the Office of the Data Protection Commissioner and to relevant individuals to whom the data belongs to, if necessary.

#### **7.7 Data Protection Impact Assessments (DPIA)**

WestBIC will implement procedures and documentation whereby all new types of processing, including the use of new technologies, that may result in a high risk to the rights and freedoms of any individuals shall carry out a DPIA. This DPIA must be fully documented, and as part of this process, a copy of the assessment shall be shared with WestBIC's North West Regional Manager.

Where WestBIC is unable to identify measures that mitigate the high risks identified through completion of the DPIA, WestBIC will consult with the Office of the Data Protection Commissioner prior to the commencement of processing.

## 8. Responsibilities of Staff and Similar Parties

Anyone who processes personal data on behalf of WestBIC has a responsibility to comply with this data protection policy and ensure compliance with the principles of data protection. All records created during duties carried out on WestBIC's behalf are the property of WestBIC and subject to its overall control.

Anyone who processes WestBIC's data is required to:

- Read, understand and accept any data protection policies, procedures and guidelines drawn up by WestBIC
- Ensure that all data they access, manage and control as part of their daily duties is carried out in accordance with data protection requirements
- Return all such data held upon termination of their contract of employment, retiring or changing position within WestBIC
- Ensure data protection compliance within their department

### 9.1. *Training*

All staff will receive data protection training. New joiners will receive training as part of the induction process. Further training will be provided at least every 3 years or whenever there is a substantial change in the law or our policies and procedures.

Training is mandatory for all staff and will cover:

- The principles of data protection
- Information security
- Data Protection and related policies and tailored procedures
- The rights of the individual under data protection legislation

### 9.2. *Consequences of failing to comply*

All current and former employees of WestBIC may be held accountable in relation to data collected, used, stored, managed and controlled by them during the performance of their duties in the organisation.

Such persons will be required to sign a short statement indicating that they have been made aware of their data protection responsibilities.

Individuals found to be in breach of data protection policies may be subject to disciplinary procedures and be found to be committing an offence under EU and Member State data protection legislation.

If staff consider that this policy has not been followed, they should raise the matter through their line manager and with the North West Regional Manager.

## **9. CCTV**

In all areas both indoors and outdoors where WestBIC, WestBIC will document a valid reason for monitoring the respective area. Where CCTV is in use there must be a clearly placed, transparent, notice informing all customers and staff of the presence of CCTV cameras. This notice should outline the purpose of the system and contact details for individuals to request further information if they wish to do so.

Remote access of CCTV footage / live feeds will be used proportionally and never excessively or unnecessarily. All cameras shall be positioned in such a way as to prevent, where possible, the recording of passers-by or another person's private property.

CCTV will not be utilised in the continuous monitoring of employees for performance issues. The inappropriate use of CCTV to monitor individuals either on-site or remotely is strictly prohibited.

In the event of WestBIC having to enhance existing CCTV systems, to monitor new areas for purposes other than security or health and safety, the need for a Data Protection Impact Assessment must be assessed.

Garda direct access to relevant footage is allowed provided that a request has been received in writing for this purpose. Where Garda access has been facilitated directly, a log will be maintained recording the dates / times / viewing / personnel involved during such access.

In the event of a Garda (or other legal) request for a copy of specific footage to be released from WestBIC, WestBIC will cooperate with such a legal request only if it is supported by a Court Warrant (or equivalent Notice).

## **10. Data Protection Queries**

WestBIC shall answer all data protection related queries from all staff or other individuals.

Mr. Eunan Cunningham,  
North West Regional Manager,  
WestBIC,  
Fiontarlann,  
Ballymoon,  
Kilcar,

Co. Donegal.  
(074) 9738333  
ecunningham@westbic.ie

## **11. Role and Responsibilities of the North West Regional Manager**

Due to the nature of WestBIC's activities, WestBIC shall have a North West Regional Manager appointed at all times. The North West Regional Manager shall be designated on the basis of professional qualities, in particular expert knowledge of data protection law. WestBIC shall publish the contact details of the North West Regional Manager and communicate them to the Data Protection Commissioner.

WestBIC shall ensure that the North West Regional Manager is involved in all issues which relate to the protection of personal data. WestBIC shall support the North West Regional Manager in performing the tasks referred to below.

The North West Regional Manager shall have at least the following tasks:

- Inform and advise WestBIC and its employees of their obligations under data protection legislation
- Monitor ongoing compliance with data protection legislation and with WestBIC's data protection policies
- Provide advice where requested on the need to perform a data protection impact assessment and monitor the performance of any such assessments made
- Cooperate with the Data Protection Commissioner
- Act as the point of contact with the Data Protection Commissioner

The data protection shall have due regard to the risk associated with all data processing operations, taking into account the nature, scope, context and purposes of processing.

## 12. Approvals and Sign offs

This policy comes into effect on 25 May 2018.

Document Control	
Document Owner(s)	WestBIC
Approved By	Eunan Cunningham
Date approved	23/5/18
Approved by	Joe Greaney
Date approved	23/5/18
Approved by	
Date approved	
Next review date	22/5/19

*The next review of this policy is scheduled for May 2019. The North West Regional Manager is responsible for initiating the review.*

## 13. Version Control

Version	Date	Changes made by	Change Description
0.0.1			