

Staff Privacy Notice

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1. Introduction/Context

The EU General Data Protection Regulation (GDPR) came into effect on May 25th 2018 and replaced the Data Protection Directive 95/46/EC. From this date, GDPR, in conjunction with specific Irish law (the Data Protection Act 2018), gives more rights to the individual and places certain obligations on South East Technological University (SETU), in terms of accountability and transparency, when using and storing personal data.

There are many rights for Data Subjects under GDPR legislation, including the right to be informed about the way personal data is used, shared and stored by the organisation.

During the recruitment process, throughout your employment with us and when your employment ceases, SETU collects, uses and processes your personal data. This data may be collected from a variety of sources, mainly from you directly, but may also come from other sources including third parties e.g. your former employers or your department/faculty. During the course of your employment and after you retire, additional information may be added to your record. This notice extends to all personal data whether stored in electronic or paper format. The University may share information between different internal departments for operational/business reasons only as is necessary and proportionate for the purposes intended.

2. Purpose

The purpose of this privacy notice is to explain how South East Technological University (SETU), collects, uses, stores and shares your personal data. It also explains your rights in relation to the personal data we hold. As an employment applicant, staff member, former staff member, retiree, agency worker or contractor, some of your personal data will be processed by the University. The University is the data controller of all personal data that it holds and processes and is subject to the Data Protection Acts 1998,2003 and 2018 and the General Data Protection Regulation (GDPR) 2018.

3. Scope

This policy applies to all staff of the University.

It shall be made available and published publicly via the University web-site.

4. Personal Data Held by SETU

The types of personal data collected, processed and stored, include but is not limited to:

- Name
- Addresses (current and past)
- Date of birth
- Nationality
- Telephone numbers
- Staff ID number and photograph
- PPS number
- Email address
- Next of kin/emergency contact details
- Marital/civil partnership status
- Previous employer's details
- Current and previous salary details
- Pension details
- Schools/colleges attended
- Qualifications and professional membership information
- Trade Union membership information (for the purposes of payroll deductions)
- Job application forms (CV and covering letter if applicable)
- Data relating to publications, invitations and other University communications
- Citizenship
- Work permit number (if applicable)
- Financial information including bank details (BIC, IBAN, name and address of bank/building society), PRSI class and tax details
- Leave records

- References
- Contracts of employment
- Interview and selection notes
- Disability information
- Health/medical information including medical certificates
- Gender
- Garda Vetting declaration and details of criminal convictions
- Passport
- Birth certificate
- Driving license
- Training and development records
- Performance reviews
- Health and safety issues
- Images in CCTV footage/photography/filming
- Disciplinary/grievance records
- New employer details (for leavers who enter another public service employment)
- Car details (including registration number, make, model and private insurance details for car parking facilities and travel expense claims)
- Call logs from work extension numbers

Some of the information about you that the University holds, such as health details or criminal conviction information is categorised as special category data, or sensitive personal data. The University will only hold this information when the University has received your consent to do so, or for the purpose of your employment, or where otherwise lawfully permitted to do so. In addition to the normal standards of confidentiality, we carefully control access to sensitive data within the University so that it is only available to those staff who require it to perform their duties.

5. How the Personal Data Collected is Used

The University holds your personal data for normal employment purposes. The personal data held and processed is used for management and administrative purposes. Personal data is collected and processed to fulfil our obligations as an employer and to manage our relationship with you effectively, lawfully and appropriately during the recruitment process, while you are employed by us, when your employment ends and after you have left employment at the University.

6. The Legal Basis for Processing Personal Data

Under GDPR law, the University is required to ensure that there is a legal basis for the processing of your personal data. In order for it to be legal and appropriate for the University to process personal data or special categories of personal data at least one of the following conditions must be met:

- a) The data subject has given their consent
- b) The processing is required due to a contract
- c) It is necessary due to a legal obligation
- d) It is necessary to protect someone's vital interests (i.e. life or death situation)
- e) It is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- f) It is necessary for the legitimate interests of the controller or a third party and does not interfere with the rights and freedoms of the data subject (this condition cannot be used by public authorities in performance of their public tasks).

All processing of personal data carried out by the University must meet one or more of the conditions above. Technological Universities are classified as public authorities and therefore the use of the 'legitimate interests' justification is not possible in terms of the University's core activities (public tasks). It may be possible to use legitimate interests for processing that is undertaken outside of the University's public tasks.

In addition, the processing of 'Special Categories of Personal Data' of personal data requires extra, more stringent conditions to be met in accordance with Article 9 of the GDPR. When processing special category data, the University also need to have a further lawful basis for processing from the following list:

- the data subject has given their explicit consent to the processing
- the processing by the data controller is necessary in the field of employment
- the processing is necessary to protect the vital interests of the data subject or another living individual, where the data subject is physically or legally incapable of giving consent
- the processing relates to personal data that has been made public by the data subject
- the processing is necessary for legal reasons
- the processing is in the substantial public interest
- the processing is necessary for occupational medicine

- the processing is necessary for reasons of public interest in the area of public health
- the processing is necessary for archiving purposes in the public interest, scientific or historical research or statistical purposes.

7. The Purposes for Which SETU May Process Your Personal Data

SETU may process your personal data for the following purposes:

- Staff administration including recruitment, appointment, training, promotion, disciplinary matters, health, pensions and other employment related matters
- Accounting and Financial purposes including salaries and deductions, workforce planning and other strategic planning activities
- Internal and external auditing purposes
- Monitoring health and safety obligations
- Monitoring equal opportunity and diversity obligations
- Statutory reporting requirements
- To produce reports and statistics for management and strategic planning purposes
- To assist with law enforcement where required by law
- To respond to requests for information made under GDPR or FOI legislation
- To administer Trade Union subscriptions
- To assist with the authentication of staff accessing the University's IT Systems
- To maintain a proportionate CCTV system for specific purposes outlined in the CCTV Policy

8. Data Sharing with Third Parties

SETU may release personal data to third parties where there is a legitimate reason in connection with your employment/potential employment/former employment to do so. Information is only shared where there is an absolute need to do so in the interests of normal University business. Below are some examples of when the University will release data about you to third parties, note, however, that this list is not exhaustive.

- Higher Education Authority (HEA)
- Department of Education and Skills (DOES)
- Auditors (Internal and external)
- Department of Social Protection
- Department of Public Expenditure and Reform
- Standards in Public Office Commission
- Revenue Commissioners
- Comptroller and Auditor General
- Governing Body members
- Interview Board members
- Former employers
- Research funding bodies
- Data processors (e.g. Educampus, Financial system providers, Payroll system providers, Education Shared Business Services, cloud service providers)
- Occupational Health Specialists
- Health Insurers
- Tax & pension advisers
- Legal advisers
- Trade Unions

As noted above this is not an exhaustive list of all third parties that may require access to personal data where there is a legitimate reason to do so and in accordance with the law.

9. Protecting Your Personal Data

The University is committed to ensuring that your personal data is secure. It employs all reasonable and appropriate administrative, technical, personnel, procedural and physical measures to safeguard personal data and staff information against loss, theft and unauthorised access, uses or modifications.

- The University ensures that only authorised persons have access to staff personnel files and any other personal or sensitive data held in the University.
- Staff are required to maintain the confidentiality of any data to which they have access, including all data relating to fellow staff, students, customers, clients, service providers as well as website users, members, moderators and administrators.
- The University ensures that the personal data is kept as accurate as possible and suitable for the purpose for which it is processed.

10. Accuracy of Data

The University employs reasonable means to keep personal data information accurate, complete and up to date in accordance with the purposes for which it was collected. Staff are responsible for ensuring that they inform their Manager/Human Resources of any changes in their personal details.

11. Retention of Personal Data

The University will retain your personal data in accordance with legislation and the University Retention Policy. The University is required to keep personal data for the purpose for which it was originally collected and for no longer than necessary. The time period for which the University generally retains information varies according to the use of that information. The University will hold some of your data indefinitely in order to maintain accurate financial & employment records as required by law.

12. Individual Rights

The General Data Protection Regulation (GDPR) 2018 has enhanced your rights in relation to your personal data and sensitive personal data.

- Right to be informed – you have the right to know what data the University holds about you and how it will be used.

- Right of access to personal data – you have the right to request access to the personal data the University holds about you.
- Right to be forgotten – you have the right to have personal data erased where there is no legitimate reason for the University to continue to process the data. For statutory purposes, we may hold financial records and details of your employment history.
- Right of rectification of processing – you have the right to have inaccurate or incomplete data rectified.
- Right to restriction of processing – you have the right to restrict the processing of personal data in specific situations.
- Right to object to processing – you can object to the processing of your personal data in certain situations.
- Right to data portability – you have the right to request some of your personal data in a machine readable format to provide to other organisations.
- Right in relation to automated decision-making and profiling – you have the right to be informed if decision making is being carried out by automatic means and to object to decisions made by automatic means without human intervention in some circumstances.

To ensure your privacy and to protect the integrity of your data, SETU may require you to provide additional information (e.g. photographic ID) to verify your identity before releasing or correcting your information.

With regard to rights within the legislation relating to automated decision-making, please note that the University does not currently use such processes.

13. Contact with Staff

Should the need arise the University may contact you by telephone, email, post or any other method deemed appropriate for the specific purpose.

14. Enquires

If you have any questions about the personal data we hold for you or wish to amend any personal data or exercise any of the other rights as listed above, please contact the University as follows:

- By email: Waterford Campus dataprotection.wd@setu.ie /Carlow/Wexford Campus dpo.cw@setu.ie
- By phone: Waterford Campus 051 302608/ Carlow/Wexford Campus 059 9175708

15. Right to Complain

If you are unhappy with the University's handling of your personal data, you should contact the University's Data Protection Office in the first instance. If you are unhappy with the outcome, you also have the right to submit a complaint to the Data Protection Commissioner.

The Data Protection Commissioner (Canal House, Station Road, Portarlinton, Co. Laois), will investigate the matter for you. Further details on your rights under the Data Protection Acts are available on the Data Protection Commissioner's website www.dataprotection.ie

Details on how to contact the Data Protection Commissioner can be found at this link:

<https://www.dataprotection.ie/en/contact/how-contact-us>

Alternatively you can phone :

Telephone: 01 7650100 / 1800437 737

Helpdesk Hours: 09:30 - 13:00hrs (Monday - Friday) , 14:00 - 17:30hrs (Monday - Friday)

Postal Address:

(Dublin)
Data Protection Commission
21 Fitzwilliam Square South
Dublin 2
D02 RD28
Ireland

(Portarlinton)
Portarlinton Office
Canal House
Station Road
Portarlinton
R32 AP23 Co. Laois