



**An Roinn Leanaí
agus Gnóthaí Óige**
Department of Children
and Youth Affairs

Privacy Notice

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Introduction:

The Department of Children and Youth Affairs (hereafter 'the Department') is committed to protecting the rights and privacy of individuals (known as 'data subjects') in accordance with both European Union and Irish data protection legislation. We place high importance on the correct, lawful and fair handling of all personal data, respecting the legal rights, privacy and trust of all individuals with whom we deal.

The EU General Data Protection Regulation (GDPR 2016/679) is the latest initiative designed to harmonise data privacy laws across Europe, to protect and empower all EU citizen's data privacy and to reshape the way in which organisations approach data privacy.

The GDPR has been in force since 25 May 2018 and this policy reflects the requirements of the GDPR and the Irish Data Protection Acts.

The GDPR applies to any organisation that collects and stores personal data (known as a 'controller') and also any other organisation (known as a 'processor') working on the instructions of the data controller. Adherence to the legislation is required by employees, contractors, consultants, agents and third parties who have access to personal data either directly or indirectly.

The GDPR significantly increases the obligations on organisations in how they collect, use and protect personal data. At the centre is the requirement for organisations to be fully transparent about how they are using and safeguarding personal data, and to be able to demonstrate accountability for their data processing activities.

Further information on data protection is available on the website of the Data Protection Commission (DPC) at GDPRandYou.ie or dataprotection.ie.

The Department takes your privacy seriously. It is important that you know how your personal information is processed. The GDPR introduces changes which give you greater control over your personal information. Please take time to read this notice carefully. If you have any questions about how we use your information, please contact our Data Protection Officer (details below).

Section 1: Who we are

The Department is the data controller for all personal data collected for its business purposes.

For more information on the activities of the Department, please log on to www.dcy.gov.ie

You can contact the Department in any of the following ways:

By e-mail: contact@dcya.gov.ie or eolas@dcya.gov.ie
By phone: 01 647 3000
By post: The Department of Children and Youth Affairs
Block 1, Miesian Plaza,
50-58 Baggot Street Lower,
Dublin 2.
D02 XWI4

Section 2: The Data Protection Officer

If you are concerned about what we do with your personal data or require any additional information in respect of any of our data protection policies, you can contact our Data Protection Officer (DPO) in any of the following ways:

By e-mail: dpocontact@dcya.gov.ie
By phone: (01) 647 3183
By post: Data Protection Officer,
The Department of Children and Youth Affairs
Block 1, Miesian Plaza,
50-58 Baggot Street Lower
Dublin 2.
D02 XWI4

Section 3: Purposes of processing of your personal data

3.1 Why do we process your personal data?

We process information about you for a range of purposes. These may include:

- When you make a claim for any services funded by us, either in person or online, and subsequently receive those services;
- When we make a payment to you;
- If you notify us of a change in your details or circumstances;
- In the context of an appeal or a review;
- Where we receive information from other Government departments or agencies;
- In order to respond to correspondence either directly from you, or from public representatives acting on your behalf, or from other people, approved to act on your behalf;
- In order to respond to Parliamentary Questions;
- Where we engage in any consultation processes;
- Where you are the subject of a legal case involving the Department;
- The storage of personal data (including legacy data), depending on our retention and archive requirements.
- For internal Human Resources functions.
- For assessment and verification purposes, including qualifications and suitability for posts/positions.

We also have a range of contractors that process personal data on our behalf. These are all governed by legal instruments/contracts.

3.2 What types of personal data do we collect?

Personal data we collect can include the following:

- your name;
- your address;
- your date of birth;
- your phone number;
- your email address;
- your Personal Public Services Number (PPSN); and
- certain financial information.

At times, we may process 'special categories' of personal data, such as data concerning health and biometric data used for the purpose of identification.

3.3: What is our lawful basis for processing your personal data?

The following are the key pieces of legislation which underpin the Department's core functions, and which allow for the processing of personal data by us, or on our behalf:

- Child Care Act 1991
- Education (Welfare) Act 2000
- Children Act 2001
- Youth Work Act 2001
- Adoption Act 2010
- Child and Family Agency Act 2013
- Children First Act 2015
- Childcare Support Act 2018

The Department is also entitled to process personal data under other legislative provisions (e.g. the Data Protection Act 2018) that provide the basis for all Government Departments to administer the range of services, schemes and supports set out by successive Government decisions.

***Note:** The Department undertakes to ensure that Data Protection Impact Assessments are conducted before any new data processing activity is started, and to update this document accordingly. In line with the GDPR, the Department undertakes to consult with its Data Protection Officer and, if necessary, with the Data Protection Commission before commencing any new data processing activities.*

Section 4: Where is your personal data stored?

4.1 Electronic Storage

Personal data may be stored electronically on our internal ICT systems, and on the ICT systems or our processors and shared service providers. These systems are fully protected by anti-virus and anti-malware software. Electronic data includes scanned copies of application forms, contact information, financial information, family details, educational and training achievements, copies of electronic correspondence, employment history and claim history.

Access to personal data is restricted to those staff members who need the information to carry out their official duties. Access is controlled by the requirement to have a unique login username and password, with usernames being linked to the minimum permissions necessary to allow the staff member to work in a secure environment and to only access the personal data that they need.

4.2 Storage of Hard Copy (Paper) Files

Where the Department holds paper records containing your personal data, these are stored on individual files which are secured on our premises and where only our staff can access them. This is achieved through physical security, where access to a Department office is by a swipe card or access card and where visitors are screened, signed in and accompanied by a member of staff, so that they cannot access any personal data stored by us. The Department also promotes a clean desk policy.

4.3 Secure Off-site Storage

Inactive and legacy files may be maintained in secure off-site storage, under contract. A limited number of staff have access, and the movement of files between the Department and off-site storage is done according to protocol and under strict supervision.

Section 5: Sharing personal data

Categories of Recipients with Whom We May Share Your Personal Data

The Department may share your data with a range of organisations, but only where legally permissible. In general, the types of organisations that the Department would normally share information with are as follows:-

- Government Departments, including the Revenue Commissioners, the Department of Employment Affairs and Social Protection and the Department of Education and Skills, to provide for a range of shared services and supports;

- Other public sector bodies or agencies which provide services or supports to customers, such as Tusla, Pobal, Education & Training Boards, etc.;
- A range of community organisations;
- Regulators or supervisory authorities;
- Public representatives who make representations on behalf of constituents;
- IT consultants and general contractors hired by the Department, where they may be working on data handling systems & processes.

Section 6: Transfers of personal data

6.1 Will your personal data be stored outside of the European Economic Area?

No, your personal data will generally not be stored outside the European Union or the European Economic Area (EEA - EU 27, plus Iceland, Norway, and Liechtenstein).

6.2 Are we allowed to transfer your data outside of the EU And EEA?

It is unlikely that we will transfer information about you to a country or international organisation outside the EEA. In such cases we will always take steps to ensure that any transfer of information is carefully managed to protect your privacy rights in accordance with Data Protection law.

6.3 Are there any other appropriate and suitable safeguards?

Personal data may only transferred if appropriate safeguards are provided and on the condition that enforceable data subject rights and effective legal remedies are available. Appropriate safeguards may include:

- Legally binding and enforceable instruments between public authorities/bodies;
- Binding corporate rules;
- Standard data protection clauses adopted by a Supervisory Authority and approved or adopted by the EU Commission;
- Standard contractual clauses between controller/processor and recipient in the third country or international organisation

Section 7: Retention – How long will we keep your personal data?

Data protection best practice requires that organisations should not store personal data for any longer than is required. Each Departmental business area is responsible for the personal data that it collects for business reasons, including that which does not need to be retained indefinitely.

The Department currently retains records in accordance with the requirements of the National Archives Act 1986. Records may include personal data that have been processed by the Department or on its behalf. The Department will engage with the National Archives to determine retention periods across all relevant classes of records, and the Department's retention policy and retention schedule will be updated to reflect any approved retention changes and instructions issued by the National Archives.

Section 8: Your rights as a data subject

All data subjects engaging with the Department and its processors have certain rights under EU (GDPR) and Irish data protection legislation. Guidance on the rights of individuals is available on the Data Protection Commission website and can be accessed via www.gdprandyou.ie. Your rights are summarised below:

8.1 Right of Access

You can make a formal request for a copy of your personal data being processed by the Department.

We will need you to confirm your identity first, as we cannot give your personal data to others (except by specific request). Once we have verified your identity, we will seek to get the information that you have requested as soon as possible, but at the latest within one month of receipt of the request.

For complex requests, or where there are large numbers of requests, we can extend our time to respond to you by a further two months, but we must tell you we are going to do this within the first month, together with the reason for the delay. If we are not going to respond to your request we must tell you this within one month. We must remind you that that you have the option of submitting a complaint to the Data Protection Commission.

If you make an electronic request, we may be required to respond to you electronically, unless you prefer otherwise.

Anything we do in response to your request and any information we give you must be free. If you make excessive requests (e.g. make the same one repeatedly) or your requests have no basis in fact, we may either charge you a fee or refuse to act on it.

Due to the size and nature of our operational areas, we may ask you to clarify your request. You can help us to fulfil your request by being as specific as possible about your dealings or contacts with us.

A separate Data Subject Rights Policy and Subject Access Request Form is available on the Department's website at [\[LINK\]](#) or on request.

8.2 Right to rectification

The Department is committed to holding accurate data about you, and will implement processes and procedures to ensure that you can rectify your data where inaccuracies have been identified.

8.3 Right to erasure (right to be forgotten)

Where the Department receives a request from you looking to exercise your right of erasure, the Department will carry out an assessment of whether the personal data can be erased without affecting the ability of the Department to provide on-going services to you.

8.4 Right to restriction of processing

The Department will implement and maintain appropriate procedures to assess whether your request to restrict the processing of your data can be implemented. Where the request for restriction of processing is carried out, the Department will write to you to confirm the restriction has been implemented and when the restriction is lifted.

8.5 Right to data portability

Where the Department has collected your personal data by consent or by contract, you have a right to receive the data in electronic format to give to another data controller. Exercising this right will depend on the feasibility of the request.

8.6 Right to object

You have a right to object to the processing of your personal data in specific circumstances. Where such an objection is received, the Department will assess the case on its merits.

8.7 Rights relating to automated decision-making, including profiling

You have the right not to be subject to a decision based solely on automated processing, where such decisions would have a legal or significant effect on you. The Department will ensure that where systems or processes utilise automated decision-making or profiling, an appropriate right of appeal is available to you.

8.8 Right to complain

If you are unhappy with how the Department has processed a request made by you, we will endeavour to assist you in resolving any issues raised. In such circumstances you should contact the Data Protection Officer.

You also have the right to complain directly to the Data Protection Commission (DPC). The DPC can be contacted as follows:-

By post: Canal House, Station Road, Portarlinton, R32 AP23, Co. Laois.
By e-mail: info@dataprotection.ie
By phone: 0761 104 800 or lo-call number 1890 252 231

How to Get In Touch With Us?

If you have any queries about this policy, please contact the Data Protection Officer (DPO). The DPO for the Department can be contacted at dpocontact@dcya.gov.ie.

How Can You Exercise Your Rights?

You are entitled to exercise the rights outlined above. You can make a request under any of these rights by contacting the Department's Data Protection Unit at this address:

By e-mail: dpocontact@dcya.gov.ie
By post: Data Protection Unit,
The Department of Children and Youth Affairs
Block 1, Miesian Plaza,
50-58 Baggot Street Lower
Dublin 2. D02 XWI4