



Irish Foster Care Association

# Irish Foster Care Association

## Data Protection Policy

## Version Control

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| Reviewed by         |                               |                 |                           |
| Approved by         |                               |                 |                           |

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## Policy Statement

IFCA's Data Protection Policy sets out the obligations of the Irish Foster Care Association (IFCA) regarding data protection and the rights of all individuals who interact with IFCA; whose personal data is collected and processed by IFCA.

This includes obligations in dealing with personal data; ensuring IFCA complies with the requirements of relevant Irish legislation - namely the General Data Protection Regulation (GDPR) which replaced the Data Protection Act (1988) and the Irish Data Protection (Amendment) Act (2003), and which came into effect on May 25<sup>th</sup>, 2018.

IFCA welcomes the General Data Protection Regulations (GDPR) as an important step forward in streamlining data protection requirements across Europe and places 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 it deals.

## Who the Policy Applies To

This Policy applies to all individuals who interact with IFCA and utilise IFCA services.

## Scope

This Policy sets out the procedures that are to be followed when dealing with personal data. The procedures and principles set out herein must be followed at all times by individuals who lead or avail of IFCA services. The Policy covers both personal and sensitive personal data held in relation to these individuals.

## Definitions

### Personal data

Any information relating to an identified/identifiable individual, whether it relates to his or her private, professional, or public life. This can be anything from a name, photo, home address, email address, contact number, bank details, medical information or a combination of the data that directly or indirectly identifies the individual.

### Sensitive personal data

The GDPR refers to sensitive personal data as “special categories of personal data.” The special categories of data include racial or ethnic origin, political opinions, religious or philosophical views, sexual orientation and physical or mental health data where processed to uniquely identify an individual.

### Consent

Consent is any “freely given, specific, informed and unambiguous” indication of an individual’s wishes by which the individual, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed for one or more specific purposes.

The affirmative action, or a positive opt-in, means that consent cannot be inferred from silence, pre-ticked boxes, or inactivity.

### Processing

Processing is any operation performed on personal data, such as creation, collection, storage, view, use, modification, transfer, deletion, etc.

### DPO

An appointment of a Data Protection Officer (DPO) is obligatory. The DPO will be involved, properly and in a timely manner, in all issues which relate to the protection of personal data. The DPO is responsible for monitoring compliance with the GDPR and have overall control of how data is processed within the IFCA.

## Policy

This Policy is a statement of IFCA’s commitment to protect the rights and privacy of all individuals who interact with IFCA in accordance with the Data Protection legislation.

## Data Protection Principles

This Policy aims to ensure compliance with the Regulation. The Regulation sets out the following principles with which any party handling personal data must comply. Article 5 in the GDPR states that all personal data must be:

- Processed lawfully, fairly and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and where necessary, kept up to date
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

## The Rights of IFCA Members

IFCA has implemented a Subject Access Request procedure by which to manage such requests in an efficient and timely manner, within the timelines stipulated in the Regulation. As part of the day-to-day operation of the organisation, IFCA engages in active and regular exchanges of information with an array of individuals. Where a formal request is submitted by an individual in relation to the data held by IFCA, such a request gives rise to access rights in favour of the individual. The Regulation sets out the following rights applicable to all individuals:

- The right to be informed
- The right of access
- The right of rectification
- The right to erasure (also known as the “right to be forgotten”)
- The right to restrict processing
- The right to data portability
- The right to object
- The right to withdraw consent

IFCA will ensure that, where necessary, such requests are forwarded to the DPO in a timely manner, and they are processed as quickly and efficiently as possible.

### Organisational Measures

IFCA shall ensure that the following measures are taken with respect to the collection, holding, and processing of personal data. Only authorised IFCA staff may handle an individual's personal data. All IFCA staff handling personal data:

- Will be appropriately trained to do so
- Will be bound to do so in accordance with the principles of the Regulation and this Policy by contract
- Will be made fully aware of both their individual responsibilities and IFCA's responsibilities under the Regulation and under this Policy
- Will only have access to personal data held by IFCA as deemed necessary to carry out their assigned duties correctly

### Compliance

IFCA's Data Protection Officer (DPO) has overall responsibility for ensuring organisational compliance with Data Protection legislation. However, all IFCA staff who separately collect and/or control the content and use of personal data are individually responsible for compliance with the legislation. Breda O Donovan acts as IFCA's DPO. She can be contacted at [breda.odonovan@ifca.ie](mailto:breda.odonovan@ifca.ie).

### Review

This Policy will be reviewed every two years by the IFCA Policy and Procedures Subgroup.

### Related Documentation

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### Documents considered in the drafting of this policy/standard

| Document | Reference | Rationale |
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### Appendices

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