Data Protection

MAJELLA BARTLEY

TRAINING SEMINAR 25/4/2022

COMHALTAS

Privacy Environment

- ▶ Rapid technological developments and globalisation have brought new challenges for the protection of personal data.

- ▶ Scale of the collection and sharing of personal data has increased significantly.

- ▶ Technology allows both private companies and public authorities to make use of personal data at unprecedented scale in order to achieve their objectives.

- ▶ Natural persons unwittingly and increasingly make personal information available publicly and globally (whether they realise it or not!).

- ▶ Technology has transformed both the economy and social life…

- ▶ …and should further facilitate the free flow of personal data within the Union and the transfer to third countries and international organisations, while ensuring a high level of the protection of personal data.

Data Protection Legislative Frameworks

The Data Protection Commission (DPC)'s authority protects individuals' data protection rights using the following legislative frameworks:

▶ the Irish **Data Protection 2018**

▶ the **2011 "e-Privacy Regulations"** within the European Communities (Electronic Communications Networks And Services)

▶ the **General Data Protection Regulation** (GDPR) (Regulation (EU) 2016/679)

▶ the "**Law Enforcement Directive**" (Directive (EU) 2016/680) which has been transposed into Irish law by way of the Data Protection Act 2018

How GDPR can be harnessed as an Opportunity

Reduces risk of breaches: empowered staff will use best practice in all situations.

Mitigates brand and reputational damage: trained members will ensure compliance with data breach procedures by promptly communicating occurrences

Bolsters trust: having a reputation for being an organization that people can trust with their personal data.

Reduced costs cleaning up data will provide smaller more accurate database(s) of customers, staff or clients; reduced storage and data maintenance costs.

Increases better insight: more accurate databases will lead to better tailored PR and marketing campaigns.

Increases better decision making: A compliance roadmap with privacy central to all decision making; less room for confusion.

Fosters ability to act faster: stronger data management means quicker decision making and a faster response to data subjects.

GDPR Objectives

GDPR aims to:

- ♠ harmonise the protection of fundamental rights and freedoms of natural persons

- ♠ Reinforce data protection rights of individuals regardless of nationality

- ♠ Ensure consistent rules of engagement across member states

- ♠ facilitate the free flow of personal data in the digital single market

- ♠ eliminate differences in perception, interpretation and application

- ♠ ensure universal approach towards data processing

- ♠ reduce administrative burden

Profiling

'Profiling' means any form of automated processing of personal data that allows evaluation of certain personal aspects relating to a natural person.

Material Scope – Processing data by automated means, filing system or intended to be part of a filing system

Territorial Scope – Processing of data by date controller outside of Ireland, data subjects are covered by Irish GDPR principles. (To be shown in writing)

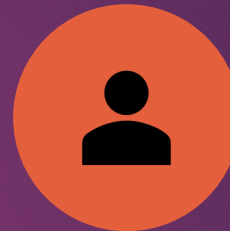# Data

- **Data** – means automated data and manual data

- **Automated data** is information that is processed by means of equipment operating automatically in response to instructions given for that purpose, or is recorded with the **intention** that it should be processed by means of such equipment

- **Manual data -** Information that is recorded as part of a (relevant) filing system or with the **intention** that it should form part of a (relevant) filing system

- **Personal data** is information identifying someone directly or indirectly.

- **Special Category Data** – Race, health, political, opinion, religious beliefs, trade-union membership, sex life/sexual orientation, genetic data.

- **Biometric Data** – physical, physiological or behavioral characteristics which allows the identification of a person.

- **Electronic communication** – Cookies or direct marketing not allowed. Make sure any collection of data is opt in and not opt out and have options to unsubscribe.
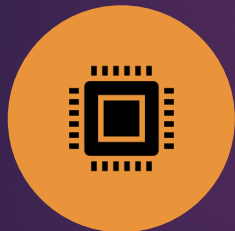
Definitions

Data subject - is an identifiable natural person whether they are directly or indirectly involved. GDPR strengthen rights of data subject.

Data Controller - natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data.

Joint Controller - Where two or more controllers *jointly* determine the purposes and means of the processing of personal data, they are joint controllers.

Data Processor - means a natural or legal person, public authority, agency or any other body which processses personal data on behalf of the controller. Agreement needed.

Principles of Data Protection

LAWFULNESS, FAIRNESS AND TRANSPARENCY

PURPOSE LIMITATION

INTEGRITY AND CONFIDENTIALITY

ACCURACY

DATA MINIMIZATION

STORAGE LIMITATION

ACCOUNTABILITY

Personal Data Breach

Breach of security leads to accidental/lawful:

▶ Destruction of Data

▶ Loss of Data

▶ Alteration of Data

▶ Unauthorized disclosure or access of Data

▶ Report breach 72 hours after Data Controller is aware of breach

▶ Maintain a Breach log

DSAR

- **Data Subject Access Request**
- Need to be prepared
- Information must be given to Data Subject no later than 1 month after request
- Request does not need to be in writing
- Important to streamline data to be ready for DSDR responses.
- **Data subjects are entitled to:**
- A copy of the data held on them
- Know why it is being kept
- Know who it is being shared with
- Know where the data came from
- Know the reason for any automated decisions

Data Protection Impact Assessment

- Prior to processing develop a **Risk Plan**
- **Risk plan** – assess risks and identify hazards, evaluate and review, implement and control.
- **Data Audit and Internal Monitoring**
- **Some Comhaltas Areas** –
- Correspondence and communication
- Photographs / Audio-Visual
- Website / Social media / Online platforms
- Membership and Affiliations
- Minutes Books / Archival Material
- Adjudicators List
- Education – Classes, SCT, TTCT etc.
- Competitions