

# POSITIVE2WORK SKILLNET

## DATA PROTECTION POLICY

### INTRODUCTION

Positive2Work CLG must comply with the requirements of the General Data Protection Regulation (GDPR) and the relevant Irish legislation, namely the Data Protection Acts of 1988 - 2018. Through the course of our work we process personal data relating to current, former and potential trainees, member company employees, suppliers, business contacts and our employees (referred to as 'you', 'data subjects').

The purpose of this policy is to set out how Positive2Work seeks to protect personal data and to ensure that its data handlers understand the rules governing how they use the personal data to which they have access to during the course of their work.

Positive2Work Skillnet (referred to as 'we', 'us', 'our', 'Positive2Work') is registered in Ireland under company number is 412975. Our registered address is Eircom 1hsq, St John's Road, Dublin 8, Ireland. Our office address is Positive2Work Skillnet , Creative Spark, Clontygora Drive, Muirhevnamor, Dundalk, Co. Louth A91HF77.

We reserve the right to amend this policy from time to time without prior notice. However, we will bring any material amendments to your attention and amendments will not be made retrospectively.

### SCOPE

This policy extends to current, former and prospective employees, trainees, agency staff, contractors and self-employed consultants ('you', 'employees' or 'data subjects') and refers to both personal and sensitive data (henceforth equally referred to as 'personal data' unless otherwise stated) which is held in either manual or automated form. This policy should be read in conjunction with the associated Data Protection Policies.

### DATA PROTECTION PRINCIPLES

We will comply with data protection law. This states that the personal information we hold about you must be:

- (1) Used **lawfully, fairly and in a transparent** way. Positive2Work will do this in the following way:

- Where personal data is processed on the basis of consent, your informed consent will be sought before your data is processed.
  - Where it is not possible to seek consent, we will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, performance of a contract, legitimate interest.
  - Processing of the personal data will be carried out only as part of our lawful activities, and we will safeguard your data protection rights.
  - Data Subject's data will not be disclosed to a third party other than to a party contracted by us and operating on our behalf.
- (2) Collected only for **valid purposes** that we have clearly explained to you and not used in any way that is incompatible with those purposes. Positive2Work will:
- Only obtain data for purposes which are specific, lawful and clearly stated. As a data subject you have the right to question the purpose(s) for which we hold your data, and we will clearly be able to state the purpose(s).
  - Ensure that use of your data is compatible with the purposes for which the data was acquired.
- (3) **Accurate** and kept up to date. We ask that you notify us if any of your personal details have changed. Positive2Work will take the following actions to ensure your personal data is accurate:
- Put processes in place for regular assessments of data accuracy.
- (4) **Minimised**. The principle of data minimisation means that data collection, storage and usage should be relevant, adequate and absolutely necessary.
- We will only collect, store and use data about you that is required.
- (5) **Stored for a limited period only**.
- We have identified an appropriate retention period for all categories of data we hold. Some of these retention periods are statutory requirements. Once the respective retention period has elapsed, we undertake to destroy, erase or otherwise put this data beyond use.
  - Further information is available in our Data Retention Policy.
- (6) **Kept Securely**. We employ a range of security measures to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by us and our data processors.
- Access to and management of personal data records is limited to those staff members who have appropriate authorisation and password access.

- Secure internet connections, firewall, encryption, antivirus software, physical access protection, logical access control, CCTV, staff training, secure data storage and transfer.

## DATA SUBJECTS

We collect data from a variety of data subjects. As part of our daily organisational activities, we process the personal data of prospective, current and former:

- Clients/Trainees
- Employees of member companies
- Our employees
- Suppliers
- Business Contacts

## DATA CONTROLLER / DATA PROCESSOR

Positive2Work is a data controller in respect to our Training Contractors, Members, Suppliers, our Business Contacts and visitors to our website.

Positive2Work is a data processor on behalf of Skillnet (the data controller) in respect of all trainees/course attendees.

## THE PERSONAL DATA WE COLLECT

We may process the following personal data in relation to data subjects:

### **Becoming a Trainer**

We may collect the following information to from you as a training provider:

- Company Name and address
- Trainer/Consultant name
- Contact telephone number and email address
- Contact Name and email of accounts
- CVs and qualifications

### **Becoming a Member**

We may collect the following information to register you as a member:

- Company Name and address
- Contact name and position in company

- Contact telephone number and email address
- Contact Name and email of accounts
- Size of company and industry sector
- Consent to receive future training information.

As data controller, we will retain this information for as long the relationship lasts.

### **Booking Courses**

We may collect the following information to register you for a training course:

- Trainee personal contact details e.g. Full name, Company Name, contact number, email address

We will only retain this information for as long as is necessary and will be deleted within one month after the course has taken place.

Additionally, you will be asked to fill out a Skillnet Trainee Profile Sheet. You will be asked for the following information:

- Personal contact details e.g. Full name, contact number, email address
- Gender, County of Residence
- Age range
- Highest education qualification on the NFQ
- Company name and company address
- Occupation category

### **Attending Courses**

We ask that all attendees sign an attendance sheet which details:

- Name
- Member Company
- Date of attendance

You will also be asked to review your learning by completing a 'Reaction to Learning Form'.

The data on this form is used to assess the effectiveness of our courses. Name

- Event title and date
- Trainee Name
- Company name if applicable

### **Our Website**

Certain information is collected via our website. Please refer to our website privacy policy for further information:

- IP address
- Name
- Email Address

- Click data/analytics
- Log in information

### **Suppliers and Business Contacts**

Through the course of our day to day operations we may retain name, contact details and job titles of business contacts and suppliers. As well as:

- Contracts of engagement
- Correspondence
- Financial data – Cheque/EFT (Bank details)

We may also collect the following sensitive data:

- Health information relating to attendees that require special assistance

### WHY WE PROCESS PERSONAL DATA

The purpose and method by which we process your personal data may vary depending on our relationship with you. The primary purposes we use personal data are:

- ✓ Provision of training services
- ✓ Responding to enquiries, complaints and feedback
- ✓ Improving our offering (feedback)
- ✓ Sending members updates on new courses
- ✓ Processing transactions and invoices
- ✓ Manage business operations in line with internal policies and procedures.
- ✓ Respond to requests for data access, correction and other personal data rights.
- ✓ Comply with applicable laws and regulatory obligations e.g. tax, health and safety and legal obligations.
- ✓ Establish and defend legal rights to protect the business.

### HOW WE COLLECT PERSONAL DATA

We may collect your data in a variety of ways. The majority of data we collected will be provided directly by you via our website or by the forms you will be given to complete. Other data may be obtained through third parties for example:

- Your data may be provided to us by your employer ('member companies') for the purpose of arranging training for you.

### LEGAL BASIS FOR PROCESSING

Under data protection law we are required to have an appropriate basis for processing personal data and to advise our data subjects of what that basis is. The primary bases used by Positive2Work are:

- a. Processing necessary for the performance of a contract (e.g. Employment contract)
- b. Processing necessary for Positive2Change to pursue its legitimate interests (e.g. attendance records required for funders)
- c. Processing based on the Data Subject's consent
- d. Processing that is required under applicable law (e.g. Revenue/PRSI)

We process sensitive data based on one of the following conditions:

- Explicit consent of the data subject
- In the course of employee management as per Article 52 and Article 73, 1 (vii) of DPA 2018
- For the establishment, exercise or defence of legal claims

Skillnet is the data controller of trainee data – please see their privacy statement for full details on their legal basis for processing and retention periods :

<https://www.skillnetireland.ie/wp-content/uploads/2019/11/Skillnet-Ireland-Trainee-Privacy-Statement-Nov-2019.pdf>

### THIRD PARTIES WITH WHOM WE SHARE PERSONAL DATA

We engage a number of Data Processors to assist in the smooth running of our business. This may involve processing of personal data. In each case, a formal, written contract is in place with the processor, outlining their data protection obligations, the specific purpose or purposes for which they are engaged, and the understanding that they will process the data in compliance with the Irish data protection legislation.

These Data Processors include:

- Microsoft Office and Outlook
- Invoicing system
- Shred It

### OTHER RECIPIENTS

For some processing activities, we are required to disclose data to 3<sup>rd</sup> parties who are not data processors acting on our behalf or data controllers on whose behalf we are working.

These categories of recipients include:

- Tax Authorities (e.g. Irish Revenue Commissioners)
- Law enforcement (where required for the investigation, detection or prosecution of criminal offences)

## TRANSFERS OUTSIDE OF THE EEA

From time to time Positive2Work may make use of services provided by 3<sup>rd</sup> parties which may necessitate the transfer of personal data outside of the EU/EEA. In these instances, we will choose providers who process data on the basis of:

- EU/US Privacy Shield
- Model Contract Clauses
- An Adequacy Decision from the European Commission

## YOUR DATA PROTECTION RIGHTS

A data subject has various rights under data protection law, subject to certain exemptions, in connection with the processing of personal data

- Right to access your data – the right to request a copy of the personal data that, together with other information about the processing of that personal data (Subject Access Request).
- Right to rectification – the right to request that inaccurate data is corrected, or incomplete information is completed.
- Right to erasure – the right to request the deletion of personal data.
- Right to restriction of processing or to object to processing – the right to request that personal data be no longer processed for a particular purpose, or to object to processing of personal data for particular purposes.
- Right to data portability - the right to request a copy of personal data be provided to the data subject or a third party in a structured, commonly used machine-readable format.

In order to exercise any of the above rights, please contact the Data Protection Manager in writing (see contact details in Appendix 1).

In certain cases we may need to share your data access request or data enquiry with our data controller Skillnet, in cases where they process your data and to enable them to answer your query in a timely and accurate manner

## DATA BREACH

If there is ever a data breach including any loss, destruction, alteration or unauthorised disclosure of personal data, we will adhere to our Data Breach Policy and follow the steps outlined in our Data Breach Procedure.

## HOW LONG WE WILL KEEP YOUR DATA

We will only store your data for as long as is necessary. For the purposes described here we will store your data in accordance with Positive2Work Retention Schedules.

## IF YOU DECIDE NOT TO PROVIDE PERSONAL DATA

We require certain information from you in order to deliver our service e.g. your name, job title and employer. If you do not provide the personal data that we request from you it may hinder our ability to provide an effective service to you.

## QUESTIONS & COMPLAINTS

Questions about how your personal data is processed can be forwarded to the Data Protection Manager (See details in Appendix 1). Any complaints in connection to the processing of your personal data should be forwarded to the Data Protection Manager. As a data subject you also have the right to lodge a complaint with the Data Protection Commissioner if you are unhappy with our processing of your personal data. Details of how to lodge a complaint can be found on the Data Protection Commission's website ([www.dataprotection.ie](http://www.dataprotection.ie)) or by phoning 1890 252 231.

---

## VERSION CONTROL

<b>Versio n Numb er</b>	<b>Author</b>	<b>Purpose/ Change</b>	<b>Date</b>
1.0	Ambit Complianc e	Document creation	04/04/201 9
2.0	Ambit Complianc e	Reformat	19/03/202 0

## APPENDIX 1: DATA PROTECTION MANAGER CONTACT INFORMATION

Data Protection Manager



Name: Mark Brennan

Email: mark@p2w.ie

Phone: 085 1745779

## APPENDIX 2: DEFINITIONS

The following definitions apply to this policy.

---

<b>Data</b>	<p>This includes both automated and manual data.</p> <p>Automated data means data held on computer or stored with the intention that it is processed on computer.</p> <p>Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.</p>
<b>Personal Data</b>	<p>Information which relates to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller.</p>
<b>Sensitive Personal Data</b>	<p>A particular category of Personal data, relating to: Racial or Ethnic Origin, Political Opinions, Religious, Ideological or Philosophical beliefs, Trade Union membership, Information relating to mental or physical health, information in relation to one's Sexual Orientation, Genetics or Biometrics</p>
<b>Data Controller</b>	<p>A person or entity who, either alone or with others, controls the content and use of Personal Data by determining the purposes and means by which that Personal Data is processed.</p>
<b>Data Subject</b>	<p>A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.</p>
<b>Data Processor</b>	<p>A person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract, but who is not an employee of the Data Controller, processing such Data in the course of his/her employment.</p>
<b>Profiling</b>	<p>The automated processing of personal data to make certain assessments relating to an individual in order to analyse or predict an individuals performance, decisions or behaviour.</p>

---

---

<b>Data Protection Manager</b>	A person appointed by Positive2Work to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members and service recipients
<b>Relevant Filing System</b>	Any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.

---