



Data Protection

DI-GOV-DP-V1.0

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Revision History

Name	Date	Reason For Changes	Version

Review Cycle

Review Cycle	Review Date	Reviewer	Status-Action Needed

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What is Data Protection?

It is the means by which the privacy rights of individuals are safeguarded in relation to the processing of their personal data. The Data Protection Acts 1988 and 2003 confer rights on individuals as well as placing responsibilities on those persons processing personal data.

Definitions

Data Controller is Dressage Ireland Clg which controls the contents and use of the personal data and is responsible for ensuring that personal data is kept safe and not misused.

Data Processors are a person or a company which processes personal data on behalf of the data controller. It includes file shredding, service providers, couriers and cloud storage.

Data Subject is a 'natural person' ie not a company. The person must be living.

Personal Data is not only name, address, telephone number. It also includes photos, audio, video. It is not just computer files but can be on paper, usb sticks....

Processing is almost anything that can be done with data eg obtaining, recording or keeping it, collecting, storing or altering it, consulting it, disclosing it erasing or destroying it.

Sensitive personal data includes data on ethnic origin or race, political opinions, religious or other beliefs, trade union membership, physical or mental health, sexual life/orientation, suspicion of commission of a criminal offence, conviction in criminal proceedings.

The Eight Rules of Data Protection:

Dressage Ireland must:

- Obtain and process information fairly
- Keep it only for one or more specified, explicit and lawful purposes
- Use and disclose it only in ways compatible with these purposes
- Keep it safe and secure
- Keep it accurate, complete and up-to-date
- Ensure that it is adequate, relevant and not excessive
- Retain it for no longer than is necessary for the purpose or purposes
- Give a copy of his/her personal data to a Data Subject, on request

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1. Obtain and process information fairly

To obtain data fairly the Data Subject must, at the time the personal data is being collected, be made aware of:

- the name of the data controller ie Dressage Ireland Clg;
- the purpose in collecting the data eg to allow membership of Dressage Ireland Clg, to identify classes a member can enter, to identify roles that a volunteer might play;
- the persons or categories of persons to whom the data may be disclosed ie only to Dressage Ireland Clg;
- whether replies to questions asked are obligatory and the consequences of not providing replies to those questions;
- the existence of the right of access to their personal data;
- the right to rectify their data if inaccurate or processed unfairly;
- any other information which is necessary so that processing may be fair and to ensure the data subject has all the information that is necessary so as to be aware as to how their data will be processed.

To process personal data fairly it must have been fairly obtained and either consent given or processing is necessary for a specific reason.

Consent: The data subject must have given consent to the processing. Consent must be explicit, informed, freely given and specific. Ie with a tick box 'I agree'.

Specific Reason: Consent is not the only way of making processing data fair. Processing may necessary for one of the following reasons:

- the performance of a contract to which the data subject is a party eg to complete membership application;
- for the administration of justice eg a garda request;
- for the performance of any other function of a public nature performed in the public interest by a person eg court discovery orders;
- for the protection of the interests of the data subject or another eg for emergency services.

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2. Keep it only for one or more specified, explicit and lawful purposes

Dressage Ireland may only keep data for a purpose(s) that are specific, lawful and clearly stated and the data should only be processed in a manner compatible with that purpose(s). An individual has a right to question the purpose for which Dressage Ireland hold his/her data and Dressage Ireland must be able to identify that purpose.

To comply with this rule :

- A person should know the reason/s why Dressage Ireland is collecting and retaining their data.
- Dressage Ireland should be aware of the different sets of data which it keeps and the specific purpose of each
- Dressage Ireland must use and disclose it only in ways compatible with these purposes.
- Dressage Ireland must not trawl for data or take data because it might be useful. Dressage Ireland must only take data it needs and know why it needs it.

3. Use and disclose it only in ways compatible with these purposes

Any use or disclosure must be necessary for the purpose(s) or compatible with the purpose(s) for which the data was collected. Dressage Ireland should consider whether the data subject would be surprised to learn that a particular use of or disclosure of their data is taking place.

A key test of compatibility is:

- is data used only in ways consistent with the purpose(s) for which it is kept?
- is data disclosed only in ways consistent with that purpose(s)?

Any processing of personal data by a Data Processor on Dressage Ireland's behalf should include a contract between the controller and the processor which specifies the conditions under which the data may be processed and the security conditions attaching to the processing of the data .

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4. Keep it safe and secure

Appropriate security measures must be taken against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction. The nature of security used should take into account what is available technologically, the cost of implementation and the sensitivity of the data in question.

A minimum standard of security would include the following:

- Access to IT servers restricted in a secure location to a limited number of individuals.
- Access to personal data restricted on a 'need-to-know' basis;
- Access to computer systems should be password protected with other factors of authentication as appropriate to the sensitivity of the information;
- Back-up procedure in operation for computer held data, including off-site back-up;
- All waste papers, printouts, etc. to be disposed of carefully;
- A designated person should be responsible for security and for periodic reviews of the measures and practices in place.

5. Keep it accurate, complete and up-to-date

It is in the interests of Dressage Ireland to ensure accurate data for reasons of efficiency and effective decision making. Incomplete information can be misleading. Dressage Ireland should periodically review data to ensure that it is up-to-date.

6. Ensure that it is adequate, relevant and not excessive

Dressage Ireland can fulfil this requirement by making sure it is seeking and retaining only the minimum amount of personal data which it needs to achieve its purpose(s). Dressage Ireland should decide on specific criteria by which to assess what is adequate, relevant, and not excessive and apply those criteria to each information item and the purpose/s for which it is held.

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To comply with this rule Dressage Ireland should ensure that the information sought and held is:

- adequate in relation to the purpose/s for which Dressage Ireland sought it;
- relevant in relation to the purpose/s for which Dressage Ireland sought it;
- not excessive in relation to the purpose/s for which Dressage Ireland sought it i.e. no more detailed than is necessary.

A periodic review should be carried out of the relevance of the personal data sought from data subjects through the various channels by which information is collected, i.e. forms, website etc.

7. Retain it for no longer than is necessary for the purpose or purposes

This requirement places a responsibility on Dressage Ireland to be clear about the length of time for which data will be kept and the reason why the information is being retained. It is a key requirement of Data Protection legislation as personal data collected for one purpose cannot be retained once that initial purpose has ceased.

Files should be regularly purged and personal information is not retained any longer than necessary. This can include appropriate anonymisation of personal data after a defined period if there is a need to retain non-personal data.

Data should not be kept 'just in case'. It should be destroyed, deleted or returned as soon as it is no longer needed.

8. Give a copy of his/her personal data to a Data Subject, on request

On making an access request any individual about whom Dressage Ireland keep personal data is entitled to:

- a copy of the data Dressage Ireland are keeping about him or her;
- know the categories of their data and purpose/s for processing it;
- know the identity of those to whom Dressage Ireland disclose the data;
- know the source of the data.

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It is important that Dressage Ireland have clear co-ordinated procedures in place to ensure that all relevant manual files and computers are checked for the data in respect of which the access request is being made.

To make an access request the Data Subject must:

- apply to Dressage Ireland in writing (which can include email);
- give any details which might be needed to help Dressage Ireland identify him/her and locate all the information Dressage Ireland may keep about him/her e.g. previous addresses, customer account numbers;
- pay Dressage Ireland an access fee which cannot exceed €6.35.

Every individual about whom a data controller keeps personal information has a number of other rights under the Act, in addition to the Right of Access. These include the right to have any inaccurate information rectified or erased, to have personal data taken off a direct marketing or direct mailing list and the right to complain to the Data Protection Commissioner.

In response to an access request Dressage Ireland must:

- supply the information to the individual promptly and within 40 days of receiving the request;
- provide the information in a form which will be clear to the ordinary person, e.g. any codes must be explained.

If Dressage Ireland do not keep any information about the individual making the request it should tell them so within 21 days. Dressage Ireland are not obliged to refund any fee unless Dressage Ireland do not comply with the request, or if Dressage Ireland have to rectify, supplement or erase the personal data concerned.

If Dressage Ireland restricts the individual's right of access in accordance with one of the very limited restrictions set down in the Acts, it must notify the data subject in writing within 21 days and Dressage Ireland must include a statement of the reasons for refusal. Dressage Ireland must also inform the individual of his/her entitlement to complain to the Data Protection Commissioner about the refusal.

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Direct Marketing

Dressage Ireland should not market directly unless a data subject has notified that they consent – ie they must positively consent.

An exception to the requirement for positive consent is that the email address is obtained in the course of a sale eg membership. Marketing in such a case must only be for membership and there should be an opportunity to opt out at any time. The email must be sent within 12 months of the sale (or last email).

There should be no mixed used communications ie including marketing material with non marketing material without consent.

Any direct marketing must contain the name of Dressage Ireland Clg, its address and phone number.