

GDPR POLICY AND PROCEDURES

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General Data Protection Regulation (EU) 2016/679

The General Data Protection Regulation (GDPR) (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union. GDPR replaces the 1995 Data Protection Directive. It was adopted on 14 April 2016 and became enforceable from 25 May 2018.

Introduction

For the purposes of business, Homan O'Brien holds certain employee personal data (i.e. HR, training, Health & Safety records, etc.).

This policy sets out how Homan O'Brien seeks to protect personal data and ensure that the staff who handle personal data understand the rules governing the use of personal data that they have access to in the course of their work. It will detail how compliance is achieved and demonstrated.

Scope

This policy applies to all staff who must be familiar with this policy and comply with its terms. It also applies to any staff member working remotely who processes or handles personal data on behalf of the company.

Homan O'Brien may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before being adopted.

Who is responsible for this policy?

The Directors have overall responsibility for this policy.

The IT Manager has responsibility for the overseeing of security of the IT network.

The Financial Controller and Directors are responsible for the security of all HR and financial-related personal data.

All staff are responsible for reporting any data breaches to the Directors.

Accountability and transparency

Homan O'Brien will undertake, and regularly review, a data audit to document what personal data is held, how it is secured, how long it is retained and how it is disposed.

GDPR principles

Homan O'Brien will make every effort possible to comply with these principles, as follows:

1. Lawful, fair and transparent
2. Limited for its purpose
3. Data minimisation
4. Accurate
5. Retention
6. Integrity and confidentiality

Responsibilities

Homan O'Brien is classified as a data controller and holds/processes limited personal data. We are not required to register with the Data Protection Commissioner, due to the size of the organisation. Homan O'Brien is responsible for:

- Analysing and documenting the type of personal data held by the company
- Checking procedures to ensure they cover all the rights of the individual
- Implementing and reviewing procedures to detect, investigate and report personal data breaches
- Store data in safe and secure ways
- Arranging data protection awareness training for all relevant staff members handling personal data.

Responsibilities of staff handling personal data

- Fully understand data protection obligations
- Do not use data in any unlawful way
- Do not store data incorrectly, be careless with it or otherwise cause us to breach data protection laws and Homan O'Brien's policies through your actions
- Comply with this policy at all times
- Raise any concerns, notify any breaches or errors, and report anything suspicious or contradictory to this policy or our legal obligations without delay
- For staff working remotely, to ensure that all personal data is kept safe and access to their workspace is limited and secure at all times.

Responsibilities of the IT Manager

- Ensure all systems, services, software and equipment meet acceptable security standards, including those required for staff working remotely
- Checking and scanning security hardware and software regularly to ensure it is functioning properly

Accuracy and relevance

Homan O'Brien will ensure that personal data controlled by the company is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained.

Individuals may ask that Homan O'Brien correct inaccurate personal data relating to them. Staff should, if they believe that information is inaccurate, inform the Financial Controller of the inaccuracy.

Data security

- All staff controlling personal data will keep it secure against loss or misuse
- In cases where personal data is stored on printed paper, it will be kept in a secure place where unauthorised personnel cannot access it and it will be shredded when it is no longer needed
- Data stored on a computer will be protected by strong passwords that are changed regularly
- Data stored on CDs or memory sticks will be locked away securely when they are not being used
- Data will be regularly backed up in line with the company's backup procedures and all data protected
- Data will never be saved directly to mobile devices such as laptops, tablets or smartphones.

Disclosure/Transfer of personal data

Homan O'Brien does not disclose (i.e. the sharing of personal data between other businesses or between business branches) or transfer personal data (i.e. sharing personal data outside of the jurisdiction/state).

Data retention

Homan O'Brien will not retain personal data for longer than is necessary. See Appendix I – Data Retention Schedule.

Rights of individuals/Data Subjects

Data Subjects (i.e. the individual who is the subject of the personal data) have rights to their data which Homan O'Brien will respect and comply with to the best of our ability. Homan O'Brien will ensure individuals can exercise their rights in the following ways:

1. Right to be informed
2. Right of access
3. Right to rectification
4. Right to erasure/right to be forgotten
5. Right to restriction of processing
6. Notification obligation
7. Right to data portability
8. Right to object to processing
9. Rights in relation to automated decision making and profiling (HOB does not undertake this)
10. Right to withdraw consent

Privacy Notice

Homan O'Brien will supply a Privacy Notice on commencement of employment when personal information is being requested. See Appendix II – Privacy Notice.

Subject Access Requests

An individual has the right to access to their personal data. A Subject Access Request should be made in writing to the Financial Controller – see Appendix III – Personal Data Request Form.

Homan O'Brien will provide an individual with a copy of the information they request, free of charge. This will occur without delay and within one month of receipt. This can be extended to two months with permission from Senior Management, for complex or numerous requests, but the individual will be informed of the extension within one month.

Right to erasure

Individuals have a right to have their data erased in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected
- The personal data was unlawfully processed or otherwise breached data protection laws

- To comply with a legal obligation.

Homan O'Brien can only refuse to comply with a right to erasure in the following circumstances:

- To exercise the right of freedom of expression and information
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority
- For public health purposes in the public interest
- The exercise or defence of legal claims.

If personal data that needs to be erased has been passed on to other parties or recipients, they will be contacted and informed of their obligation to erase the data. If the individual asks, Homan O'Brien will inform them of those recipients.

Data Audits and Training

Data audits

Homan O'Brien will maintain a Data Register. Regular data audits to manage and mitigate risks will inform the Data Register. The Data Register contains the following information:

- Data type
- Why it is being held
- In what format is this data
- Why was it originally gathered
- How long is it retained
- How long should it be retained
- How secure is it (Location and Access)
- How is it disposed

Training

All relevant staff who handle personal data will receive training on the provisions of GDPR specific to their role.

Reporting breaches

Any breach of this policy or of data protection laws will be reported as soon as practically possible.

Homan O'Brien will report any data breach(es) to the Data Commissioner within 72 hours of becoming aware of the breach, where feasible.

Records will be kept of any personal data breach, regardless of whether Homan O'Brien is required to notify the Data Commissioner or not.

Any member of staff who fails to notify of a breach, or is found to have known or suspected a breach has occurred but has not followed the correct reporting procedures will be liable to disciplinary action. Please refer to the Financial Controller for our reporting procedure.

Failure to Comply

Homan O'Brien takes compliance with this policy very seriously. Failure to comply puts both you and the organisation at risk.

The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under our procedures which may result in dismissal.

If you have any questions or concerns about anything in this policy, do not hesitate to contact one of the Directors or Quality & Compliance Manager.

APPENDIX I – DATA RETENTION SCHEDULE

Record Type	Statutory Retention Period	Final Disposition	
		Archive	Shred
Annual Leave, hours worked and Public Holiday Records	3 years (Ref. The Organisation of Working Time Act 1997, Section 25) and the Organisation of Working Time (Records) Prescribed Form and Exemptions, Regulations 2001)	X	X
Staff Personnel Files	Retain for duration of employment and one year thereafter. On retirement or resignation hold for a further 6 years but retain service records for finance/pension purposes. (Ref. Terms of Employment (Information) Act, 1994 and 2001)		X
Employment Permit Record	5 years or period equal to duration of employment (whichever is longer)		X
Parental and Force Majeure leave Records	Retain for 8 years from the date of the leave (Ref. Parental Leave Acts, 1998-2019 – Section 27)		X
Parent's Leave Record	Retain for 8 years from the date of the leave (Ref. Parents Leave and Benefit Act 2019)		X
Carer's Leave Record	Retain for 8 years from the date of the leave (Ref. Carer's Leave Act 2021)		X
Collective Redundancy Information	3 Years		X
Records of staff training	Retain for duration of employment. On retirement or resignation hold for a further 3 years.	X	X
Pay-slips	3 years (Ref. National Minimum Wage Act 2000, Section 22)		X
Taxation Records	6 years (Ref. Companies Acts and Taxes Consolidation Act 1997)	X	X
Finance/pension/retirement records	Retain until pensioner and dependent spouse are deceased and dependent children are finished full time education plus 3 years.		X
Discipline records	Hold on personal file/disciplinary file for duration of employment plus six years after resignation/retirement, then destroy. Where disciplinary policy provides for earlier removal destroy but keep a record that a warning was issued. Where the matter involved criminal activity these records should be retained indefinitely.		X
Allegations and complaints	Where the complaint is found to be untrue or unwarranted make a note on personal file index that a complaint was made, but there is no need to keep detailed documentation or refer back to previous cases if further separate allegations are made in the future.		X
Accidents	10 years from date of an accident (Ref. the Safety Health and Welfare at Work (General Applications) Regulations 1993, Section 60)	X	X
Pre-Employment Records- Applications and CV's etc.	Records on candidates who have applied for positions within the organisation, even where the applicants have not been successful in order to defend any potential claims for discrimination etc., should be kept.	X	X

	A retention period of 1 full year.		
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APPENDIX II – PRIVACY NOTICE

General Data Protection Regulation (GDPR)

Privacy Notice

Homan O'Brien will hold information on home address, salary, next-of-kin, qualifications, any disclosed health conditions and personal banking information for use as part of the normal operation of our business and for emergency purposes only.

This information will be sought during induction on the day you start employment with us and will be safely stored under lock and key and/or under password protection by the Directors and Financial Controller.

For the purposes of bids and presentations, Homan O'Brien may share staff members' qualifications, otherwise information will not be shared with third parties, unless requested by you.

All information will be retained during your employment, and thereafter for a defined period in line with legislation, after which it will be securely destroyed/archived in line with Homan O'Brien GDPR procedures.

You have the right to request access to the information we have on you. You can do this by contacting the Financial Controller – gillian.oloughlin@homanobrien.ie. You will be provided with a copy of the data that we hold on you.

If you believe that the information we have about you is incorrect, you should contact the Financial Controller so it can be updated.

Please sign below to show that you understand and consent to the use of your data under GDPR Legislation.

PRINT NAME

Signature

Date

APPENDIX III – PERSONAL DATA REQUEST FORM

Financial Controller,
Homan O'Brien Ltd.,
89 Booterstown Avenue,
Blackrock,
Co. Dublin.

Date

Dear Sir/Madam,

I wish to make an access request, under the General Data Protection Regulation 2016, for a copy of any information you keep about me, on computer or in manual form.

Yours faithfully

(signed)

[your name]

NAME (please print) _____

ADDRESS: _____

Please Note:

1. Request in writing should be made and signed by the applicant
2. Within the terms of the General Data Protection Regulations 2016, Homan O'Brien will respond to your request for personal data within 1 month.

Requests should be submitted to: Financial Controller, Homan O'Brien, 89 Booterstown Avenue, Blackrock, Co. Dublin.

Revisions to this Document

Issue No.	Type	Author	Nature of Change	Date
01	Initial Release	AC	Initial Release	04/04/2018
02	Minor updates	AC	Small editorial changes	15/05/2018
03	Review/Update	AC	Small changes Appendix 1 – Data Retention Schedule updated	04/06/2019
04	Review/Update	AC	Changes to include staff working from home and the handling of personal data	02/09/2021