



Data Protection Policy

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PURPOSE

Dublin City University Language Services, as a Data Controller, is required by law to comply with the following Irish legislation relating to the processing of Personal Data:

- **The Data Protection Act 1988** (The Principle Act) and
- **The Data Protection (Amendment) Act 2003**

This document is the DCU Language Services' policy in response to the requirements of the Data Protection Acts.

SCOPE

In order to carry out its statutory, academic and administrative functions DCU Language Services needs to collect and process personal information relating to many categories of people, which include the students and staff of DCU Language Services.

DCU Language Services takes the confidentiality of all personal information particularly seriously and consequently takes all reasonable steps to comply with the principles of the Data Protection Acts. DCU Language Services aims to collect personal information only in order to meet specific legitimate purposes, and to retain that information only for as long as those purposes remain valid. Ordinarily, DCU Language Services will not pass personal information to any third party, except where required by law, statutory obligations or legitimate purposes balanced against the rights and interests of the data subject.

DCU Language Services is committed to ensuring that all employees, registered students, agents, contractors and data processors comply with the Data Protection Acts regarding:

- the processing and confidentiality of any personal data held by DCU Language Services, and
- the privacy rights of individuals under the legislation.

DATA PROTECTION PRINCIPLES

To comply with the law, information (as defined by the Data Protection Acts) must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, DCU Language Services must comply with the following eight Data Protection Principles or Obligations:

1. Obtain and process information fairly

The Data must be obtained and processed fairly and lawfully and only when certain conditions are met.

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

The Data can only be obtained for specified, lawful and clearly stated purposes and only processed in accordance with DCU Language Services notification to the Data Protection Commissioner.

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

Processing and Disclosure of personal data should not be incompatible with the specified purpose for which it was obtained.

4. Keep it safe and secure

The Data must be kept safe and secure. DCU Language Services, as the Data Controller, is responsible for applying adequate security structures to prevent unlawful or inadvertent processing, alteration or loss of the data.

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

The Data must be kept accurate, complete and where necessary up-to-date.

6. Ensure it is adequate, relevant and not excessive

The Data obtained should be adequate, relevant and not excessive

7. Retain for no longer than is necessary

The Data should not be kept for longer than is necessary for the purpose or purposes for which it was obtained. (See also the University's [Record Retention Management Policy](#).)

8. Give a copy of his/her personal data to that individual, on request

The Data Subject, the person to whom the information relates, has a Right of Access. The Controller must store and maintain the data in such a manner as to be able to respond to a Subject Access Request in a timely manner.

DISCLOSURE OF PERSONAL DATA

The legislation recognises two categories of Personal Data –

- ‘Ordinary’ Personal Data such as name, address, mobile phone number, car registration, PPS Number.
- Sensitive Personal Data, which is more deeply personal to an individual, such as their racial or ethnic background, political opinions, religious or similar beliefs, trade union membership physical or mental health, sexual life, the (alleged) commission of any offence, subsequent proceedings or sentence.

Sensitive personal data should normally only be processed if the data subjects have given their explicit consent to this processing.

The legislation applies equally to **automated and manual data**, i.e. data held or processed on a computer, or data held in ‘hard copy’, stored in an indexed or relevant filing system.

The security of personal information in the possession of DCU Language Services is of paramount importance and is, therefore, addressed in various policies and procedures throughout the company. In addition to the principles contained within this policy, staff are also advised to read and adhere to the University’s [Data Classification Policy](#), [Data Handling Guidelines](#) and [Contact with Third Parties Policy](#).

All staff and students have an individual responsibility to ensure that they adhere to DCU Language Services Data Protection Policy and the Data Protection Acts.

(Templates for a Contract for Services with Third Parties and an Agreement for the Provision of Goods and Services are available from the Procurement Office, Finance Department, Dublin City University. Third Parties should also be made aware of the appropriate ICT Policies that they are required to adhere to.)

SUMMARY OF RESPONSIBILITIES

School Responsibilities

Key post holders have responsibility for ensuring that:

- All personal data being processed within the School complies with the Data Protection Acts and DCU Language Services' Data Protection Policy.
- All contractors, agents and other non-permanent university staff used by the school, are aware of and comply with, the Data Protection Acts and the University's Data Protection Policy.
- All personal data held within the School is kept securely and is disposed of in a safe and secure manner when no longer needed.

Staff Responsibilities

All staff must ensure that:

- Personal data which they provide in connection with their employment is accurate and up-to-date, and that they inform DCU Language Services of any errors, corrections or changes, for example, change of address, marital status, etc.
- Personal data relating to living individuals which they hold or process is kept securely;
- Personal data relating to living individuals is not disclosed either orally or in writing, accidentally or otherwise, to any unauthorised third party.
- When supervising students who are processing personal data, that those students are aware of the Data Protection Rules, and DCU Language Services' Data Protection Policy.

Student Responsibilities

All students must ensure that:

- Personal data which they provide in connection with their studies is accurate and up-to-date, and that they inform the Language Services of any errors, corrections

or changes, for example, change of address, marital status, etc;

- When using DCU Language Services' facilities to process personal data (for example, in course work or research), they notify their supervisor/advisor, who will provide further information about DCU Language Services' policy on Data Protection compliance.

RESEARCH AND PERSONAL DATA

The legislation provides certain exemptions for data collected, held and processed for research purposes (including historical and statistical purposes). If the purpose of the data processing is other than to take measures or make decisions which are targeted at particular individuals, and it does not cause substantial distress or damage, it:

- can be processed for purposes other than that for which it was collected, provided that it is still only a research purpose,
- can be held indefinitely, and
- is exempt from the Data Subject's right of access (where the data is processed for research purposes only).

The results of the research or statistics derived from the research should not be made available in a form which identifies the individuals concerned.

Personal data provided or used for research purposes does not have a blanket exemption from the Data Protection Rules. Researchers wishing to use personal data should be aware that the Data Protection Rules will still apply.

Researchers and Project Leaders must ensure that:

- employees and students are aware that, while some exemptions are granted for the use of personal data for research purposes, the majority of the Data Protection Principles must be conformed to,
- in all circumstances where personal data is to be used for research purposes, there is an adequate review in advance of processing, to ensure that the requirements of the Act can be adhered to,
- a suitable mechanism is in place to ensure that Data Subjects whose personal

data is to be, or has been processed, can meaningfully exercise their right to object to the processing of that data, on the grounds that it would cause them significant damage or distress, and

- particular care is taken when the processing involves sensitive personal data.

Rights under the Acts (1988 & 2003)

The Data Subject is entitled to:

- Access to a copy of any data held by the DCU Language Services which relates to them;
- Require that any inaccurate data held by the DCU Language Services is corrected or erased;
- Prevent processing of the data likely to cause them distress or damage;
- Prevent evaluative decisions being made solely by automated means;
- Prevent processing of their personal data for the purposes of Direct Marketing;
 - Request assistance from the Data Protection Commissioner's Office; and
 - In the event of a breach of these rights, to pursue compensation through the Courts.

Subject Access Request (SAR)

A Data Subject is entitled to a copy of all data held by the Controller which relate to them.

To be a valid request, the SAR must be:

- Made in writing to the controller
- Provide adequate identification
- On receipt of a valid SAR, the Data Controller (DCU Language Services) must comply with the request as soon as possible, but within not more than 40 days from receipt of the request.

TRANSFER OF DATA OVERSEAS

The Data Protection Acts prohibits the transfer of personal data to any country outside of:

- The European Economic Area (EEA = EU Member States plus Iceland, Liechtenstein and Norway,);
- The 7 designated Safe Countries (Canada, Argentina, the Isle of Man, Guernsey, Jersey, the Faroe Islands and Switzerland)
- Organisations within the United States which subscribe to the 'Safe Harbour' principles.

Before transfer to any other destination, DCU Language Services , as a Data Controller, must be satisfied as to the adequacy of protection which will be provided to the data at its destination.

CCTV ON CAMPUS

DCU has closed circuit television cameras (CCTV) located throughout the campus covering buildings, internal spaces, car parks, roads, pathways and grounds. CCTV cameras are also located at the University Sports Grounds at St Clare's. This is necessary in order to protect against theft or pilferage, for the security of staff, students and visitors and for the security of DCU property.

Whilst CCTV footage is monitored by DCU security staff, access to recorded material is strictly limited to authorised personnel. The images captured are retained for between 20 and 60 days, depending on activity levels, except when the images identify an issue and are retained specifically in the context of an investigation of that issue. CCTV footage may be entered as evidence in the event of disciplinary proceedings involving staff or students. CCTV footage is not disclosed to any third party except An Garda Síochána in the case of a disclosure pursuant to Section 8 of the Data Protection Act 1988 (i.e. where it is required for the purpose of preventing, detecting or investigating alleged offences). A full list of camera locations



is available on request from the Estates Office. Signage indicating that CCTV is in use is provided at the entrances to the campus. For information on CCTV operations at DCU Language Services please contact the Director of Estates.

FOR FURTHER INFORMATION:

Within DCU, the Director of Information Systems & Services has responsibility for the co-ordination of Data Protection issues including the annual registration with the Office of the Data Protection Commissioner. Queries and clarifications should be directed to ISS.ServiceDesk@dcu.ie and marked for the attention of the Director.

More complete information is available from the Office of the Data Protection Commissioner at: <http://www.dataprotection.ie>.

This Policy document will be reviewed regularly and updated as appropriate in line with any legislative or other relevant development.

DEFINITIONS

<p>Data</p>	<p>Information which is being used or held in a computerized system, or a 'relevant filing system' i.e. a manual filing system that is structured in such a way that data contained within it is readily accessible.</p> <p>Data can be written information, photographs, fingerprints or voice recordings.</p>
<p>Personal Data</p>	<p>Information that identifies and relates to a living individual, and includes any expression of opinion or intention about the individual. Personal data could be contact details, date of birth, qualifications, or anything pertaining to an individual. It is something that affects that person's privacy (whether in their personal/family life, or business/professional capacity) in the sense that the information has the person as its focus or is otherwise biographical in nature, and identifies that person – by itself or with other information.</p> <p>Personal data shall not be processed unless at least one of the following conditions is met:</p> <ul style="list-style-type: none"> • The consent of the individual. • The performance of a contract with the individual. • A requirement under a legal obligation. • The protection of the individual's vital interests. <p>The processing is necessary:</p> <p>(i) for the administration of justice,</p> <p>(ii) for the performance of a function conferred on a person by or under an enactment,</p>

	<p>(iii) for the performance of a function of the Government or a Minister of the Government,</p> <p>(iv) for the performance of any other function of a public nature performed in the public interest by a person.</p> <p>The processing is necessary for the purposes of the legitimate interests pursued by the data controller (DCU Language Services) or by a third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject.</p>
<p>Sensitive Personal Data</p>	<p>Sensitive personal data is defined as information relating to an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious beliefs or beliefs of a similar nature • Membership of a trade union • Physical or mental health or condition • Sexual life • Commission or alleged commission of an offence • Proceedings for any offence or alleged offence, or sentence of court. <p>Sensitive personal data shall not be processed unless at least one of the conditions detailed in respect of personal data is met and at least one of the following conditions is also met:</p> <ul style="list-style-type: none"> • The Explicit consent of the individual. • A legal obligation in the context of employment. • The protection of the vital interests of the individual. • The processing is carried out in the course of the legitimate activities by any body corporate, or unincorporated body of persons, that - <p>(A) is not established, and whose activities are not carried on for profit, and</p>

	<p>(B) exists for political, philosophical, religious or trade-union purposes.</p> <ul style="list-style-type: none"> • The information has been made public by the individual. • The information is required in connection with legal proceedings. • The information is required for medical purposes. • The processing is necessary for certain public functions, e.g.: in order to obtain information for use, subject to and in accordance with the Statistics Act, 1993, only for statistical, compilation and analysis purposes, <ul style="list-style-type: none"> ➤ is carried out by political parties, or candidates for election to, or holders of, elective political office in the course of electoral activities for the purpose of compiling data on people's political opinions and complies with such requirements (if any) as may be prescribed for the purpose of safeguarding the fundamental rights and freedoms of data subjects ➤ the processing is authorised by regulations that are made by the Minister and are made for reasons of substantial public interest, ➤ the processing is necessary for the purpose of the assessment, collection or payment of any tax, duty, levy or other moneys owed or payable to the State and the data has been provided by the data subject solely for that purpose, ➤ the processing is necessary for the purposes of determining entitlement to, or control of, or any other purpose connected with the administration of any benefit, pension, assistance, allowance, supplement or payment under the Social Welfare (Consolidation) Act 1993, or any non-statutory scheme administered by the Minister for Social, Community and Family Affairs.
<p>Processing</p>	<p>Anything which can be done with personal data i.e. obtaining, recording, holding, organising, adapting, altering, retrieving, consulting, disclosing, aligning, combining, blocking, erasing, destroying etc.</p>
<p>Data Subject</p>	<p>An individual who is the subject of personal data. This will include: staff, current and prospective students, graduates, suppliers of goods and services, business associates, conference delegates, survey</p>

	respondents etc.
Data Controller	Refers to Dublin City University Language Services. This includes DCU Language Services' staff who collect and process personal data, and students who are collecting and processing personal data on behalf of DCU Language Services or as part of their studies.
Data Processor	Any person (other than an employee of DCU Language Services) who processes personal data on behalf of DCU Language Services, e.g. printing agency.
Recipient	Any person or organisation to which personal data is disclosed.

DOCUMENT CHANGE MANAGEMENT

Dublin City University Language Services believes that it is important to keep this Data Protection Policy current in order to ensure that it addresses legislative changes and security issues accurately, and is up-to-date with evolving business issues and technologies. This policy is a living document that will be reviewed annually and/or updated as needed.

The Director of Information Systems and Services will draft necessary changes and have them reviewed and approved by the appropriate DCU Language Services bodies. The ISS Director will send the proposed new policy or changes to Executive for review and approval. Anyone in DCU Language Services can determine the need for a modification to the existing policy. Recommendations for changes to this policy should be communicated to the Director of ISS.