



Providing Services and supports to People with an Intellectual Disability

POLICY ON DATA PROTECTION (under Data Protection Acts 1988 and 2003)

Ability West needs to collect and use personal data (information) about its staff, service users and other individuals who come into contact with the organisation. The purpose of processing data include the organisation and administration around the provision of services to individuals with an intellectual disability who avail of our services and their families/next of kin and for research and planning purposes.

It is the policy of Ability West to comply with the obligations of the Data Protection Acts 1988 and 2003 and to ensure that all staff are aware of their data protection responsibilities. It is also the policy of Ability West to comply with the obligations of these Acts in relation to the management approach to be followed in the event of a data protection breach.

Introduction

Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing, storage and security of their personal data. The first Data Protection Act was introduced in 1988, which was in turn updated on 1 July 2003. Staff, and service users supply information about themselves to Ability West, and Data Protection legislation applies to this information. Data protection law places obligations on the organisation and all staff who keep personal information. Every individual has a right to know what personal information is held about him/her. The Act applies to living persons.

Data Protection rights apply whether the information is held:

- In electronic format i.e. on computer
- In a manual or paper based form or
- In photographs, video or digital images

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The Principles of the Data Protection Act

We shall perform our responsibilities under the Data Protection Acts in accordance with the following eight Data Protection principles:

1. Obtain and process information fairly

We shall obtain and process your personal data fairly and in accordance with statutory and other legal obligations.

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

We shall keep your personal data for purposes that are specific, lawful and clearly stated. Your personal data will only be processed in a manner compatible with these purposes.

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

We shall use and disclose your personal data only in circumstances that are necessary for the purposes for which we collected the data.

4. Keep it safe and secure

We shall take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of your personal data and against its accidental loss or destruction.

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

We adopt procedures that ensure high levels of data accuracy, completeness and that your data is up to date.

6. Ensure it is adequate, relevant and not excessive

We shall only hold your personal data to the extent that it is adequate, relevant and not excessive.

7. Retain for no longer than is necessary

We have a retention policy for your personal data.

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

We adopt procedures to ensure that data subjects can exercise their rights under the Data Protection legislation to access their data

Responsibility

Overall responsibility for ensuring compliance with Data Protection Acts rests with Ability West. This policy applies to all employees, service providers, contractors and third parties that access, use, store or process information on behalf of Ability West.

However our responsibility varies depending upon whether we are acting as either a Data

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Controller or a Data Processor.

All staff and contractors of Ability West who separately collect, control or process the content and use of personal data are individually responsible for compliance with the Data Protection Acts. All staff are responsible for ensuring that information is not kept for longer than necessary. The Data Protection Officer of Ability West co-ordinates the provision of support, assistance, advice, and training throughout Ability West to ensure that it is in a position to comply with the legislation.

Right to Access Information

Staff and other subjects of personal data held by Ability West have the right to access any personal data that is being kept about them on computer and also have access to paper- based data held in certain manual filing systems. This right is subject to certain exemptions which are set out in the Data Protection Acts.

Ability West reserves the right to charge the maximum fee payable for each subject access request. If personal details are inaccurate, they can be amended upon request.

Ability West aims to comply with requests for access to personal information as quickly as possible as detailed in procedures.

Breach Management

Ability West is required under Data Protection Acts 1988 & 2003 to ensure the security and confidentiality of the information/data it processes on behalf of its service users and employees. Information/data is one of our most important assets and each individual has a responsibility to ensure the security of this information.

Sometimes a breach of information/data security may occur because this information/data is accidentally disclosed to unauthorized persons or, lost due to a fire or flood or, stolen as a result of an attack or theft of a mobile computer device.

The purpose of this policy is to ensure that a standardised management approach is implemented throughout the organisation in the event of an information/data breach.

This policy is mandatory and by accessing any of Ability West's information/data, users are agreeing to abide to the terms of this policy.

It is the policy of Ability West that in the event that an information/data breach happens, the breach management procedure is strictly adhered to.

It is important that each Ability West Directorate puts into place their own local procedures to enable

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them to implement the breach management procedure should a data breach occur. There are five elements to any breach management plan:

- Identification and Classification
- Containment and Recovery
- Risk Assessment
- Notification of the Breach
- Evaluation and Response

Procedures and Guidelines

Ability West is firmly committed to ensuring personal privacy and compliance with the Data Protection Acts, including the provision of best practice guidelines and procedures in relation to all aspects of Data Protection. This Data Protection Policy is supplemented by procedures adopted by Ability West and its subsidiaries.

Review

This Data Protection Policy and procedures adopted will be reviewed regularly by Senior Management team in light of any legislative or other relevant developments.

Signed: Breda Crehan-Roche

Approval Date: 30/06/2014

Implementation Date: 30/06/2014

VERSION HISTORY:

Rev. 0	PREPARED BY: Theresa Caulfield, Assistant Director of Finance, FOI and Data Protection Officer	DATE: 02/012/2010
	APPROVED BY: Breda Crehan-Roche, Chief Executive	DATE: 02/12/2010
Rev. 1	REVIEWED BY: Theresa Hendley (formerly Caulfield), Assistant Director of Finance, FOI and Data Protection Officer	DATE: 28/02/2011
	APPROVED BY: Breda Crehan-Roche, Chief Executive	DATE: 28/02/2011
Rev. 2	REVIEWED BY: Theresa Hendley (formerly Caulfield), Assistant Director of Finance, FOI and Data Protection Officer	DATE: 04/06/2014
	APPROVED BY: Breda Crehan-Roche, Chief Executive	DATE: 30/06/2014
	NEXT REVIEW DUE:	DATE: 30/06/2016

REVISION HISTORY:

REVISION	DATE	DESCRIPTION OF CHANGE	CHANGE NO.
0	30/11/2009	Introduction of new policy	N/A
1	17/02/2011	Addition of 'breach management' under Data Protection	0151(a)
2	04/06/2014	See QARF No. 0227 for amendments	0227

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