

Document Name and Version	10.2 Data Protection Processing Principles
Policy Number	10.2
Policies that Interact with Policy 10.2	10.1 Data Policy; 10.3 Data Management and Retention Policy; 10.4 Data Protection Subject Access Request (SAR) Policy; 10.5 Data Breach Policy; 10.6 Webpage Privacy and Cookie Notice; 10.7 Your Right of Access to Personal Information held by IICP College;
Approval Body	Board of Directors
Date of Approval	February 2020
Date Policy Comes into Force	25 th January 2021
Date of Review	2025
Revisions	

1. Preamble.

1.1. This document sets out the Data Processing Principles in force in IICP College.

2. Purpose.

2.1. The purpose of this policy is to state IICP College's commitment to processing personal data in accordance with the rights of individuals whose data it holds (Data Subjects).

2.2. This policy should be read with other relevant IICP College policies:

- Data Protection Policy;
- Data Protection. Subject Access Request (SAR) Policy;
- Data retention and Retention Policy;
- Data Breach Policy;
- Webpage Privacy and Cookie Notice;
- Data Subject Rights (DSR);
- Your Right of Access to Personal Information held by IICP College;
- How to make an Access Request (SAR).

2.1 This policy addresses the following legislative and regulatory requirements:

- General Data Protection Regulation [GDPR].
- QQI Sector-Specific Quality Assurance Guidelines for Independent/ Private Providers: Management of legislative and regulatory compliance.

3. Scope.

3.1. These principles apply to all areas and locations of IICP College and includes all areas of work of the College. This policy is equally applicable to records created and preserved in paper and electronic format.

3.2. These principles apply to all staff and learners of IICP College who collect and / or control the contents and use of personal data.

3.3. These principles relate specifically to Data Protection requirements. The processing of personal data may also be subject to confidentiality, ethical, and security requirements, originating from legal, regulatory, professional or contractual obligations.

4. Roles and Responsibilities.

4.1. The Board of Directors is responsible for formally approving this policy and for overseeing its implementation.

4.2. The Senior Management Team is responsible for the scheduling and implementation of staff and learner training requirements following implementation of this policy and related Data Protection policies.

4.3. The Data Protection Contact is responsible for the creation and implementation of associated policies and procedures, privacy notices, and developing and implementing Data retention and Retention Policy, in accordance with the latest legislation.

4.4. All employees of IICP College are jointly responsible for the effective implementation of this policy.

5. Personal Data Processing Principles.

5.1. IICP College processes personal data in accordance with the rights of individuals whose data it holds (Data Subjects). Specifically, the College aims to communicate with these individuals in a transparent and easily accessible form, using clear language.

5.2. Personal data is only processed where there is a lawful basis for doing so. Article 6 of the GDPR sets out a complete list of lawful purposes for processing personal data. These are:

- With the individual's unambiguous consent;

- Contractual obligation;
- In the legitimate interest of the data controller;
- In the vital interests of the data subject;
- In the public interest;
- In compliance with legal obligations.

5.2.1. Some types of processing are carried out on the basis that the data subject has given their consent. Under the GDPR, consent to processing must be freely given, specific, and informed. A data subject cannot be forced to give consent, must be told what purpose(s) your data will be used for and you should show consent through a 'statement or as a clear affirmative action' (e.g. ticking a box). The GDPR gives a specific right to withdraw consent. Data subjects must be told about their right to withdraw, and offered easy ways to withdraw consent at any time.

5.2.2. Sensitive personal data is subject to additional conditions (see section 4.9).

5.3. When processing data, IICP College adheres to the following standards stated in GDPR:

Principles of Data Processing	The following standards of Data Processing should be adhered to in order to comply with relevant European requirements.
Lawfulness, fairness and transparency	Personal data is processed lawfully, fairly and in a transparent manner.
Purpose Limitation.	Personal data is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

Data minimisation	Personal Data is adequate, relevant and limited to what is necessary in relation to purposes for which they are processed.
Accuracy	Personal data is accurate and, where necessary, kept up to date. Inaccurate personal data is corrected or deleted.
Retention	Personal data is kept in an identifiable format for no longer than is necessary.
Integrity and confidentiality	Personal data is kept secure.
Accountability	Under the GDPR, IICP College must not only comply with the above six general principles but must be able to demonstrate that it complies by documenting and keeping records of all decisions.

5.4. IICP College will only transfer Personal Data to another group or third parties outside of the European Economic Area (EEA) in accordance with the GDPR and following consultation with Senior Management.

5.5. Where IICP College engages a third party for Processing activity, the College takes steps to try to ensure that personal data is processed by such third parties in compliance with GDPR.

5.6. IICP College will only use personal data for marketing activities where:

- There is explicit consent, or a lawful ground for this use; and
- The personal data is adequate, relevant, and limited to what is necessary for the intended purpose of collection; and

- Individuals can easily access their data and remove consent for its use; and
- Their information is held securely.

5.7. IICP College recognises that images (including photographs and videos) constitute personal data, and that the subsequent use of such an image constitutes processing of personal data. Furthermore, images can be sensitive personal data if they contain specific information about a person.

5.7.1. Therefore, IICP takes the following steps in relation to the use of images:

- Where photographs are intended to be taken at any IICP College event, written notices will be in place prior to and throughout the event advising attendees of the approximate timing of the photo being taken, the purpose of taking the photo and the use to which the image will be put.
- Prior to an image being taken there will be an announcement informing individuals that the photo is about to be taken, the purpose of taking the photo, and the use to which the image will be put. Individuals will be informed of their right not to participate and shall be given an opportunity to exercise that right.

5.8. **Sensitive Personal Data** must be treated with extra caution. In particular:

5.8.1. It should be held separately from other personal data, preferably in a locked drawer or filing cabinet.

5.8.2. It should only be kept on laptops or portable devices if the file has been encrypted and/or pseudonymised. Further guidance on these techniques is given by the Data Protection Commission here:

<https://www.dataprotection.ie/docs/Anonymisation-and-pseudonymisation/1594.htm>

5.8.3. In particular it should only be processed where at least one of the following conditions is satisfied:

- The data subject has given explicit consent; or

- The processing is necessary in order to exercise or perform a right or obligation which is conferred or imposed by law on the data controller in connection with employment; or
- The processing is necessary to prevent injury or other damage to the health of the data subject or another person, or serious loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or of another person in a case where consent cannot be given, or the data controller cannot reasonably be expected to obtain such consent; or
- The processing is necessary to prevent injury to, or damage to the health of, another person, or serious loss in respect of or damage to, the property of another person, in a case where such consent has been unreasonably withheld; or
- The processing is carried out by a not for profit organisation in respect of its members or other persons in regular contact with the organisation; or
- The information being processed has been made public as a result of steps deliberately taken by the data subject; or
- The processing is necessary for the administration of justice; or
- The processing is necessary for the performance of a function conferred on a person by or under an enactment; or
- The processing is necessary for the performance of a function of the Government or a Minister of the Government; or
- The processing is necessary for the purpose of obtaining legal advice, or in connection with legal proceedings, or is necessary for the purposes of establishing, exercising or defending legal rights; or
- The processing is necessary for medical purposes; or
- The processing is necessary in order to obtain information for use, subject to and in accordance with the Statistics Act, 1993; or
- The processing is necessary for the purpose of assessment of or payment of a tax liability; or
- The processing is necessary in relation to the administration of a Social Welfare scheme.