



General Data Protection Regulations Policy

1. Introduction

The General Data Protection Regulations (GDPR) (EU) 2016/679 is a regulation on data protection and privacy for all individuals within the European Union. It replaces the previous data protection directive [95/46/EC] and supersedes the laws of individual European Union member states that were developed in compliance with Data Protection Directive [95/46/EC].

The purpose of the General Data Protection Regulations (hereafter referred to as the “GDPR”) is to protect the ‘rights and freedoms’ of natural persons (i.e. living persons) and to ensure that personal data is not processed without their knowledge, and wherever possible, that it is processed with their consent.

2. Scope

This policy applies to all staff, volunteers, tutors, contractors, agents and third parties associated with Donegal Sports Partnership (DSP) This policy refers to all items of personal data that are created, collected, stored and/or processed through any activity of DSP, across all its services, training, workshops and programmes.

Unless specifically stated otherwise, personal data and special category data will be referred to equally as personal data in this policy.

3. Operation of the Policy

This policy outlines the Donegal Local Sports Partnership CLG (DSP) General Data Protection Regulations and contains all the information you need, to understand how we use your personal data. This statement /policy sets out how we will use and protect your information and how you can exercise your data protection rights.

All personal data we gather will be processed in accordance with all applicable data protection laws and principles. We will take all appropriate steps to keep your personal data safe. In the unlikely event of a security breach we will notify you promptly about the circumstances of the incident.

In undertaking the business and activities of DSP, we create, gather, store and process personal data on a variety of data subjects including staff, tutors, volunteers, funders, suppliers and members of the public. As DSP processes the personal data of staff, tutors, volunteers, beneficiaries and other individuals, it is defined as a Data Controller for the purposes of the GDPR.

Data protection is an important part of DSP’s overall information security arrangements. All information must be handled safely and securely in accordance with DSP’s policies and procedures. GDPR places obligations on the DSP and the way it handles personal data. In turn, the staff, tutor and volunteers in DSP

have responsibilities to ensure that personal data is processed fairly, lawfully and in a transparent manner. Staff, tutors and volunteers also have responsibilities to ensure that personal data is processed securely.

DSP will only process data if we have a valid condition of processing and we have provided information to data subjects about how and why we are processing their information (i.e. privacy notice). There are restrictions on what DSP is allowed to do with personal data such as passing personal information to third parties, transferring information outside the European Economic Area or using it for the purposes of fundraising or direct marketing.

4. General Data Protection Regulation Definitions

- a. Data; means automated data and manual data
- b. Data Controller: refers to a person, company or body that **decides how and why** a data subject's personal data are processed. They are responsible for establishing practices and policies in line with the Act. DSP is the data controller of all personal data used in our business for our purposes.
- c. A Data processor refers to a person, company, or other body which processes personal data **on behalf of a controller**. They don't decide how or why processing takes place but instead carry out processing on the orders of a controller.
- d. Processing means performing any operation or set of operations on data, including:– obtaining, recording or keeping data, – collecting, organising, storing, altering or adapting the data, – retrieving, consulting or using the data, – disclosing the information or data by transmitting, disseminating or otherwise making it available, – aligning, combining, blocking, erasing or destroying the data.
- e. Data User: are staff, tutors, facilitators, volunteers or board members whose work involves the use of personal data. Data users have a duty to protect the information they handle by following our data protection policies at all times.
- f. Data Subject: is defined as “one who can be identified, directly or indirectly in particular by reference to an identifier” This can include a person's name, identification number, location data, online identifier. It can also include one or more factors that are specific to physical, physiological, genetic, mental, economic, cultural or social identity.
- g. Sensitive personal data relates to information concerning a data subject's racial or ethnic origin, political opinions, religious beliefs, trade union activities, physical or mental health, sexual life or details of criminal offences.

5. What data is being collected?

Personal Data

Personal data means any information relating to an identified or identifiable living person (“data subject”)

We may ask for your name/address, date of birth, email address, mobile telephone number, emergency contact name and number. We also process this personal data for children (for the purposes of this document children are defined as those under 18 years of age) only with the signed consent of the parent or guardian.

Special Category personal data

Special Category data means data relating to any of the following:

- The data subject’s racial or ethnic origin, their political opinions or their religious or philosophical beliefs.
- Whether the data subject is a member of a trade union.
- The data subject’s physical or mental health or condition
- Data concerning a person’s sex life or sexual orientation.
- Whether the data subject has committed or allegedly committed any offence
- Any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.
- Genetic Data
- Biometric Data

The processing of Special Category Data is prohibited unless the data subject has given their explicit consent before processing begins or the processing is authorised by law, for example to protect the interests of a data subject, to comply with employment legislation or for reasons of public interest.

For some workshops/courses we may also seek specific medical information for those wishing to participate. When this is required we will process this by obtaining your explicit consent first. In the case of children we will process the data only with the written consent from the parent/guardian.

Where we process personal data relating to criminal convictions we will do so for Garda Vetting. It is a condition that those working independently as tutors/facilitators/contractors for DSP are Garda Vetted through the National Bureau of the Garda Síochána. DSP is obliged to seek information about criminal convictions and offences and where it seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to utilising the services of tutors, facilitators or contractors.

6. Data Protection Principles

Under the GDPR and Data Protection Act 1988-2018 personal data shall be

- 6.1** Processed lawfully and fairly in a way that is transparent to the ‘data subject’ (“lawfulness, fairness and transparency”)
- 6.2.** Collected, created or processed only for one or more specified explicit and lawful purpose (“purpose limitation”)
- 6.3** Adequate, relevant and limited to what is necessary for those purposes (“data minimisation”)
- 6.4** Kept accurate, and where necessary up to date and not excessive (“accuracy”)
- 6.5** Retained no longer than is necessary (“storage limitation”)
- 6.6.** Kept safe and secure (“integrity and confidentiality”)
- 6.7** Compliant with GDPR (“accountability”)

Please see Appendix 1 for further descriptions on these principles.

7. Legal Basis for processing the data

Legal basis means the legal justification for the processing of personal data. A valid legal case is required in all cases if a data subject's personal data are to be lawfully processed in line with data protection law.

There are six possible legal bases as follows;

7.1 The data subject has given consent to the processing of his/her personal data for one or more specific purposes.

7.2. Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering a contract.

7.3 Processing is necessary for compliance with a legal obligation to which the data controller is subject.

7.4 Processing is necessary in order to protect the vital interests of the data subject

7.5 Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

7.6 Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child

8. Data Subject rights

As a data subject, you have rights which are detailed below. Certain restrictions may apply in some cases.

Your Right	Details
Right to withdraw consent	<p>If we are processing your information on the legal basis of consent, you can withdraw your consent at any time. If you withdraw your consent, we are not permitted to use your personal data for that activity going forward.</p> <p>We do not rely on consent for example when processing your personal data in relation to payment of invoices, We rely on the basis that the processing is required for the purpose of entering into, and the performance of a contract with you.</p>

<p>Right of access</p>	<p>You have the right to get details about the personal data we hold about you, and why and how we process that data. You also have the right to get a copy of the personal data we hold and this should be submitted through a subject access request form.</p> <p>If you wish to make a subject access request please provide as much information as possible including your name, address, and details of the information that you want access to.</p> <p>See subject access request form</p>
<p>Right of rectification</p>	<p>You have the right to require Donegal Sports Partnership (CLG) to correct any incorrect or inaccurate information that we hold about you.</p>
<p>Right to be forgotten</p>	<p>You have the right to have the personal data about you erased, in certain circumstances. You may request the deletion of your data in the follow circumstances –</p> <ul style="list-style-type: none"> • The personal data is no longer necessary for the purposes for which it was originally collected and processed • If you withdraw consent, and there is no other legal basis for processing the data • If you object to the processing, and there are no legitimate grounds for the processing of the data • If the personal data has been unlawfully processed • If the personal data must be deleted for compliance with a legal obligation <p>The right to be forgotten does not apply in certain circumstances, including where the processing of the data is necessary for a reason, such as (the examples below are not an exhaustive list) :</p> <ul style="list-style-type: none"> • Where the compliance with another law requires the data to be processed • In the scope of the establishment, exercise or defence of legal claims. • In the scope of right of freedom of expression and information. <p>Where we delete data on your request we will keep a record of your request so that we know your data has been deleted and why.</p>
<p>Right not to be subject to Automated individual Decision Making</p>	<p>You have a right not to be subject to decisions based solely on automated processing. Donegal Sports Partnership does not make recruitment or other decisions based on automated individual decision making.</p>

<p>Right to Data Portability</p>	<p>You have the right to receive the personal data you provided to us, in a commonly used, machine readable format.</p> <p>You may also request that Donegal Sports Partnership send this to another data controller, where technically feasible. This right applies to personal data that we process on the legal basis of consent or for the purpose of entering into a contract, and where this processing is carried out on a computer.</p> <p>If exercising this right to transfer data from another company, please note the contents of this policy to ensure that you do not provide us with excessive data. We will not be responsible for the quality or accuracy of the data transferred to us. We will review all received data and delete information that is inappropriate, excessive, incorrect or not required.</p>
<p>Right to Object</p>	<p>You have the right to request us to stop processing your personal data. When making this request, please outline why you want us to stop processing your personal data. We will review your request and stop processing your personal data unless we can demonstrate legitimate grounds for the processing that override your interests and rights.</p>
<p>Right to Restrict the Processing of your Personal Data</p>	<p>You have the right to restrict the processing of your personal data in the following circumstances –</p> <ul style="list-style-type: none"> • Where you believe the personal data is not accurate. This restriction will be for a period to allow us to verify the accuracy of your personal data. • Where the processing of the personal data is unlawful and you request this to be restricted, rather than erased • Where we no longer need your personal data for the purposes of processing but you require it for the establishment and exercise of a legal claim <p>When processing is restricted, your personal data will only be processed with your consent or for the establishment and exercise of a legal claim.</p>

9. Rights under Subject Access Request

The GDPR and data protection give individuals the right to access information held about them by DSP. DSP will respond to all requests for personal information and will normally provide this free of charge. Individuals may request to see any information DSP holds about them including copies of email correspondence.

You can make a subject access request by completing DSP's form for making a subject access request. Please email info@activedonegal.com and request a subject access request form to be forwarded to you.

It may take us up to 30 days to process your request. If we need extra time to process your request, we will notify you of this, and the reasons for the delay within 30 days of receiving your request. If we have reason to refuse your request, we will notify you of this within 30 days of receiving your request, and the reasons for the refusal. If this happens, you are entitled to complain to the Office of the Data Protection Commissioner.

10. Sharing with third parties

Donegal Sports Partnership (CLG), as Data Controller, will use every effort to protect your personal data and we will not sell or trade your information to any third parties. There may be instances when it is necessary for DSP to share data with third parties and please see below for such instances;

<u>Third Party Description</u>	<u>Purpose for sharing Data</u>
Sub-contractors	To help DSP to run our business in an effective manner under our terms and conditions of contract with data subjects
Cloud Service Providers	To store information legitimately held by DSP for business purposes
IT Back-up Providers	To store information legitimately held by DSP for business purposes
IT Service Providers	To store information legitimately held by DSP for business purposes and for IT security and services
Email Service Providers	To help DSP to run our business in an effective manner for legitimate business purposes
Internal Customer Databases	To run internal customer databases in an effective manner for legitimate business purposes

11. Photographs and video

Images of staff, beneficiaries and clients may be captured at appropriate times as part of service delivery activities. Unless prior consent has been obtained from staff, beneficiaries and clients. DSP will not use such images for publication or communication to external sources. It is DSP policy that external parties (including family members and friends associated with staff, beneficiaries and clients) may not capture images of staff, beneficiaries, clients and other participants attending DSP's events and activities without prior consent.

12. How will the information be used

We use the information we receive from you or which we obtain from our dealings with you to:

- a. Inform you of upcoming courses/workshops which may be of interest to you
- b. Communicate with you about courses/workshops you may be interested in.
- c. Contact you re cancellation, or change of time/date of courses/workshops
- d. Request a medical clearance certificate be provided if appropriate for participating in a sports programme
- e. Contact you in relation to an enquiry you have made, OR
- f. If there is another genuine reason for doing so

13. Transferring Personal Data outside of the European Economic Area

The transfer of personal data to a country outside of the European Economic Area will only take place if one or more of the following applies:

- The country has been determined by the European Commission to have an adequate level of protection for personal data
- The country or international organisation provide appropriate safeguards in the form of binding corporate rules, a legally binding agreement between public authorities or bodies, or complies with an approved code of conduct approved by a supervisory authority.
- The transfer is necessary to protect the vital interests of the data subject (s)
- The transfer is made with the informed consent of the data subject
- The transfer is necessary for the conduct of legal claims
- The transfer is made from a register that is publically accessible under Irish or EU law.

Donegal Sports Partnership CLG does not transfer personal data outside of the European Economic Area.

14. Data Breach Notification

Personal Data Breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise protected.

DSP treat data breaches very seriously. Any staff member or volunteer who becomes aware of a likely data breach and fails to notify the Data Protection Liaison Contact, may be subject to DSP's disciplinary procedures depending on the severity of the breach.

DSP Data Breach Notification Procedure with respect to staff and volunteers and communication with the Data Protection Commissioner is contained in our Data Breach Management Policy.

15. Organisational Measures

DSP shall ensure that appropriate organisational measures are taken with respect to personal data collection, personal data storage and personal data processing. These measures include:

All staff, volunteers, contractors, agents or third parties working on behalf of DSP will be made fully aware of their individual responsibilities and DSP's responsibilities under the GDPR and be provided with an opportunity to read DSP's Data Protection Policy.

All staff, volunteers, contractors, agents or other third parties working on behalf of DSP will have access to personal data held by DSP, if they need access to and use of personal, if they need access to and use of personal data to carry out their assigned duties.

All staff, volunteers, contractors, agents or other third parties working on behalf of DSP will be appropriately trained in the handling of personal data and are required to comply with any and all of DSP's guidelines and instructions for the processing of personal data.

Contractors, agents and other third parties working on behalf of DSP are bound by the principles of the GDPR and this Data Protection Policy by contract and must ensure that all of their employees and associates, who are involved in the processing of personal data, are held to the same conditions as the staff and volunteers of DSP arising out of the GDPR and this Data Protection Policy.

The performance of all staff, volunteers, contractors, agents or third parties working on behalf of DSP handling personal data will be reviewed and evaluated regularly.

DSP recognises that the secure disposal and erasure of redundant personal data is an important element to compliance with the GDPR. All personal data held in any form of media shall only be passed to a data disposal partner with demonstrated competence in providing secure disposal services. Personal data collection, storage and processing methods will be reviewed and evaluated regularly.

- All personal data is stored securely on DSP Server
- All paper documents containing personal data are stored securely in a locked cabinet

16. Policy Implementation

DSP ensures that any individual or entity that processes personal data on its behalf does so in a GDPR compliant manner. Failure of a data processor to process and manage DSP's personal data in a GDPR compliant manner will be viewed as a breach of contract. Failure of staff, tutors, and volunteers of DSP to process and manage personal data in compliance with this Data Protection Policy may result in disciplinary proceedings.

17. How can the data subject raise a complaint?

If you wish to raise a complaint on how we have handled your personal data, please contact the DSP Data Protection Liaison contact (please refer below re No. 18 for relevant contact details)

Alternatively you can lodge a complaint with the Office of the Data Protection Commissioner, Canal House, Station Road, Portarlinton, Co Laois, R32 AP23

18. Data Protection Liaison Contact

The contact details for DSP designated Data Protection Liaison is:

Name: Myles Sweeney

Company Postal Address: River Front House, Pearse Rd, Letterkenny, Co Donegal

Telephone: 074 9116077/9116078

Email: myles@activedonegal.com

Policy Version No	Date signed off by Board	Description/Reason for Policy update	Lead Person Policy/Policy Changes
1.0	Sept 2021	New Policy	MO'D

APPENDIX 1

Under the GDPR and Data Protection Act 1988-2018 personal data shall be

1. Processed lawfully and fairly in a way that is transparent to the 'data subject' ("lawfulness, fairness and transparency")
2. Collected, created or processed only for one or more specified explicit and lawful purposes ("purpose limitation")
3. Adequate, relevant and limited to what is necessary for those purposes ("data minimisation")
4. Kept accurate, and where necessary up to date and not excessive ("accuracy")
5. Retained no longer than is necessary ("storage limitation")
6. Kept safe and secure ("integrity and confidentiality")
7. Compliant with GDPR ("accountability")

6.1 Lawfulness, fairness and transparency

Data will be obtained in a lawful basis, and used only for the purposes for which it was described to the data subject. The Data subject must stay informed regarding the purposes, and the time period of data processing. DSP commits to keeping Data Subjects informed around what exactly will be done with their data and who will have access to it.

6.2 Purpose Limitation

Data shall be collected for specified explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes subject to appropriate data privacy safeguards.

In circumstances where DSP does not collect personal data directly from the data subject, the source of the data will be provided to the data subject within 30 days of obtaining the data. Information will not be

provided to the data subject if it will require disproportionate effort or seriously impair the purpose for processing

6.3 Data Minimisation

DSP will ensure that data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it is being processed for the specific purposes informed to data subjects

6.4 Accuracy

DSP will ensure that data collected will be kept accurate and, where necessary, kept up to date; and every reasonable step taken to ensure that personal data that is inaccurate, having regard to the purpose for which they are processed, are erased or rectified without delay

6.5 Storage Limitation

DSP will ensure that personal data is kept in a form that makes it possible to identify data subjects for no longer than is necessary for the purposes of which the data is processed.

6.6 Integrity and Confidentiality

Data collected and processed is kept secure in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accident loss, destruction or damage using appropriate technical or organisational measures. DSP will consider the nature of the data, the costs associated with implementing measures and technological developments when determining security measures. DSP shall keep under review the associated risks of proposed data processing.

6.7 Accountability

DSP as a Data Controller shall be responsible for data processing and be able to demonstrate compliance with GDPR.