



UCD Human Resources

UCD HR Privacy Statement - Employee

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1 Introduction

As the controller of employees' personal data, UCD HR has created this privacy statement, in compliance with the General Data Protection Regulation (GDPR), to demonstrate our firm commitment to privacy and transparency, and to inform employees about the information we collect and process in connection with your employment. UCD's data processing is generally undertaken in fulfilment of its statutory functions, legal obligations and objects under the Universities Act 1997 (as amended) (the "Universities Act") for human resource and pension administration purposes in connection with your contract of employment with UCD. If you have any queries about this statement, please contact UCD HR at hrhelpdesk@ucd.ie.

This statement sets out an explanation of what information about you we process, why we process your information, with whom your information is shared and a description of your rights with respect to your information.

2 What information do we process?

As your employer, we need to retain and process certain information about you for normal employment and HR management purposes as necessary in connection with your contract of employment. UCD HR is required to do this in order to comply with our legal obligations and, where necessary, to protect our legitimate business under employment law and as necessary in fulfilment of UCD's statutory functions and objects under the Universities Acts. UCD HR will collect and process information from you during the recruitment process, for the period of your employment relationship with UCD and following the termination of the employment relationship.

Personal data is normally obtained directly from you. In certain circumstances, it will, however, be necessary to obtain data from (internal) third parties, e.g. your line manager, or from external third parties, e.g. references from previous employers, tax data from the Revenue Commissioners etc. Where relevant to the nature of the work, the organisation may make an application to the Garda Vetting Bureau for Garda clearance of an employee, in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016.

The categories of personal data we process and the legal bases for doing so are set out in more detail in the appendix to this statement.

UCD HR also needs to retain and process certain information about you as part of the Resourcing process, a HR Privacy Statement in respect of applicants can be found [here](#).

3 How do we use your information?

The information that UCD HR holds and processes will be used for human resource management, administrative and pension purposes and for purposes necessary for and connected with the performance of UCD's statutory objects and functions under the Universities Acts and related legislation. UCD HR will retain it and use it to enable, the organisation to effectively manage the employment relationship with you, lawfully and appropriately, and to protect employees' rights and interests. The information received from you will enable UCD HR to manage the employment contract, comply with legal obligations, perform UCD's statutory functions and objects under the Universities Act to legally defend and establish UCD in the event of legal proceedings involving the University.

The uses made of each category of your personal data, together with the legal bases relied upon for those uses are set out in more detail in the appendix to this statement.

Where there is a need to process your data for a purpose other than those set out in the appendix or otherwise outlined to you, UCD HR will inform you of this.

4 Special categories of data

UCD processes Special Categories of Data ("SCD") relating to employees in limited circumstances, typically related to the ordinary course of personnel administration which is in accordance with Data Protection Law, including to perform UCD's rights and obligations under employment and social security law. Such processing of SCD is permitted where it is necessary for the purposes of providing or obtaining legal advice or for the purposes of, or in connection with, legal claims, prospective legal claims, legal proceedings or prospective legal proceedings, or is otherwise necessary for the purposes of establishing, exercising or defending legal rights, for reasons of substantial public interests, where it is necessary and proportionate for the performance of a function conferred by or under an enactment, and in relation to the management of medical risk and medical claims. In addition, UCD will process SCD where necessary for the purposes of assessing employees' working capacity and for the purposes of occupational and preventative medicine and ill health retirements. This may involve UCD, in certain circumstances disclosing certain SCD to occupational healthcare providers.

5 How is your information shared?

Your information may be disclosed to third parties where UCD HR are legally obliged to do so (for example based on a lawful request from An Gardaí or the Revenue Commissioners) and/or for legitimate reasons connected with your employment. For example, UCD HR may pass on certain information to external providers in respect of Income Protection and Pension matters. From time to time we will also disclose your personal data to our Service providers (such as communications providers, payroll, security services, catering services and professional advisors (such as lawyers, tax advisors and accountants)).

More detailed information on how your personal data may be shared is set out in the [appendix](#).

6 Will your information be transferred abroad?

We may send limited information abroad, e.g. to Externs on a Board of Assessors who are based abroad beyond the EEA, Institutions based abroad (e.g. BDIC), Employees on sabbatical abroad, or Faculty Promotion board members who are based abroad beyond the EEA. Such transfers will occur in accordance with applicable Data Protection law(s). We will take reasonable steps to ensure that your data is treated securely by UCD and its service providers (typically through the use of EU-approved Model Contractual Clauses) and in accordance with the [UCD Privacy Policy](#) when transferred outside the EEA.

7 How long do we keep your information?

Any personal data processed about you is retained only for as long as it is deemed necessary for the purposes for which the data are processed. For further information regarding retention periods, please refer to our Data Retention [Policy](#).

8 What happens if you do not provide us with your information?

In some cases, where UCD is not already in possession of the relevant data, you may decline to provide UCD HR with additional/revised personal data. However, if it is believed that the relevant information is required to effectively and properly manage the employment relationship, UCD HR may not be able to continue the employment relationship with you if you decline to provide us with the relevant personal data. You will be notified if the requirement to provide this data in such circumstances.

9 What happens if there is a security or data breach?

We have technical and organisational measures in place to protect your personal data from unlawful or unauthorised destruction, loss, change, disclosure, acquisition or access. We have a range of security measures in place to protect your personal data including, as appropriate, physical measures such as locked filing cabinets, IT measures such as encryption, and restricted access through approvals and passwords. For more information on security measures see the UCD Security Policy.

The GDPR obliges data controllers to notify the Data Protection Commission and affected data subjects in the case of certain types of personal data security breaches. We will manage a data breach in accordance with our personal data security breach procedure and Data Protection Law. For further information on identifying and reporting a data breach please refer to the [University's GDPR](#) page. If you become aware of or suspect that a data breach has taken place you are required to immediately notify the UCD Data Protection Officer (DPO), by both phone and email: data.protection@ucd.ie, Phone: 01 716 8786.

10 Will you be subject to profiling or fully automated decision making?

No, you will not be subject to fully automated decision making or profiling.

11 What are your rights under data protection law?

You have the following rights under data protection law, although your ability to exercise these rights may be subject to certain conditions and exceptions in accordance with Data Protection Law:

| Right | Explanation |
|---|---|
| Access and Information | The right to receive a copy of and/or access the personal data that UCD HR hold about you, together with other information about the processing of that personal data. |
| Portability | You can request and receive a copy of this data, in electronic/transferable format, at any time. |
| Erasure | The right, in certain circumstances, to request that your personal data be erased. The retention periods in relation to personal data are outlined in the UCD HR Data Retention Policy . |
| Rectification | The right to request that any inaccurate data that is held about you is corrected, or if UCD HR have incomplete information you may request that this information be updated to ensure that it is complete. |
| Object to processing | The right, in certain circumstances, to request that your personal data is no longer processed for purposes, or object to the use of your personal data or the way in which UCD HR process it. |
| Restriction of processing concerning the data subject | You can request the restriction of processing where: (i) You contest the accuracy of the personal data; (ii) You oppose the erasure of the personal data and request restriction instead; (iii) UCD no longer needs the data but are required by you for the establishment, exercise or defence of legal claims. |
| The right to complain to the Data Protection Commissioner | You have the right to make a complaint in respect of our compliance with Data Protection Law to the Irish Data Protection Commission |

Please note that these rights are available subject to certain criteria and exceptions in accordance with data protection law. If you have any queries regarding the above, please contact UCD HR at hrhelpdesk@ucd.ie.

12 Further information

If you have any queries in relation to this privacy statement, or if you have any concerns as to how your data is processed, please contact UCD HR at hrhelpdesk@ucd.ie. While you may make a complaint in respect of our compliance with Data Protection Law to the [Irish Data Protection Commission](#), we request that you contact UCD HR in the first instance to give us the opportunity to address any concerns that you may have. UCD HR will consult with the University's DPO regarding your concerns.

13 Review

This HR Privacy Statement will be reviewed from time to time to consider any changes in the law and UCD's data protection practices. Employees are required to regularly review this policy for changes and to make themselves aware of same.

14 Appendix

| Category of data | Elements of data | Purpose for processing and uses of the data | Legal basis for processing the data | Categories of recipients |
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| <p>General Data - Recruitment related data</p> | <p>The personal data collected as part of the recruitment process. includes contact details, date of birth, curriculum vitae, work and educational history, referee names, interview notes and related documentation</p> | <p>The data is collected in order to complete the recruitment process and assess candidate suitability for the role.</p> | <p>The processing is necessary to enter into a contract with the employee and for UCD HR's in managing an effective recruitment process performance of UCD's statutory objects and functions under the Universities Act. .</p> <p>If an applicant does not provide the data UCD may be unable to consider their application for employment.</p> | <p>The information may be shared with Government Departments & Agencies. HSE & Hospitals where joint appointment take place and other external agencies who provide services to UCD HR e.g. HR advisors, Legal advisors, Pension advisors, Board of Assessors, Overseas Externs, Referees, Occupational Health Partner(s).</p> |

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| <p>General Data – Personnel File</p> | <p>The relevant personal data contained in the personnel file may include contracts of employment and HR records including contact details, PPS number, payment details, bank account details, working hours, annual leave, disciplinary sanctions, performance improvement plans, public holiday records, emergency contact details, family details for benefits entitlement, processes applied under various UCD Policies and all other relevant documents necessary in fulfilment of UCD's statutory functions, legal obligations and objects under the Universities Act 1997 (as amended).</p> | <p>This data is processed to comply with employment, pensions and social protection laws, to ensure that terms and conditions of employment are properly adhered to and managed and to defend and prepare for legal cases.</p> | <p>The processing is necessary to comply with various employment and social protection laws. The processing is also necessary for the performance of the employment contract and in the legitimate business interests of the University.</p> <p>Emergency contact and/or Next of Kin details are collected from employees to protect employees' vital interests in the event of an accident or emergency. This processing is necessary for the performance of UCD's statutory functions in the public interest.</p> <p>If the individual does not supply the requested data, UCD may be unable to continue their employment.</p> | <p>The information may be shared with Government Departments & Agencies and other external agencies who provide services to UCD HR, e.g. HR advisors, Legal advisors, Pension Advisors, Occupational Health Partner(s).</p> |
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| <p>General Data - Promotions Detail</p> | <p>The personal data held as part of the promotions process. Includes application details provided by candidates, external assessor reports, Faculty Promotions meeting notes, outcomes, feedback letters, feedback meeting notes, letters from the President and new salary details.</p> | <p>The data is held in order to complete the faculty promotions process and assess candidate suitability for the promotion.</p> | <p>The process is necessary for UCD HR to support an effective promotions process performance of UCD's statutory functions and objections under the Universities Act.</p> <p>If an applicant does not provide the data UCD may be unable to consider their application for promotion.</p> | <p>Internal Access: Applications are made available to the Faculty Promotions Committee and the President.</p> <p>External Access: External assessors nominated by both candidate and commentator as part of the promotions process.</p> <p>The information may also be shared with Government Departments & Agencies and other external agencies who provide services to UCD HR, e.g. HR advisors, Legal advisors, Pension Advisors, Occupational Health Partner(s).</p> |
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| <p>General Data - Pension Details</p> | <p>The relevant personal data contained in the personnel file may include contracts of employment and HR records including contact details, PPS number, payment details, bank account details, working hours, annual leave and public holiday records, emergency contact details, family details for benefits entitlement etc. This may include special categories of personal data.</p> | <p>This data is processed to properly administer the employee's pension entitlement and to comply with pension rules.</p> | <p>The processing is necessary to comply with pension laws and for the performance of the pension contract with the employee. The processing is also necessary for the performance of the employment contract. Processing of special categories of personal data is carried out for pension purposes in line with the Data Protection Acts.</p> <p>The consequences for the individual of not providing the data is that UCD HR may be unable to administer their pension.</p> | <p>The information may be shared with Government Departments & Agencies and other external agencies who provide services to UCD HR, e.g. HR advisors, Legal advisors, Pension Advisors, Occupational Health Partner(s).</p> |
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| <p>General Data – Grievance, Disciplinary, Performance Improvement Plans, Research Integrity Investigations and/or Dignity and Respect Investigations</p> | <p>All information gathered during these processes shall be processed.</p> | <p>The data is used to ensure employee complaints are fairly and properly investigated in accordance with natural justice and relevant University policies and to enable UCD to fulfil its statutory functions, meet its legal obligations and achieve its objects under the Universities Act 1997 (as amended).</p> | <p>The processing is necessary to apply fair procedures to any employee investigation, for the performance of the employment contract, to achieve the legitimate interests of UCD and to meet UCD’s legal obligations as an employer.</p> | <p>The information may be shared with Government Departments & Agencies and other external agencies who provide services to UCD HR, e.g. Independent investigators, HR advisors, Legal advisors, Pension Advisors, Occupational Health Partner(s).</p> |
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| <p>General Data - Medical information</p> | <p>Medical data which may be processed by UCD in the course of employment. This may include sick certificates, sick leave records, sick pay records, occupational health assessments etc.</p> | <p>The purpose that this data is used for is to manage employee absences, to manage sick pay in accordance with the contract of employment, to allow the company to assess the fitness to work of relevant employees and to assess qualification for payments under the Critical Illness Protocol and Temporary Rehabilitation Remuneration (TRR) as permitted by data protection law.</p> | <p>The processing is necessary to assess, subject to appropriate safeguards, the working capacity of the employee and to carry out obligations and exercise rights under employment law and to achieve the legitimate business interests of UCD and to meet UCD's legal obligations as an employer.</p> | <p>The information may be shared in limited circumstances with Government Departments & Agencies and other external agencies who provide services to UCD HR, e.g. HR advisors, Legal advisors, Pension advisors, Occupational Health Partner(s).</p> |
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| General Data - Termination of employment | The following termination related information may be processed, e.g. resignation letters, exit interviews, reference letters etc. | This data is used to manage the termination of the employment relationship properly | The processing is necessary to comply with the employment contract and in accordance with UCD's legal obligations to properly manage the termination of the employment relationship in line with company policies. | The information may be shared with Government Departments & Agencies and other external agencies who provide services to UCD HR, e.g. Independent investigators, HR advisors, Legal advisors, Pension Advisors, Occupational Health Partner(s). |
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| Email and internet usage | This may include emails stored in an employee's email inbox and data relating to an employee's browsing history and IT usage. | The purpose for which the data may be used is, for example, to protect against the dangers associated with e-mail and internet use and to ensure employees are using such systems in accordance with UCD policies. | The processing necessary in connection with UCD's statutory functions and objects under the Universities Acts to manage employee performance and ensure the security of e-mail and internet | The information may be shared with Government Departments & Agencies and other external agencies who provide services to UCD HR, e.g. HR advisors, Legal advisors, Pension advisors, Occupational Health Partner(s). |
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15 Version History

| Version | Date | Summary of Changes | Author |
|---------|------------------|--------------------|--------|
| 1.0 | 20 December 2018 | Document Created | UCD HR |
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