

Human Resources Privacy Notice Policy

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03	07/05/2021	Toff Andersen	Inclusion of risk consideration
04	27/10/2021	Lynda Morris	Update of policy into template

Confidentiality Notice

All information presented in this document is considered internal and remains proprietary to Pobal (“the Company”). The information contained herein may be shared with 3rd parties who would have a reasonable interest in the company’s policies and procedures e.g. existing or prospective clients.

Compliance

Compliance with this Policy is mandatory for all current and former employees.

Section 1 Introduction

1.0 Human Resources Privacy Notice

1.1 Policy Objectives

This notice is a statement of the practices of the Human Resources Department of Pobal, relating to the capture and use of personal data and the steps taken to protect your personal data and respect your right to privacy.

1.2 Risks addressed by the Policy

This Policy seeks to address the regulatory risk of non-compliance with *EU General Data Protection Regulations 2016* and *Data Protection Acts, 1988 – 2018*.

This policy also aims to manage the risk associated with Human Resources employees inappropriately processing personal and sensitive data on behalf of Pobal employees in their roles with Pobal.

1.3 Scope

This policy applies to all current and former Pobal Staff.

1.4 Policy Compliance and Exceptions to Policy

All staff in Pobal's Human Resources Department are required to adhere to the contents of this privacy notice.

Section 2 Main Policy Content

2.1 Policy Statements (Minimum Standards)

All personal information supplied to Pobal by applicants, employees, and former employees will be treated with the highest standards of security and confidentiality, in accordance with the EU General Data Protection Regulations 2016/679 and Irish Data Protection legislation.

2.2 Roles and Responsibilities

All staff in Pobal's Human Resources Department must process all personal data on behalf of Pobal employees in accordance with EU General Data Protection Regulation 2016/679 and Irish Data Protection legislation and the provisions set out in this privacy notice.

2.3 Definitions and Acronyms

Definition or Acronym	Meaning
HR	Human Resources
TMS	Time Management System
PPS Number	Personal Public Service Number
CV	Curriculum Vitae
PHI	Permanent Health Insurance
IT	Information Technology

2.4 Policy Content

This privacy notice explains the following:

- How we collect and use personal data

- The purpose and legal basis for collecting personal data
- The length of time we keep your data
- How we store and secure personal data
- Special categories of data
- Sharing personal data
- What are your rights?
- Further contact details

If you have any queries about this privacy notice, please contact Human Resources.

How and why we collect personal data?

We collect and keep records about your employment with Pobal and this information is used in accordance with the purposes outlined in this privacy notice. Personal data is processed for:

- Performance of the employee contract
- Payroll processing salary payments
- Statutory and other deductions
- To support employee health and wellbeing
- To support recruitment processes
- To audit and manage pension functions

We may also use your personal data for the following purposes:

- To prepare statistics on Pobal performance
- To audit Pobal services and monitor how we spend public money
- For financial accounting and reporting functions
- To support any investigation in accordance with our contractual obligations

Personal data is normally obtained directly from you via application forms, CVs, email, phone enquires, HR systems e.g. TMS, forms and surveys. 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, the Revenue Commissioners etc. Where relevant to the nature of the work, the organisation may also be required to make an application to the National Vetting Bureau for Garda clearance of an employee.

Staff

We collect your personal data for the purposes of recruitment and for the formation and administration of the contract of employment and managing the employer employee relationship. We may also collect personal data for human resource and pension administration purposes in connection with your contract of employment. The uses we make of each category of your personal data, together with the legal bases we rely on for those uses are set out in more detail in **Appendix 1**.

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

Former Staff

We retain your data securely for records purposes for a period of 6 years after your employment ceases after which it will be securely destroyed.

Applicants

We collect your data for the purposes of recruitment only and this is retained for a period of up to 12 months, if your application is unsuccessful. For further information see **Appendix 1**

Purpose and legal basis for data collection

In order for the use of your personal data to be lawful, it should be processed on the basis of either your consent or another legal basis as set out in the General Data Protection Regulations or in the Data Protection Act, 2018. Pobal will ensure that your data is processed fairly and lawfully in keeping with the principles of data protection and will process personal data under various legal bases depending on the purpose for which the data is collected.

Specific information on the legal basis for processing your personal data will also be provided at the point of collection of personal data. These may include:

- Where the processing of personal data is a statutory function of Pobal as a public body.
- Where Pobal is required to process personal data in order to comply with employment law.
- Where the processing of personal data is necessary for the formation of a contract with you.
- Pobal may sometimes process personal data based on legitimate interests e.g. conducting staff survey.
- Where Pobal might need to protect your vital interests or those of another person e.g. health and safety reasons.
- Generally, when using sensitive personal data Pobal will seek explicit consent for the processing of data except where another condition applies e.g. employment law, legal claims.

Retention Duration

The personal data that we collect from you and process will span a period starting during the recruitment process, throughout your relationship with the organisation and following the termination of the relationship with Pobal.

In keeping with data protection principles we will only store your data for as long as is necessary. For further information regarding retention periods, please refer to [Pobal's Records Retention Schedule](#).

What information do we hold?

Examples of the types of personal data that Pobal holds for you include:

- Name, address, date of birth, PPS Number, job role
- Contact information i.e. telephone number
- Details of next of kin
- Banking details
- Education, training and qualifications

This data is held in a variety of record type formats such as your personnel file, Time Management System (TMS) records, training records, payroll information, pension records, emails and performance data for e.g. in Talentevo system.

Special categories of data

Pobal processes special categories of data that relate to you in limited circumstances and in accordance with Data Protection Law. These are typically related to human resources administration and would include the exercising of rights and performance of obligations under employment and social welfare legislation. Examples of this include health data, trade union membership etc.

Who do we share data with?

We may share your personal data with organisations for the purposes of supporting employment and recruitment services, delivering or improving our business, or where there is a legal or authoritative requirement for us to do so. For example, we pass on certain information to our pension and permanent health insurance (PHI) providers or where Company Doctor assessments are carried out. When we share your data with third parties we will endeavour only to share the data that is needed.

How do we keep your data safe and secure?

Information is only shared on a strictly need to know basis supported by legislation and/or appropriate authority. Information is kept safe through the use of secure IT systems and suitable HR record management processes.

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

In some cases, you may decline to provide us with your personal data. However, if we believe that we require relevant information to effectively and properly manage our employment relationship, we may not be able to continue our employment relationship with you if you decline to provide us with that personal data.

Will I be subject to profiling or automated decision making?

You will not be subject to automated decision making or profiling.

Data subject rights

You have the following rights over the way we process your personal data. You will note that these rights are available subject to certain criteria and exceptions in accordance with data protection law.

1. **Right of access by the data subject:** Pobal will implement procedures to ensure that requests from data subjects for access to their personal data will be fulfilled in accordance with the legislation.
2. **Right to rectification:** Pobal are committed to holding accurate data about data subjects and will implement processes and procedures to ensure that data subjects can rectify their data where inaccuracies have been identified.
3. **Right to erasure (right to be forgotten):** Where we receive requests from data subjects looking to exercise their right of erasure, we will carry out an assessment of whether the data can be erased.
4. **Right to restriction of processing:** We will implement and maintain appropriate procedures to assess whether a data subjects request to restrict the processing of their data can be implemented.
5. **Right to object:** Data subjects may have the right to object to the processing of his or her personal data in specific circumstances. Where such an objection is received, Pobal shall assess each case.
6. **Right not to be subject to automated decision making:** Data subjects may have the right not to be subject to a decision based solely on automated processing, where such decisions would have a legal or significant effect concerning him or her. We will ensure, where required, that should systems or processes be implemented in the

future that involve automated decisioning that an appropriate right to object and request manual processing is available to the data subject.

2.4 List key reference documents

Key documents relating to this policy include:

- EU General Data Protection Regulation, 2016
- The Irish Data Protection Acts, 1988-2018
- Pobal Data Protection Policy (click [here](#) for the Privacy & Security Portal)
- Pobal Privacy Notice (click [here](#) for the Privacy & Security Portal)
- Data Retention Schedule (click [here](#) for the Privacy & Security Portal)

2.5 Dissemination and Communication

This Policy is to be made available to all staff in particular managers and stored in the accessible central Policy library.

2.6 Monitoring

This policy acknowledges the needs of both Pobal and staff are not static, but change over time. They will therefore be monitored and evaluated on an ongoing basis.

A gap analysis will be undertaken on this Policy when it is reviewed.

2.7 Further Information

If you have any queries about this privacy notice, please contact the Human Resources. If you have any queries relating to the processing of your personal data or if you wish to make a complaint or escalate an issue relating to any of your rights, you can contact Data Protection at dataprotection@pobal.ie

If you are not satisfied with the information we have provided to you in relation to the processing of your data or you can also make a complaint to the Data Protection Commissioner via their [website](#).

2.8 Approval

Policy Approval and Sign-Off Details

Policy Approval and Sign-Off Details	
Document Name	Human Resources Privacy Notice Policy
Unique Document Number	HR-POL035
Document Owner	HR Employee Relations & Policies Manager
Document Developer	Corporate Project Lead/HR & L&D Coordinator
Impact Assessment Completed	Yes
Related Policies or Procedures	Records Retention & Erasure Policy DP-POL005 Data Privacy Policy DP-POL002
Approval Pathway Sign off (if Applicable)	
Approved by	New policy
Name of Sub-Committee	
Date of Approval	
Name of authorised chair	

Date of Approval	
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Executive Level Committee Approval

Decision	Referral
Rationale for referral (if applicable)	New policy
Referred to	Referral to the Executive Workforce Planning and Organisational Development Committee
Date Approved	11/11/2021
Date for Review	10/11/2022
Notes for Owner from the Executive Level	

Pobal Board Approval (if applicable)

Decision	Not applicable
Rationale for referral (if applicable)	
Referred to	
Date Approved	
Date for Review	
Notes for Owner from the Executive Level	
Date Listed as Audit and Finance Risk Committee	
Published	

Section 3 Impact Assessment, Further Reading

3.0 Appendices

Appendix 1

Schedule of Personal Information Processed by Pobal

Category	Data & Purpose	Legal basis
Recruitment related data	<p>Collected in order to complete the recruitment process and to assess candidate suitability for the role.</p> <p>Includes contact details, curriculum vitae/application form, work and educational details, referee names, interview notes and interview scoresheets.</p>	The applicant consents to the processing of personal data for recruitment purposes and where relevant data processed to facilitate entering into an employment contract.
Payroll data	<p>Processed to ensure employees are paid in line with their contractual entitlements.</p> <p>Name, PPSN, salary details, bank details, increments, working hours, leave, pension etc.</p>	Necessary to comply with various employment and Revenue laws. Also necessary for contractual obligations arising from employment contracts.
Performance management	<p>To support the effective management of employee performance in accordance with relevant company policies.</p> <p>Probation review forms, Annual PEP data held in Talentevo, performance improvement plan documentation.</p>	Necessary for the performance of the employment contract.
Employee Services	<p>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>Contracts of employment and HR records including contact</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.</p> <p>Emergency contact i.e. Next of Kin details are collected from</p>

	<p>details, PPSN, payment details, bank account details, working hours, leave details, disciplinary sanctions, performance improvement plans, public holiday records, emergency contact details, family details for benefits entitlement, learning and development data.</p>	<p>employees to protect employees' vital interests in the event of an accident or emergency.</p>
Pension data	<p>As part of the employment contract, the employer has a pension scheme in place.</p> <p>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>The processing is necessary to comply with both employment and 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>
Grievance Disciplinary Investigations Bullying & Harassment Investigations	<p>The data is used to ensure employee complaints are fairly and properly investigated in accordance with natural justice and relevant company policies.</p> <p>All information gathered during these processes: Employee complaint, investigation meeting notes, witness statements, record of disciplinary action, appeals</p>	<p>The processing is necessary to apply fair procedures to any employee investigation, for the performance of the employment contract.</p>
Medical information	<p>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, any requirement</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.</p>

	<p>for supports from the company.</p> <p>Medical data which may be processed by Pobal in the course of employment. This may include sick certificates, sick leave records, sick pay records, occupational health assessments (Company Doctor) etc.</p>	
Termination	<p>To properly manage the termination of the employment relationship.</p> <p>The following termination related information may be processed, e.g. resignation letter, exit letter, redundancy letter (where appropriate) , exit interviews, reference letters from Pobal, details re final salary</p>	<p>The processing is necessary to comply with the employment contract and in accordance with Pobal's legal obligations to properly manage the termination of the employment relationship in line with company policies.</p>
Staff surveys	<p>To give employees a voice and increase their levels of engagement.</p> <p>Contact details, opinions, thoughts, comments and feedback.</p>	<p>To achieve the legitimate business interests of Pobal as an employer.</p> <p>Note: in cases of reliance on "<i>legitimate interest</i>", a legitimate interest assessment will be undertaken and documented.</p>

3.1 Impact Assessment Form

Impact Assessment Form	
Document Name	Human Resources Privacy Notice
Document Number	HR-POL0035
Policy / Procedure or Guideline	Policy
Is the document Internal or External (public)	Internal
Who are the key internal stakeholders?	
Unit / Directorate /Role	Explanation / Rationale
Human Resources Unit, Corporate Directorate	Policy relates to all personal employee data processed by the Human Resources Unit
All present employees	As above
Who are the key external stakeholders?	
Unit / Directorate /Role	Explanation / Rationale
Former employees	HR retains their data for as long as necessary in line with Pobal retention schedule.
Outline any potential impact on any other policies or procedures:	Staff induction procedure – notice will need to be included in induction pack Employee contract template – must be referenced or linked to contract Minimal impact.
Human Resources	No resources necessary. No upskilling, training needs required
Cost	No significant cost implications are anticipated
General Data Protection Regulations	This policy ensures compliance with GDPR as it fully outlines the data processing practices of the HR Unit
ICT Systems and Specialist Expertise	No significant requirements are anticipated
Timelines	Following its formal approval the policy can immediately be made available in induction packs, on the SharePoint HR site. Any changes that are deemed necessary will then be made to the standard employee contract templates.

<p>Communications</p>	<p>HR Privacy Notice must be communicated to all existing staff. An email will be issued to all staff to inform them the notice is available on HR site in SharePoint. All new staff will receive a copy in their induction pack.</p>
<p>Compliance and monitoring</p>	<p>HR Operations will ensure all personal data is processed in line with privacy notice HR will liaise with the Data Protection Team where any related issues arise.</p>
<p>Risk:</p>	<p>The risk of non-compliance with <i>EU General Data Protection Regulations 2016</i> and <i>Data Protection Acts, 1988 – 2018</i>.</p> <p>The risk associated with Human Resources employees inappropriately processing personal and sensitive data on behalf of Pobal employees in their roles with Pobal.</p> <p>The risk that we may be hacked or staff data is lost/misplaced and personal data is published inadvertently</p> <p>The risk of a malicious breach whereby staff gain access to data when they should not thereby causing potential reputational and legal ramifications</p> <p>The risks above are mitigated though the operation of strict ICT access protocols for all HR data e.g. TMS, P drive etc.</p> <p>All HR staff are trained to ensure they are aware of their responsibilities when managing employee data. Pobal is subject to regular audit to ensure appropriate compliance with our policies</p>
<p>Any other relevant information</p>	<p>Pobal operates robust firewall and security systems and our ICT unit is currently working toward securing ISO27001 accreditation to ensure the security of our systems. This will mitigate the risk to the potential loss of staff data.</p>