



# Data Protection Policy & Privacy Statement

Date: Sep 2018  
Document Reference: FIT-DP-001  
Revision: V1.0

## ***FIT Core Business & ICT Associate Professional Apprenticeships***

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#### **1. Introduction**

This Data Protection Policy and Privacy Statement outlines FIT’s privacy and data processing practices in association with our publically accessible website.

Our data processing practices are informed by the sound principles of accountability, lawfulness, fairness, transparency, purpose limitation, data minimisation, accuracy, storage limitation, and most importantly the security, integrity and confidentiality of processed data.

Data Protection and contemporary regulation aim to provide a structure to protect an individual’s right to privacy. Specifically, this is in relation to the processing of personal data by those who have responsibility to control it.

In **May 2018 new EU legislation came into force, the General Data Protection Regulations (GDPR)**, applying to all data relating to and descriptive of, living individuals defined in the Regulations as 'personal data'. Individuals are henceforth referred to as 'Data Subjects'.

GDPR regulation outlines strict obligations on FIT with regard to how we manage personal data. Likewise, all Data Subjects including staff, students, trainees and apprentices have responsibilities to ensure personal data is processed fairly, lawfully and securely. In addition, there are regulatory restrictions on what FIT may do with personal data. These restrictions include the transfer of information outside of the EU, passing information to third parties, or using personal data for direct marketing purposes.

Throughout the course of normal business activity, FIT collect, process, record, collate, adapt, and erase vast amounts of personal data. FIT is committed to ensuring the fair, lawful and transparent processing of Data Subjects’ personal data, while also compiling with all Data Protection Law and specifically to the GDPR.

#### **2. Form of Data**

Data can take many forms including manual data or data stored on a computer.

#### **3. Types of Data**

Personal Data is data relating to a living person/individual who can be identified from the data source itself, or in conjunction to other information held. Of particular importance is the processing of data that is sensitive in nature. This is known as “Sensitive Personal Data” and includes data in relation to a person’s physical or mental health, political opinions, ethnic origin, race, religious beliefs, trade union membership, biometric, genetic or sexual life. Other types of data include criminal data, and this encompasses information relating to a criminal conviction and/or offence.

#### 4. Definition of a Data Subject

A Data Subject is an identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

#### 5. Data Subject (requests)

FIT will ensure that it manages in a timely way, any legitimate request submitted by a Data Subject. This will usually include an appropriate response by FIT within 30 days of submission of the request to FIT.

Data Subjects who submit a request to exercise their rights under GDPR, must ensure they complete the correct form in full (see section seven). The completed form along with appropriate proof of identity should be returned to the FIT Data Protection Officer. In cases where a third party is making the request, an authorising letter signed by the Data Subject must be present in the submission. FIT reserve the right communicate with the Data Subject regarding any required clarifications. In some cases, a reasonable fee may apply to this service. The request form, proof of identity and authorising letter if applicable, should be forward to:

**FIT Data Protection Officer,  
7a Bellevue Industrial Estate,  
Glasnevin,  
Dublin 11,  
Ireland.**

A Data Subject who feels they have not been able to ensure their rights under GDPR have been processed adequately by FIT, have the right to lodge a complaint with the Data Protection Commissioner. In some instances, and where FIT are legally permitted, FIT may decline a Data Subject's request. If a request is declined, a rationale for the decision will be provided in writing by the FIT Data Protection Officer. Furthermore, FIT highlight to all Data Subjects accessing this policy, that subsequent to the lodgment of a complaint to the Data Protection Commissioner, Data Subjects have the right to seek recourse through judicial remedy. Queries directed to the Data Protection Commissioner's Office should be directed to:

[Info@dataprotection.ie](mailto:Info@dataprotection.ie)

#### 6. Data Subject Rights Under GDPR

##### 6.1 Right of Access

The Data Subject has the right to obtain/request confirmation from FIT as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

- The purposes of the processing;
- The categories of personal data concerned;
- Notification of recipients or categories of recipient to whom the personal data have been or will be disclosed;

- Notification of period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- Where the personal data is not collected from the data subject, any available information as to their source.

### 6.2 Right to Rectification

The Data Subject has the right to obtain from FIT without undue delay, the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the Data Subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

### 6.3 Right to Erasure

Under Article 17 of the GDPR, Data Subjects have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances. Data Subjects have the right to have their personal data erased by FIT if:

- The personal data is no longer necessary\* for the purpose which FIT originally collected or processed it for;
- The Data Subject withdraws consent;
- The Data Subject objects to the processing of personal data for direct marketing purposes;
- The personal data has been unlawfully processed (i.e. in breach of the lawfulness requirement of the 1st principle);
- The personal data have to be erased for compliance with a legal obligation;
- The personal data have been collected to offer information society services to a child.

**\*Data Subjects are reminded that though FIT's business activity as a provider of Further Education and Training Services, that in some instances information/personal data regarding the certification outcome of a learner, trainee or apprentice may be retained into the long-term or indefinitely as applicable.**

FIT may decline a request for the erasure of personal data where processing activity is necessary:

- For FIT to comply with a legal obligation;
- The performance of a task related to the public interest or in exercise of official authority;
- The establishment, exercise or defense of legal claim(s);
- Public health reasons;
- For exercising the right to freedom of expression and information.

### 6.4 Right to Restriction of Processing

Article 18 of the GDPR gives Data Subjects the right to restrict the processing of their personal data in certain circumstances. This means that a Data Subject can limit the way FIT uses their data. This is an alternative to requesting the erasure of a Data Subject's personal data.

Data Subjects have the right to restrict FIT processing their personal data where they have a particular reason for wanting the restriction. This may be because the Data Subject has issue with the content of the information held, or how FIT have processed their data. This restriction may in

some cases be time bound. The following grounds apply to a request from a Data Subject to restrict the processing of their personal data:

- The Data Subject contests the accuracy of their personal data, in such cases FIT will ensure a restriction to processing of the personal data, whilst the case is under review by the FIT Data Protection Officer;
- The personal data has been unlawfully processed (i.e. in breach of the lawfulness requirement of the first principle of the GDPR) and the Data Subject opposes erasure and requests restriction instead;
- FIT no longer need the personal data but the individual requires FIT to keep it in order to establish, exercise or defend a legal claim; or the individual has objected to FIT processing their data under Article 21(1).

In all instances where FIT lift a restriction of processing, the Data Subject will be notified in writing to include the date of lifting of the restriction. FIT will only continue to process the personal data if:

- Consent is provided by the Data Subject;
- The processing is necessary for the defense or exercise of legal claims/process;
- The processing is necessary for the public interest;
- The processing is with regard to the protection of rights of other individuals or legal persons.

#### 6.5 Right to Data Portability

The right to Data Portability under GDPR provides Data Subjects the right to receive personal data they have provided to a controller in a structured, commonly used and machine readable format. This also includes the transmission of the Data Subject's personal data to another controller.

With regard to FIT's business operations, this right applies to personal data a Data Subject has provided to FIT, and to personal data generated by a Data Subject's activity. This right does not extend to data generated by FIT. In practice, Data Portability will only be facilitated by FIT when:

- Consent is provided by the Data Subject or for the performance of a contract;
- The processing is managed by automated means (i.e. excluding paper files).

Data that is provided to a Data Subject or controller through Data Portability norms will not culminate in the erasure to the personal Data on FIT systems. Furthermore, this will also not affect the original retention period applying to the Data Subject's personal data.

#### 6.6 Right to Object

Article 21 of the GDPR provides explicit outline that a Data Subject has the right to object to the processing of their personal data. This right allows the opportunity for Data Subjects to request FIT to stop processing their personal data. However, this right only applies in certain limited circumstances.

Data Subjects have the absolute right to object to the processing of their personal data for direct marketing purposes/initiatives. Data Subjects may also object to FIT processing their personal data if the processing is carried out in the public interest, or in the exercise of an official authority vested in

our organisation. FIT are cognisant that significant legislation governs contemporary Data Protection Law. That said, FIT always welcome any request by a Data Subject to better understand how FIT process their personal data. This process may ultimately culminate in the Data Subject exercising their right to object. FIT will ensure to process such applications in a timely manner.

#### 6.7 Right to Object to Automated Decision-Making, Including Profiling

Under GDPR, processing of Data Subjects’ personal data by FIT is restricted in instances where decision-making processes have no human involvement. However unlikely this scenario is with regard to FIT’s data processing, and FIT business activity, the regulations in this regard must still be made explicit to Data Subjects. In limited instances, where automated decision making is in existence within FIT, the Data Subject will be duly notified of the nature of same with regard the processing of a Data Subject’s sensitive personal data. Article 22(3) of the GDPR outlines that Data Subjects will be provided “at least the right” to express their perspective and contest the decision.

#### 6.8 Right to Withdraw Consent

The right to withdraw consent allows a Data Subject to exercise their right to withdraw their consent of a controller to process their personal data at any juncture. Article 7(3) specifically states, “The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. Prior to giving consent, the data subject shall be informed thereof. It shall be as easy to withdraw as to give consent.”

Withdrawal of consent by a Data Subject may still allow the processing of personal data by FIT if:

- Processing is necessary for compliance with a legal obligation;
- Processing is necessary for the performance of a contract which includes the Data Subjects as a party to same;
- Processing is necessary in order to protect a natural person or the Data Subject;
- Processing is necessary for aiding a task in the public interest.

### 7. Data Access Request Forms available from FIT

<a href="#">FIT Data Protection Form 1 Subject Access Request</a>	<a href="#">Download from FIT website</a>
<a href="#">FIT Data Protection Form 2 Right to Rectification</a>	<a href="#">Download from FIT website</a>
<a href="#">FIT Data Protection Form 3 Right to Erasure</a>	<a href="#">Download from FIT website</a>
<a href="#">FIT Data Protection Form 4 Right to Restrict Processing</a>	<a href="#">Download from FIT website</a>
<a href="#">FIT Data Protection Form 5 Right to Data Portability</a>	<a href="#">Download from FIT website</a>
<a href="#">FIT Data Protection Form 6 Right to Object to Processing</a>	<a href="#">Download from FIT website</a>
<a href="#">FIT Data Protection Form 7 Right to Object to Auto Decisions</a>	<a href="#">Download from FIT website</a>
<a href="#">FIT Data Protection Form 8 Right to Withdraw Consent</a>	<a href="#">Download from FIT website</a>

### **8. Web Browsing**

During normal web browsing, no personal information is revealed to FIT. In some circumstances some other information is identifiable to FIT and includes:

- The link to the FIT Website;
- The internet address;
- Time and date of access;
- Browser type;
- Domain name.

### **9. Website Cookies**

Our website uses Cookies. FIT use Cookies to assist our organisation to ensure we provide relevant information in an easily assessable format. A cookie is a file containing an identifier (a string of letters and numbers). This is forwarded by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server. Cookies do not typically contain any information that personally identifies a user, but personal information that we store about you may be linked to the information stored in and obtained from cookies. Within your browser you may choose whether you wish to accept cookies or not.

### **10. Enforcement**

If a Data Subject has any queries regarding the processing of personal data by FIT, or about the privacy of our website, all such queries should be directed for the attention of the FIT Data Protection Officer.