

Clones Credit Union Ltd

Data Protection Notice for Credit Union Personnel

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Clones Credit Union Ltd

Data Protection Notice for Credit Union Personnel

Address: The Diamond, Clones, Co Monaghan

Phone: 047 51372

Point of Contact: Bernie Gleeson

1. Who we are

This Privacy Notice is to ensure that we are transparent and fair in our processing of personal data in respect of our personnel. We respect our personnel's' rights to privacy and to the protection of personal information. The purpose of this Privacy Notice is to explain how we collect and use personal information in connection with your employment/ work with us. "Personal information" means information about a living individual who can be identified from that information (either by itself or when it is combined with other information).

2. Scope

This privacy notice applies to all personal information processing activities carried out by Clones Credit Union relating to Credit Union Employees and, where applicable, Volunteers.

This Privacy Notice applies to our processing of personal data in respect of current and former Clones Credit Union personnel.

3. What Personal Data is processed by us?

As your employer, we need to keep and process certain information about you for normal employment and HR management purposes, to comply with our legal obligations and where necessary, to protect our legitimate business interests. We will collect and process information from you during the recruitment process, during our employment relationship and following the termination of our employment relationship (and the term of office with respect to volunteers).

We will limit the collection and processing of information to information necessary to achieve one or more legitimate purposes as identified in this notice.

Depending on the nature of your role, and the types of benefit/leave etc. that you might avail of it is possible that some or all of the following categories of data about you are processed by us.

<ul style="list-style-type: none">• Personal contact and identification details such as name, title, addresses, telephone numbers, and personal email addresses.• Employee number.• Copy of Birth certificate.• Passport Number.• Gender.• PPSN/National Insurance number.	<ul style="list-style-type: none">• Terms of Office for volunteers• Employment records (including job titles, work history, working hours, training records and professional memberships, term of employment).• Compensation history.• Performance information.• Disciplinary and grievance information.
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<ul style="list-style-type: none"> • Marital status and dependants. • Next of kin and emergency contact information. • Your Child's Name. • Child's name and age for organising ILCU social events and possibly child's image where you have consented to same for publicity of events. • Bank account details, payroll records and tax status information. • Salary, annual leave, pension and benefits information. • Location of employment or workplace. • Copy of driving licence. • Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process. Test scores or records about interview). 	<ul style="list-style-type: none"> • CCTV footage and other information obtained through electronic means such as swipe card records, webinars. • Information about your use of our information and communications systems. • Photographs for example for identifying staff on a website and use in marketing/ publicity campaigns. • Recording of your voice. • Signature • Visa/Immigration/right to work or residential status. • Pension Data including retirement age (statement of wishes) • Membership of credit unions • Election Addresses • Biometric Data i.e. finger print data.
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We also collect, store and use the following **“special categories”** of more sensitive personal data:

- Information about your health, including any medical condition, health and sickness records.

4. How we collect the information





We collect personal data about you from the following sources:

- Information you provide to us
- The application and recruitment process, either directly from candidates or from third parties e. g. recruitment agency, third party placement firm, job search website or medical practitioner.
- We may sometimes collect additional information from third parties including former employer references, background check provider or references which have been provided to us.
- Information that we gather from publicly available sources such as LinkedIn /the press, and online search engines.
- Credit unions; as part of the nomination form for Volunteers

We will collect additional personal data in the course of role-related activities throughout the period of you working for us.

5. Purposes of processing and Legal Basis

We will use your personal data for the following purposes:

	Fulfilling contract This basis is appropriate where the processing is necessary for us to manage our contract with you
	Our legal duty This basis is appropriate when we are processing personal data to comply with Irish or EU law.
	Legitimate interests A legitimate interest is when we have a business or commercial reason to use your information. But even then, it must not unfairly go against what is right and best for you. If we rely on our legitimate interest, we will tell you what that is.
	Vital interests: The Processing is necessary to protect the vital interests of the data subject or another individual

6. Situations in which we will use your personal data

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

In some cases we may use your personal data to pursue legitimate interests of our own provided your interests and fundamental rights do not override those interests.

The situations in which we will process your personal data and the legal bases we rely on for those uses are set out in more detail in in Appendix 1.

7. How we use special categories of data

“Special categories” of particularly sensitive personal data require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. We may process special categories of personal data where we have an appropriate legal basis and we have met a necessary precondition. Examples of when we will process special category data are as follows;

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations and in line with our data protection policy.
3. Where it is needed in the public interest, such as relation to our occupational pension scheme, insurance or health insurance, and in line with our data protection policy.
4. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

8. If you fail to provide personal data

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our individuals undertaking a role within the ILCU).

Please Note: If there are any changes to your personal data (e.g. a new address, phone number), you should let us know as soon as possible.

9. Change of purpose

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. This will only be done in accordance with our policies.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

10. Do we need your consent?

Under the General Data Protection Regulation (GDPR), the requirements for valid consent have been made much stricter. Consent must be freely-given, specific, informed and revocable. The GDPR expressly states that, where there is an imbalance of power between the party giving consent and the party receiving it, consent will not be valid. On the basis of our relationship with you, consent would not be valid. We therefore rely on other, more appropriate, legal bases to process your personal data as set out in this privacy notice.

Where you have a genuine choice as to the processing, and in limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

11. How we may share your information and how secure is your information?

We may also need to share your personal data with other parties, such as HR consultants, payroll administrators, insurers and professional advisers as listed in Appendix 1. All our third-party service providers are required to take appropriate security measures to protect your personal data in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes unless they are deemed to be data controllers in their own right¹. We only permit them to process your personal data for specified purposes and in accordance with our instructions. Usually, information will be anonymised but this may not always be possible. The recipient of the information will also be bound by confidentiality obligations. We may also need to share your personal data with a regulator, government agency or to otherwise comply with the law.

12. Why might we share personal data with third parties?

We may share your personal data with third parties where required by law, where it is necessary to administer our relationship with you or where we have another legitimate interest in doing so.

13. Planned data transmission to third countries

There are no plans for a data transmission to third countries.

14. Data Retention Periods

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, contractual, accounting, or reporting requirements, see our Retention Schedule in Appendix 2.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

15. Automated Decision Making

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

16. Changes to this Privacy Notice

We reserve the right to update this **privacy notice** at any time, and we will provide you with a new **privacy notice** when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal data.

¹ As a data controller, the organisations will be required to have provided you with a separate privacy notice setting out what it does with its data.

Your Rights in connection with your personal data are to:



To find out whether we hold any of your personal data and **if we do to request access** to that data that to be furnished a copy of that data. You are also entitled to request further information about the processing.



Request correction of the personal data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you rectified.



Request erasure of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have exercised your right to object to processing (see below).



Object to processing of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal data for direct marketing purposes.



Request the restriction of processing of your personal data. You can ask us to suspend processing personal data about you, in certain circumstances.



Where we are processing your data based solely on your consent **you have a right to withdraw that consent at any time and free of charge.**



Request that we: a) **provide you with a copy of any relevant personal data in a reusable format**; or b) **request that we transfer your relevant personal data to another controller** where it's technically feasible to do so. 'Relevant personal data is personal data that: *You have provided to us or which is generated by your use of our service. Which is processed by automated means and where the basis that we process it is on your consent or on a contract that you have entered into with us.*

You have a **right to complain** to the **Data Protection Commissioner (DPC)** in respect of any processing of your data by:

Telephone +353 57 8684800 +353 (0)761 104 800
Lo Call Number 1890 252 231
E-mail info@dataprotection.ie

Postal Address
Data Protection Commissioner
Canal House Station Road
Portarlinton R32 AP23 Co. Laois

****Please note that the above rights are not always absolute and there may be some limitations.**

If you want access and or copies of any of your personal data or if you want to review, verify, correct or request erasure of your personal data, object to the processing of your personal data, or request that we send you a copy/a third party a copy your relevant personal data in a reusable format please contact HR Advisor in writing using our subject rights request form to the contact details above.

There is no fee in using any of your above rights, unless your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

We may need to verify your identity if we have reasonable doubts as to who you are. This is another appropriate security measure to ensure that personal data is not disclosed to any person who has no right to receive it.

Ensuring our information is up to date and accurate

We want the service provided by us to meet your expectations at all times. Please help us by telling us straightaway if there are any changes to your personal data. If you wish to avail of either of these rights, please contact our HR Department and/ or the CEO's Office.

Schedule of Purposes and Legal Bases of processing

Category of data	Purpose for processing and uses of the data	Legal basis for processing the data	Who this data may be shared with
<p>Recruitment related data</p> <p>(Contact details, date of birth, curriculum vitae, work and educational history, referee names, interview notes and related documentation etc.)</p> <p>For volunteers, details provided on the nomination form.</p>	<p>To complete the recruitment process and assess applicant's suitability for the role.</p> <p>To complete the nomination/election process under League Rules</p>	<p>Contractual: to enter into a contract with the employee and for our</p> <p>Legitimate interests in managing an effective recruitment process in circumstances where such interests are not overridden by the rights and freedoms of employees / volunteers. In the case of volunteers to ensure compliance with League Rules.</p>	<p>HR Advisers/ Guest interviewers/ Legal Advisors / Workplace Relations Commission/</p> <p>For volunteers, League Nominating Committee. Credit unions (membership of credit unions/election address).</p>
<p>Personnel Records</p> <p>(contracts of employment and HR records including contact details working hours, annual leave and public holiday records, emergency contact details, family details for benefits entitlement etc.)</p>	<p>To comply with employment and Revenue laws and to ensure that terms and conditions of employment are properly adhered to and managed.</p>	<p>Legal obligation to comply with employment and Revenue laws.</p> <p>Contractual in order for performance of the employment contract.</p> <p>Vital Interests: Emergency contact details are collected from employees to protect employees/ volunteers' vital interests in the event of an accident or emergency.</p>	<p>Revenue Commissioners, Department of Social Protection, Workplace Relations Commission. The information may also be shared with organisations who provide services to the company, e.g. HR advisors, legal advisors, Occupational health specialists, payroll providers, TMS support providers.</p>

APPENDIX 1

Schedule of Purposes and Legal Bases of processing

Category of data	Purpose for processing and uses of the data	Legal basis for processing the data	Who this data may be shared with
<p>Personnel Records</p> <p>For credit union Volunteers: Contact and Identification details such as passport number, home address, email, phone numbers etc.</p>	<p>To book flights, hotels, meals, other modes of transport for ILCU related events.</p> <p>Organising Travel / Accommodation / Meals</p> <p>To ensure that Directors can be contacted</p>	<p>Contractual, for the performance of your contract and to facilitate the League Rules.</p> <p>Legitimate Interests; to ensure appropriate communication for League activities</p>	<p>Internally with League board/supervisors and management.</p>
<p>Payroll Data</p> <p>(PPS number, pay details, bank account details, salary arrangements, bonus entitlements, allowances etc.)</p>	<p>This data is processed to ensure employees are paid in line with their contractual entitlements.</p>	<p>Legal obligation to comply with various employment and Revenue laws.</p> <p>Contractual for the performance of the employment contract.</p>	<p>Revenue Commissioners, Department of Social Protection, Workplace Relations Commission. The information may also be shared with organisations who provide services to the ILCU, e.g. Payroll service providers HR advisors, legal advisors, insurance providers.</p>
<p>Pension details</p> <p>(Name, date of Birth, pay details,)</p>	<p>To properly administer the employee’s pension entitlement and to comply with pension rules and regulations.</p>	<p>Legal obligation: to comply with pension laws.</p> <p>Contractual: for the performance of the employment contract.</p>	<p>Revenue Commissioners, Pensions Authority. Organisations who provide services to the company, e.g. legal advisors, payroll providers, pension administrators, pension trustees.</p>
<p>Performance details</p> <p>(performance review forms, notes of performance review meetings)</p>	<p>To manage employee performance in accordance with relevant company policies.</p>	<p>Contractual for the performance of the employment contract.</p> <p>Legitimate interests to manage employee performance in circumstances where such interests are not overridden</p>	<p>Organisations who provide services to the company, e.g. Legal advisors, The Workplace Relations Commission</p>

APPENDIX 1

Schedule of Purposes and Legal Bases of processing

Category of data	Purpose for processing and uses of the data	Legal basis for processing the data	Who this data may be shared with
		by the rights and freedoms of employees.	
<p>Grievance, Disciplinary and Bullying & Harassment investigations (employee complaint, investigation meeting notes and report/ witness statements etc.)</p>	<p>To ensure employee complaints are fairly and properly investigated in accordance with natural justice and relevant ILCU policies.</p>	<p>Legal obligations to comply with an employer’s legal obligations to apply fair procedures to any employee investigation,</p> <p>Contractual for the performance of the employment contract</p> <p>Legitimate interests of the ILCU to fully investigate employee complaints in circumstances where such interests are not overridden by the rights and freedoms of personnel.</p>	<p>Organisations who provide services to the company, e.g. independent investigators, HR advisors, legal advisors, The Workplace Relations Commission, Insurance providers.</p>
<p>Email and internet usage (This may include emails stored in personnel’s email inbox and data relating to an personnel’s browsing history.)</p> <p>CCTV Footage</p>	<p>To protect against the dangers associated with e-mail and internet use and to ensure personnel are using such systems in accordance with ILCU policies.</p> <p>To protect against crime, including theft or pilferage and to ensure the security of</p>	<p>Legitimate interests of the ILCU to ensure the security of e-mail and internet systems in circumstances where such interests are not overridden by the rights and freedoms of personnel.</p> <p>Legitimate interests of the ILCU to protect and monitor our property and to prevent crime where such interests</p>	<p>Organisations who provide services to the company, e.g. HR advisors, legal advisors, IT security advisors, IT / CCTV system providers, Workplace Relations Commission.</p>

APPENDIX 1

Schedule of Purposes and Legal Bases of processing

Category of data	Purpose for processing and uses of the data	Legal basis for processing the data	Who this data may be shared with
	<p>all personnel and property.</p> <p>To facilitate entry and exit to the ILCU carpark.</p>	<p>are not overridden by the rights and freedoms of personnel</p>	
<p>Medical information</p> <p>This may include sick certificates, sick leave records, sick pay records, occupational health assessments.</p> <p>Information about your physical or mental health, or disability status</p>	<p>To manage employee absences, to manage sick pay in accordance with the contract of employment,</p> <p>To ensure your health and safety in the workplace and to assess your fitness to work and to provide appropriate workplace adjustments.</p> <p>To process employee claims under Permanent Health Insurance</p>	<p>Contractual for the performance of the employment contract in respect of the payment of contractual sick pay benefit</p> <p>Legal obligations</p> <p>To assess, subject to appropriate safeguards, the working capacity of the employee and to carry out obligations and exercise rights under employment and social protection law.</p> <p>Legitimate Interests</p> <p>To manage employee absence in circumstances where such interests are not overridden by the rights and freedoms of employees.</p>	<p>Revenue Commissioners, Department of Social Protection, Workplace Relations Commission. Organisations who provide services to the company, e.g. occupational health specialist, HR advisors, legal advisors, payroll, insurers etc.</p>

APPENDIX 1

Schedule of Purposes and Legal Bases of processing

Category of data	Purpose for processing and uses of the data	Legal basis for processing the data	Who this data may be shared with
Termination of employment (This may include resignation letters, exit interviews, reference letters etc.)	To properly manage the termination of the employment relationship.	Contractual for the performance of the employment contract Legitimate interests of the ILCU to properly manage the termination of the employment relationship in line with company policies in circumstances where such interests are not overridden by the rights and freedoms of personnel.	Revenue Commissioners, Department of Social Protection, Workplace Relations Commission. Organisations who provide services to the company, e.g. HR advisors, legal advisors, payroll providers etc.

<p>Maternity Protection Acts, 1994 and 2004</p> <p>Adoptive Leave Acts 1995 - 2005</p>	<ul style="list-style-type: none"> • notification of employee's intention to take maternity/ adoptive leave, additional maternity/ adoptive leave and intention to return to work; • dates of commencement of the leave and return to work; • health and safety certificate, if applicable; • payments made to an employee during maternity/adoptive leave and health and safety leave; • annual leave and public holiday benefits which employees accrue during both maternity/adoptive and additional maternity /adoptive leave. 	<p>While there is no set period for the maintenance of Maternity or Adoptive Leave records, employers should ensure that they hold on to these details for a period not less than 12 months in the event that a dispute arises leading to a case – the time limit varies from 6 months to 12 months (in exceptional circumstances).</p>	<p>7 years ** See below</p>
<p>National Minimum Wage Act 2000 - 2015</p>	<ul style="list-style-type: none"> • details of reckonable pay components; • working hours of the employee; • the average hourly pay actually paid; • the minimum hourly rate of pay that the employee is entitled to. 	<p>3 years</p>	<p>7 years ** See below</p>
<p>Organisation of Working Time Act 1997</p>	<ul style="list-style-type: none"> • Hours of work for each employee, details of start and finish times, rest breaks, annual leave and public holiday entitlements 	<p>3 years from date of creation</p>	<p>7 years ** See below</p>

Parental Leave Act 1998 & 2006	<ul style="list-style-type: none"> Record of parental leave and force majeure leave taken by employees, specifying the period of employment of each employee and the dates and the times of the leave taken 	8 Years	
Paternity Leave and Benefit Act 2016	<ul style="list-style-type: none"> Record of paternity leave taken by employees, specifying the period of employment of each employee and the dates and the times of the leave taken 	8 Years	
Payment of Wages Act 1991	<ul style="list-style-type: none"> Copies of payslips and payroll details for each employee a record of all benefits provided and the computation of the amount of each taxable benefit 	6 years	7 years ** See below
Protection of Employment Acts 1977 – 2007	<ul style="list-style-type: none"> Redundancy records as may be necessary to ascertain whether or not the provisions of the Act are being and have been complied with 	Not less than 3 years	7 years ** See below
Protection of Young Persons (Employment) Act 1996	<ul style="list-style-type: none"> Records of full name; date of birth; starting and finishing times of work; wage rate for each day, week, month, year as the case may be and the total amount paid by way of wages or salary. 	3 years	

Terms of Employment (Information) Acts, 1994 and 2012	<ul style="list-style-type: none"> Contract of Employment / Terms of employment for each employee, copy of date of commencement, date of termination and details of job classification. 	For duration of employment plus one year after employment terminates	7 years ** see below other factors to be taken into account re retention times for contractual employee data.
Safety, Health and Welfare at Work Act 2005	<ul style="list-style-type: none"> Records containing full details of all accidents or dangerous occurrences must be retained for 10 years and notified to the health & Safety authority at the time of the incident 	10 years	

**** Other factors to take into account when determining suitable retention periods for employee data:**

The statute of limitations provides that a breach of contract claim may be brought for up to 6 years from the date of the breach. Therefore all contractual and related documentation should be retained for 7 years from the termination or expiration of the contract to allow for claims which have been commenced towards the end of the limitation period and any delays with service of proceedings

Recruitment & Selection

There is no statutory retention period for personal data relating to unsuccessful candidates. Retained for 13 months (to allow for any delay in service proceeding) as individuals have up to a maximum of 12 months to refer a complaint to the Workplace Relations Commission under the Employment Equality Acts 1998 – 2015

Pensions

Retain Employee Data as per Pension administration rules /requirements

Medical / Health related data – Retained for duration of employment relationship plus 7 years after the employment relationship terminates.

Training Records

Retained for duration of employment relationship plus 7 years after the employment relationship terminates.

CCTV Footage – Retain for one month.