



Data Protection Guidance

Subject - Contents of a Data Privacy Notice

Prepared by: Data Protection Unit

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Background

One of the most important principles within personal data protection legislation is the concept of 'Transparency'. This states that a Data Subject (i.e. an individual) must be given sufficient information, at the point of collection, as to how their data will be used and by whom so that they can make an informed decision as to whether they wish to provide their data or not.

In general, this information should always be provided to the Data Subjects and indeed it is essential where consent is being used as the legal basis for processing the data. Consent cannot be considered valid unless it is 'freely given, specific, informed and unambiguous' and the use of an appropriately worded Data Privacy Notice will go some way towards meeting this standard.

Remember that:

- a) consent is actually the weakest basis on which to legally process personal data as it can be withdrawn at any time;
- b) consent is only one of six legal bases to process personal data; &
- c) ideally, an alternative to consent as the legal basis should be sought and used where possible.

Application

An appropriate Data Privacy Notice is the most common means by which data subjects are informed about the use of their data. In DCU's case some examples of typical types of privacy notices would be:

- the Registry Data Protection notice which is brought to the attention of students as part of the annual on-line registration process;
- the Staff Data Processing Notice (available on the [DCU Data Protection Website](#)) which explains how the University uses the personal data of employees of the university;
- the Plain Language Statements which are provided to participants in research trials; &
- the Data Privacy Notices at the bottom of application forms, surveys, questionnaires.

In general, the notice should be short, to the point (1-2 paragraphs) and use clear and audience appropriate language. If further clarification is needed a reader can be directed to the either of the following by means of a link at the end of the notice:

[DCU Data Protection Webpage](#)

[DCU Privacy Policy](#)

Data Privacy Notices - Recommended Content

Ideally, and where relevant, the Data Privacy Notice should include details of the following:

- A) the identity and contact details of the Data Controller. This will nearly always be DCU but the DCU unit should also be referenced e.g. Human Resources Office, SS&D, Registry;
- B) the identity and contact details of the DCU Data Protection Officer – i.e. Martin Ward, Office of the Chief Operations Officer, Ph: 01 7005118 / 7005217, email: data.protection@dcu.ie
- C) the purpose of the data processing i.e. the reasons why the data is being requested and the purpose to which it will be applied;
- D) the lawful basis for the processing e.g. is it on the basis of consent, contractual obligation, legal requirement, fulfilment of an obligation, vital interest or public interest?

Note: that if consent is being used as the legal basis the right of a data subject to withdraw their consent should also be stated;

- E) the categories or types of personal data to be processed;
- F) the details of any external (i.e. non-DCU) parties with whom the data will be shared or to who it will be transferred and also the reason why;
- G) details of any intention to transfer the data to other countries, especially if outside of the EEA (European Economic Area);
- H) the data's retention period or the criteria to be used to establish the retention period;
- I) the right to lodge a complaint with the [Irish Data Protection Commission](#);
- J) the possible consequences of failing to provide the personal data requested if this is relevant; &



- K) the existent of automated decision making, including profiling, and information about how decisions are made, their significance and their consequences.

If you have any further queries as to the content of a Data Privacy Notice please contact us at the following email address – data.protection@dcu.ie or alternatively at 01 7006466 / 7008706.

End.