



# Staff Data Processing Notice

## Dublin City University

### 1. Introduction

This Notice describes the practices of Dublin City University (“DCU”) regarding the collection, use, transfer, disclosure and other handling and Processing of your Personal Data as an employee of DCU or of one of the DCU Campus Companies.

In particular, DCU is committed to Processing the Personal Data of its employees in a fair, lawful and transparent manner. Accordingly, this Notice provides DCU employees with certain information about how their Personal Data is used by DCU. DCU has also adopted a [Privacy Policy](#) (the “DCU Privacy Policy”) that addresses data protection more generally. Capitalised terms used in this Notice are defined in the Glossary in Annex I to this Notice.

In relation to Personal Data provided by you to DCU, DCU will act as Data Controller of such Personal Data. This means that DCU determines why and how such data is used. DCU’s data Processing is generally undertaken in fulfilment of its statutory functions and objects under the Universities Act 1997 (as amended) (the “Universities Act”).

### 2. What is Personal Data?

Personal data is any information relating to a living individual which allows either directly or indirectly the identification of that individual. Personal Data can include a name, an identification number, details about an individual’s location, CCTV recordings, learning activities online via live sessions and recorded video, or any other detail(s) that is specific to that individual and that would allow the individual to be identified or identifiable. The type of Personal Data that DCU collects and Processes in relation to employees is described in more detail in the table at Appendix II of this Notice.

### 3. How we Collect and Use your Personal Data

The table at Appendix II also describes in detail the particular purposes and lawful basis for DCU’s Processing of employee Personal Data as required by Data Protection Law. DCU will generally Process your Personal Data for personnel administration purposes and for purposes necessary for and connected with the performance of its statutory objects and functions under the Universities Act and related legislation.

DCU may obtain Personal Data about you from third parties, such as former employers, educational institutions, recruitment agencies, recruitment platforms such as LinkedIn, government agencies, from information in the public domain and available on the internet and from other employees (e.g., other DCU staff, supervisors, members of the HR Department, etc.). DCU may also seek Personal Data about you from third parties in connection with: (I) locating former employees and beneficiaries for purposes of administering retirement, pension or other benefits; (II) performance evaluations; (III) academic and professional references; (IV) disciplinary matters and internal investigations; (V) purposes that relate to your employment relationship with us; and (VI) other purposes permitted in accordance with applicable law. Where DCU obtains Personal Data about you from third parties, we will do so in accordance with Data Protection Law.



#### 4. Special Categories of Data

DCU 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 the Data Protection Law.<sup>1</sup> Such Processing of SCD is permitted under several provisions of the Data Protection Law, including the following:

- 4.1 Article 9(2)(f) GDPR where it is “*necessary for the establishment, exercise or defence of legal claims*” and this ground is amplified in [Section 41 of the Data Protection Act 2018] which permits the Processing of SCD 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 (and which may include Processing in the context of disciplinary proceedings);
- 4.2 Article 9(1)(g) GDPR which permits such Processing for reasons of substantial public interests and this is amplified in [Section 43 of the Data Protection Act 2018] which provides a general lawful basis for Processing of SCD where it is necessary and proportionate for the performance of a function conferred by or under an enactment; and
- 4.3 In relation to the management of medical risk and medical claims, [Section 46 and 47 of the Data Protection Act 2018] permit the Processing of SCD where it is necessary for the purposes of preventative or occupational medicine, to assess the working capacity of an employee, for the management of health or social care systems and services or for ensuring high standards of quality and safety of health care.

#### 5. Your rights under Data Protection Law

- 5.1 Data Protection Laws provide certain rights in favour of data subjects. The rights in question are as follows (together the “**Data Subject Rights**”):
  - (a) the right of a data subject to receive detailed information on the Processing (by virtue of the transparency obligations on the Data Controller);
  - (b) the right of access to Personal Data;
  - (c) the right to rectify or erase Personal Data (known as the “right to be forgotten”);
  - (d) the right to restrict Processing;
  - (e) the right of data portability;
  - (f) the right of objection (in circumstances where Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller); and
  - (g) the right to object to automated decision making, including profiling.

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<sup>1</sup> **Comment:** Section 40 of the Data Protection Act 2018 provides a general lawful basis for Processing SCD where it is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the controller or the data subject in connection with employment or social welfare law. As required by Data Protection Law DCU applies suitable and specific measures in respect of such Processing.



- 5.2 Please note that Articles 17 and 20 GDPR state that the right to be forgotten and the right of data portability do not apply to Processing that is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Data Controller. Accordingly, these rights and the other Data Subject Rights may not be available to you in certain circumstances.
- 5.3 Any data subject wishing to exercise their Data Subject Rights should contact the DCU Data Protection Officer (“**DCU DPO**”): Martin Ward at [data.protection@dcu.ie](mailto:data.protection@dcu.ie). Your request will be dealt with in accordance with DCU’s [Data Subject Rights Procedure](#). For further information on your Data Subject Rights please refer to the above document.

## 6. Data Security and Data Breach

- 6.1 We have technical and organisational measures in place to protect Personal Data from unlawful or unauthorised destruction, loss, change, disclosure, acquisition or access. Personal Data are held securely using a range of security measures 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 DCU Information & Communications Technology (ICT) Security Policy available at this [link](#).
- 6.2 The GDPR obliges Data Controllers to notify the Data Protection Commissioner and affected data subjects in the case of certain types of Personal Data security breaches (Art. 34). We will manage a Data Breach in accordance with our [Data Breach Reporting Procedure](#). For further information on identifying and reporting a Data Breach please refer to the above document. If you become aware of, or suspect that a Data Breach has taken place, you are required to immediately notify the DCU Data Protection Officer, Martin Ward, by both phone and email:

Name	Martin Ward
Email	<a href="mailto:data.protection@dcu.ie">data.protection@dcu.ie</a>
Phone	01 7005118 / 7008257

## 7. Disclosing Personal Data

- 7.1 From time to time, we may disclose Personal Data to third parties, or allow third parties to access Personal Data which we Process (for example where a law enforcement agency or regulatory authority submits a valid request for access to Personal Data).
- 7.2 We may also share Personal Data: (a) with another statutory body where there is a lawful basis to do so; (b) with selected third parties including sub-contractors; (c) if we are under a legal obligation to disclose Personal Data. For example, this may include where a member of the academic staff spends time in another institution on sabbatical or be seconded to a government department or body and also includes exchanging information with other organisations for the purposes of fraud prevention or investigation.
- 7.3 Where we enter into agreements with third parties to Processes Personal Data on our behalf we will ensure that the appropriate contractual protections are in place to safeguard such Personal Data where required by Data Protection Law. Examples of such third party service providers that we engage, and to whom we may provide Personal Data include but are not limited to communications providers, payroll service providers, pension administrators, occupational health providers, marketing or



recruitment agencies, operators of data centres used by us, security services, catering service providers, and professional advisors such as external lawyers, accountants, tax and pensions advisors.

**8. Data Retention**

We will keep Personal Data only for as long as the retention of such Personal Data is deemed necessary for the purposes for which the Personal Data are Processed. Further details of the retention period for Personal Data is set out in our [Data Retention Policy](#).

**9. Data Transfers outside the EEA**

From time to time we may need to transfer Personal Data outside the EEA. This transfer will occur in accordance with applicable Data Protection Law. We take reasonable steps to ensure that the Personal Data is treated securely (typically through the use of EU-approved Model Contract Clauses) and in accordance with the DCU Privacy Policy when transferred outside the EEA.

**10. Further Information/Complaints Procedure**

You can ask a question or make a complaint about this Notice, the DCU Privacy Policy and/or the Processing of your Personal Data by contacting the DCU DPO, Martin Ward, at the details set out in paragraph 6 above. 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 the DCU DPO in the first instance to give us the opportunity to address any concerns that you may have.

**ANNEX I – Glossary**

In this Notice, the terms below have the following meaning:

“**Data Breach**” means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise Processed.

“**Data Controller**” means the entity which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data.

“**Data Processor**” means the party that Processes Personal Data on behalf of the Data Controller (for example, a payroll service provider).

“**Data Protection Law**” means the General Data Protection Regulation (No 2016/679) (“**GDPR**”) and the [Data Protection Act 2018]] and any other laws which apply to DCU in relation to the Processing of Personal Data.

“**DCU Campus Companies**” means the following wholly owned subsidiary companies of DCU:

<b>Campus Company</b>	<b>Principal Activity</b>
DCU Educational Support Services DAC	Holding company
Campus Property DAC	Property rental company
Campus Residences DAC	Provision of student accommodation
DCU Executive Education DAC	Dormant Company



DCU Ryan Academy DAC	Dormant company
DCULS DAC	Provision of language courses
Dublin Business School Fund DAC	Support of campus developments
Dublin Software Park DAC	Property development
DCU Healthy Living Centre DAC	Dormant Company
Invent DCU DAC	Office space and facilities rental
Trispace DAC	Catering services and sports facilities
UAC Management DAC	Operates the Helix

“**European Economic Area**” or “**EEA**” means Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the UK, Iceland, Liechtenstein, and Norway.

“**Personal Data**” means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one 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.

“**Processing**” means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. “**Process**” and “**Processing**” are interpreted accordingly.

“**Special Categories of Personal Data**” (or “**SCD**”) are types of Personal Data that reveal any of the following information relating to an individual: racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership. Special Categories of Personal Data also include the Processing of genetic data, biometric data (for example, fingerprints or facial images), health data, data concerning sex life or sexual orientation and any Personal Data relating to criminal convictions or offences.



## APPENDIX II – Data Processing Purposes

The following table describes the type of Personal Data that is collected by DCU relating to DCU employees and the purposes and lawful basis for Processing that data under by Data Protection Law:

Description of Personal Data	Purpose of Processing	GDPR lawful basis
Information contained in: CVs, cover letters and job applications ( <i>including previous employment background, education history, professional qualifications, references, language and other relevant skills, certification, certification expiration dates</i> ), interview notes and feedback; details on performance management ratings, development programs planned and attended, e-learning programs, performance and development reviews, willingness to relocate or driver's license information.)	Recruitment, personnel administration and HR management, including performance analysis and promotion purposes.	For the performance of DCU's statutory functions in the public interest (Art 6(1)(e) (as supported by the University Act);  and  Contract performance (Art 6(1)(b)).
HR files and records ( <i>including CPD and training records, disciplinary records, salary details, benefits, compensation type, pay grade, salary step within assigned grade, awards, pay frequency, effective date of current compensation, salary reviews, banking details, working time records (including vacation and other absence records, leave status, hours worked and department standard hours), pay data, national insurance or other number, marital/civil partnership status, domestic partners and dependents</i> ).	Personnel administration and HR management, including performance analysis and promotion purposes.	For the performance of DCU's statutory functions in the public interest (Art 6(1)(e);  Compliance with legal obligations under employment legislation (Art 6(1)(c); and  Protecting the vital interests of employees and other persons (Art 6(1)(d)).
Photographs of employees and Security Access Cards	For security purposes in relation to Security Access Cards. For use on Outlook to enable staff to identify colleagues.	For the performance of DCU's statutory public interest functions Art 6(1)(e); and



Description of Personal Data	Purpose of Processing	GDPR lawful basis
		Protecting the vital interests of employees and other persons (Art 6(1)(d)).
Data related to pensions	To enable DCU pension trustees and related service providers to administer your pension entitlements.	Contract performance (Art 6(1)(b)).
Medical information ( <i>including medical certificates and sick notes</i> ).	Personnel administration and to verify employee absences from work on sick leave and purposes of preventative or occupational medicine.	To assess the working capacity of an employee (section 46 Data Protection Act 2018).
Name, role, email address (work), telephone number (work), office number, profile photograph and details of: previous roles, research areas/interests and academic publications.	For publication on various sections of DCU website and in hard copy materials.	For the performance of DCU's statutory public interest functions Art 6(1)(e) (as supported by the University Act).
Data in relation to memberships of clubs or societies associated with DCU (for example a book club or sports club)	To enable participation in clubs/societies associated with DCU.	Employee consent, which can be withdrawn at any time (Art 6(1)(a)).
Data Processed in relation to optional staff schemes or benefits	In relation to Travelpass, Bike-to-work scheme etc.	Employee consent, which can be withdrawn at any time (Art 6(1)(a)); and  Contract performance (Art 6(1)(b)).
CCTV Footage	DCU has closed circuit television cameras ("CCTV") located throughout its campuses covering buildings, internal spaces, car parks, roads, pathways and grounds. CCTV cameras are also located at the University Sports Grounds at St Clare's. DCU's CCTV system is implemented in a proportionate manner as necessary to protect DCU property against theft or pilferage and for the security of staff, students and visitors to the DCU campuses (to protect their vital interests).  Whilst CCTV footage is monitored by DCU security staff, access to recorded footage is strictly limited to authorised personnel. Footage is	For the performance of DCU's statutory public interest functions Art 6(1)(e); and  Protecting the vital interests of employees and other persons (Art 6(1)(d)).

Description of Personal Data	Purpose of Processing	GDPR lawful basis
	<p>retained for 28 days, except where incidents or accidents have been identified in which case such footage is retained specifically in the context of an investigation of that issue. CCTV footage may be used in the context of disciplinary proceedings involving DCU staff or students (to protect the vital interests of DCU, staff, students and affected individuals). CCTV footage is not disclosed to third parties except where disclosure is required by law (such as for the purpose of preventing, detecting or investigating alleged offences) and in such instances disclosure is based on a valid request. Signage indicating that CCTV is in use displayed prominently throughout the DCU campuses. For information on CCTV operations at DCU please contact the Director of Estates.</p>	
<p>Live Learning Activities</p>	<p>In addressing student’s learning needs (including students studying remotely and online) the University delivers part of its learning activities online via live sessions and recorded video along with other types of learning activities. This model of delivery necessitates the recording of some live learning activities.</p> <p>The University utilises a range of digital tools and e-learning platforms to deliver learning activities (e.g. Loop with Moodle Virtual Learning Environment (VLE) at its core, Zoom for the live streaming and recording of lectures, Mahara (the open-source platform) for e-portfolios and Unicam to support video and rich media learning). Digital technologies such as these help students to participate more flexibly and to widen participation generally.</p>	<p>For the performance of DCU’s statutory functions in the public interest (Art 6(1)(e) (as supported by the University Act);</p> <p>and</p> <p>Contract performance (Art 6(1)(b)).</p> <p>The recording of some live learning activities and the processing of personal data associated with such live learning activities, in both the traditional learning environment and the virtual learning environment, is necessary for the compliance by DCU with the legal obligations to which it is subject under the Universities Act 1997, specifically:</p> <ul style="list-style-type: none"> <li>• Section 12 (a to k) of the Universities Act, 1997 (to advance knowledge through teaching, scholarly research and scientific</li> </ul>



Description of Personal Data	Purpose of Processing	GDPR lawful basis
		investigation: to promote learning in its student body and in society generally) ● Section 13 (a to h) of the Universities Act, 1997 (shall provide courses of study, conduct examinations and award degrees and other qualifications: shall promote and facilitate research).

*Please note that where Processing described above is based on DCU's performance of the its statutory public interest functions in accordance with Art 6(1)(e) of the GDPR you have the right to object to such Processing based on grounds relating to your particular situation. In such circumstances, DCU will consider your request on a case by case basis.*

**End.**