



An Roinn Iompair
Department of Transport

Department of Transport

Data Protection Policy 2020

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1. Introduction

As a central Government Department, serving the Government and the people of Ireland, the mission of the Department of Transport, (DoT) is to shape the safe and sustainable development of transport to support economic growth and social progress.

The Department at all times seeks to instill, develop and maintain values and behaviours that maximise the organisation's capacity to deliver upon its stated objectives. The Department's culture is inherent in its structures and the way it carries out its functions and delivers its services. In addition to a duty to be professional, responsive, open and accountable, the Department is firmly committed to continual reform, innovation and improvement.

The primary tenets of the Department's ethos, which reflects the wider ethos of the Civil Service, are as follows:

- The Department maintains the Civil Service values of a deep-rooted public service ethos of independence, integrity, impartiality, equality, fairness and respect
- The Department supports and implements a culture of accountability, efficiency and value for money
- The Department commits to the highest standards of professionalism, leadership and rigour.

This ethos and the values set out above also apply to how the Department controls personal data.

DoT needs to collect and utilise certain personal data that it collects about individuals including but not limited to the following:

- Customers and Citizens
- Suppliers
- Business Contacts
- Employees

Data Protection law safeguards the rights of individuals in relation to the processing of their personal data. Data Protection legislation confers rights on individuals as well as responsibilities on those persons processing personal data. This Policy sets out how the Department seeks to process personal data and ensure that staff understand the rules governing their use of personal data to which they have access in the course of their work.

The EU General Data Protection Regulation (GDPR EU 2016/679) replaces the Data Protection Directive 95/46/EC and was designed to harmonise data privacy laws across Europe, to protect and empower all EU citizens' data privacy rights and to reshape the way organisations across the region approach data privacy. The GDPR will be enforced from 25th May 2018. This version of the DoT policy has been updated to reflect the GDPR.

2. *Purpose*

This policy should be read in conjunction with other relevant DoT policies and procedures. DoT may supplement or amend this policy by additional policies and guidelines from time to time.

This personal data protection Policy is a statement of DoT's commitment to protect the data protection rights of individuals in accordance with Irish Data Protection and GDPR requirements.

3. *Scope*

The Policy covers both personal and special categories of personal data (as defined by Article 4 of the GDPR) held in relation to data subjects by DoT. The Policy applies to personal data held in both manual and automated forms.

Both categories will be equally referred to as Personal Data in this Policy, unless specifically stated otherwise. Personal data and special categories of personal data will be treated with equal care by DoT.

4. *Key Definitions*

The term "**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

The term "**special categories of personal data**" means personal data consisting of information as to:

- The racial or ethnic origin of the data subject
- Their political opinions
- Their religious beliefs or other beliefs of a similar nature
- Whether he/she is a member of a trade union
- Their physical or mental health or condition
- Their sexual life
- Their genetic data
- Their biometric data
- Processing of personal data relating to criminal convictions and offences.

Data "**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;

A "**data subject**" is an individual who is the subject of personal data. This includes partnerships and groups of individuals, but not limited companies. In terms of DoT, all customers and employees are data subjects.

A "**data controller**" means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

A "**data processor**" means any person (other than an employee of DoT) who processes the data on behalf of DoT.

Please refer to Article 4 of the GDPR for additional definitions.

5. Responsibility for this Policy

The Department is committed to compliance with all relevant EU and Irish laws in respect of personal data, and the protection of the rights and freedoms of individuals whose information DoT controls and processes.

DoT shall implement appropriate technical and organisational measures to ensure that processing is performed in accordance with the GDPR. Everyone who works in the Department and third parties of DoT who separately collect and or control the content and use of personal data have responsibility for ensuring **personal** data is collected, stored and handled appropriately. Each Division that handles personal data must ensure it is handled and processed in line with this Policy, best practice and data protection legislation.

Data Protection Officer (DPO)

Designation of the mandatory appointment of a Data Protection Officer (DPO) as required under Article 37 of the GDPR for all public bodies. The DPO will report to the highest management level of the Department and is an independent function and will not receive any instructions from Senior Management regarding the exercise of the designated DPO tasks.

Data Protection Unit

The Data Protection Unit is the supporting administrative and operational office that provides necessary support and assistance to the DPO in the execution of their role.

Data Protection Working Group (DPWG)

This is a working group of staff nominated by Heads of Function from each of the divisions within DoT and designated with responsibility for data protection on an on-going basis. Such assistance will be vital in ensuring continued work is undertaken on the findings and observations from the workshops; ensuring the areas of non-compliance in the GDPR Readiness Questionnaire are addressed and ensuring the Record of Processing Activities (ROPA) which details the records of all processing activities within each division is maintained and kept up to date.

Heads of Function

Heads of Function are responsible for ensuring implementation of the Policy in their respective Divisions and will, if required, need to be able to demonstrate implementation to the Data Protection Officer.

Staff

All members of staff have a responsibility to comply with the Department's Data Protection Policy.

6. Implementation, Management, Monitoring and Review

Implementation

Implementation of this Policy is the responsibility of Heads of Function. Should any additional complementary local procedures / processes be developed to comply with this Policy, the relevant Division must engage with the Data Protection Officer prior to implementation. Heads of Function are responsible for the development and maintenance of a Data Retention Schedule in respect of any paper based data or system handling personal data.

Management

In accordance with data protection legislation, personal data collected by DoT must be acquired and managed fairly. While not all staff members will be expected to be experts in data protection legislation, DoT is committed to ensuring that staff have sufficient awareness of the legislation in order to be able to process personal data according to the Department's legal and best practice responsibilities and anticipate and identify a data protection issue, should one arise. In such circumstances, staff must ensure that the Data Protection Officer (DPO) is informed in order that appropriate corrective action is taken.

Monitoring

Compliance with this Policy will be monitored by the DPO. If anyone considers that this Policy is not being followed, they should raise the matter with the DPO directly.

Review

This Policy will be reviewed regularly in light of any legislative or other relevant developments.

7. *Data Protection Policy*

All processing of personal data must be conducted in accordance with the data protection principles set out in relevant legislation. Our policies and procedures are designed to ensure compliance with the following principles:-

- Personal data shall be processed **lawfully, fairly and in a transparent manner** in relation to the data subject ('lawfulness, fairness and transparency')
- Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes ('purpose limitation')
- Personal data shall be **adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed ('data minimisation')
- Personal data shall be **accurate and, where necessary, kept up to date**; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')
- Personal data shall be kept in a form which **permits identification of data subjects for no longer than is necessary** for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation')
- Personal data shall be processed in a manner that ensures **appropriate security of the personal data**, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality')

8. Data Subject Rights

DoT will design and maintain appropriate policies, procedures and training to implement the following data rights of data subjects.

1. Right of access by the data subject

We will implement procedures to ensure that requests from data subjects for access to their personal data will be identified and fulfilled in accordance with the legislation.

2. Right to rectification

We 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)

The Department processes personal data it collects because there is a statutory basis for the processing. 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 without affecting the ability of the Department to provide future benefits and services to the data subject.

4. Right to restriction of processing

DoT will implement and maintain appropriate procedures to assess whether a data subjects request to restrict the processing of their data can be implemented. Where the request for restriction of processing is carried out then DoT will write to the data subject to confirm the restriction has been implemented and when the restriction is lifted.

5. Right to data portability

DoT processes personal data it collects because there is a statutory basis for the processing. Where DoT has collected personal data on data subjects by consent or by contract then the data subjects have a right to receive the data in electronic format to give to another data controller. It is expected that this right will apply only to a small number of data subjects.

6. Right to object

Data subjects have a right to object to the processing of his or her personal data in specific circumstances. Where such an objection is received, DoT will assess each case in its merits.

7. Right not to be subject to automated decision making

Data subjects 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. DoT ensures that where systems or processes are implemented that calculate benefits or services then an appropriate right of appeal is available to the data subject.

8. Right to complain

DoT will implement and maintain a complaints process whereby data subjects will be able to contact the Data Protection Officer. The Data Protection Officer will work with the data subject to bring the complaint to a satisfactory conclusion for both parties. The data subject will be informed of their right to bring their complaint to the Data Protection Commissioner and their contact details.

9. *Security of Personal Data*

DoT will ensure the confidentiality, integrity, availability, and resilience of personal data when in use, transit and in storage. DoT will protect the personal data from inadvertent destruction, amendment, loss, disclosure, corruption or unlawful processing through for example

- Using appropriate security controls, technical and non-technical should be utilised to protect DoT personal data
- Computer screens, printouts, files or documents displaying personal data should only be visible to authorised personnel
- Personal data held in manual (paper) files should be held securely in locked cabinets, locked rooms or rooms with restricted access.

10. *Privacy by Design and Default*

Following best practice, DoT will conduct Data Privacy Impact Assessments (DPIA) on relevant projects. Heads of Function, Project Sponsors and Project Managers working on projects involving personal data should consult with the DPO as necessary.

11. General Guidelines for Staff

- The only people able to access personal data covered by this Policy should be those who need it for their work
- Personal data should not be shared informally
- DoT will provide training to employees to help them understand their responsibilities when handling data
- Employees should keep all data secure, by taking sensible precautions
- Strong passwords must be used and they should never be shared
- Personal data should not be disclosed to unauthorised people, either within the Department or externally
- Personal data should be regularly reviewed and updated if it is found to be out of date and if the personal data is no longer required action should be taken in line with the Department's Retention Policy
- Employees should request help from their line manager or the DPO if they are unsure about any aspect of the protection of personal data.

12. Data Protection Officer

The Data Protection Officer will report to the Management Board and will be a member of the DoT Governance Committee. The responsibilities of the Data Protection Officer will include the following

1. Act as an advocate for data protection within DoT.
2. Monitoring compliance with the relevant data protection legislation.
3. Monitoring that all data protection policies are reviewed and updated on a regular basis.
4. Monitoring that DoT provides appropriate data protection training and advice for all staff members and those included in this Policy.
5. Providing advice where requested as regards the data protection impact assessments and monitoring that such assessments are completed to an appropriate standard
6. Provide advice on data protection matters from staff, board members and other stakeholders

7. Responding to individuals such as clients and employees who wish to know what data is being held on them by DoT.
8. Monitoring that appropriate data processing agreements are put in place with third parties that handle DoT's data and ensuring that reviews of the agreements are carried out of third parties on a regular basis
9. Monitoring that the record of data processing activity (ROPA) is updated regularly.
10. Acting as a contact point and providing cooperation with the Data Protection Commissioner

The Department has appointed an internal Data Protection Officer for you to contact if you have any questions or concerns about the Department's personal data policies.

The Department's data protection officer's contact information is as follows:

Data Protection Officer
Department of Transport
Leeson Lane
Dublin D02 TR60

Email: dataprotection@transport.gov.ie

Mobile: +353 85 879 7044

Website: <https://www.gov.ie/en/publication/fdde77-data-protection/>