

Privacy Policy

Towards Healing CLG

Data Protection and Confidentiality

May 2018

All officers and agents of Towards Healing are obliged to comply with the Data Protection and confidentiality provisions set out in the Employee Handbook.

Towards Healing is a Data Controller for the purposes of compliance with the requirements of the Data Protection Legislation.

The following pages sets out the requirements for such compliance when data is being collected and when data is being processed through, for example, reporting to relevant authorities.

Introduction

Towards Healing is a Data Controller and the DPO is in charge of the administration of this policy.

The DPO appoints two assistants, the Chief Executive Officer and the Clinical Manager to assist in carrying out the Data Protection Controller responsibilities, with the DPO, however, retaining ultimate responsibility for administration of this Policy.

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Towards Healing. This includes obligations in dealing with personal data, in order to ensure that the organisation complies with the requirements of the relevant Irish legislation, namely the Data Protection Act (1988), and the Data Protection (Amendment) Act (2003) and GDPR 2018 (May 25th)

Rationale

Towards Healing must comply with the Data Protection principles set out in the relevant legislation below. This Policy applies to all Personal Data collected, processed and stored by Towards Healing in relation to its staff, service providers in the course of its activities. Towards Healing makes no distinction between the rights of Data Subjects who are employees, and those who are not. All are treated equally under this Policy.

Scope

The policy covers both personal and sensitive personal data held in relation to data subjects by Towards Healing. The policy applies equally to personal data held in manual and automated form.

All Personal and Sensitive Personal Data will be treated with equal care by Towards Healing and both categories will be equally referred-to as Personal Data in this policy, unless specifically stated otherwise.

This policy should be read in conjunction with the associated Subject Access Request procedure, the Data Retention and Destruction Policy, the Data Retention Periods List and the Data Loss Notification procedure.

The Data Protection Acts

Irish Data Protection Act 1988:

- To regulate in accordance with its provisions the collection, processing, keeping, use and disclosure of certain information relating to individuals that is processed automatically. (13th July 1988)

Irish / UK Data Protection (Amendment) Act 1988 / 2003

- The protection of individuals with regard to the processing of personal data and on the free movement of such data

EC (Privacy & Electronic Communications) Regulations, 2011

- Applying to the processing of personal data in connection with the provision of publicly available electronic communications services, including networks supporting data collection and identification devices.

EU GDPR 2018

- The General Data Protection Regulation (GDPR) came into force on 25th May 2018, replacing the existing data protection framework under the EU Data Protection Directive.

Towards Healing as a Data Protection Controller

In the course of its daily organisational activities, Towards Healing acquires, processes and stores personal data in relation to:

- Employees of Towards Healing
- Trainers, Service Users & Suppliers of Towards Healing
- Funders of Towards Healing

- Members & Directors of Towards Healing
- Third party service providers engaged by Towards Healing

In accordance with the Irish Data Protection legislation, this data must be acquired and managed fairly and legally. Not all staff members will be expected to be experts in Data Protection legislation. However, Towards Healing is committed to ensuring that its staff have sufficient awareness of the legislation in order to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, staff must ensure that the CEO is informed, and in order that appropriate corrective action is taken.

Due to the nature of the services provided by Towards Healing, there is regular and active exchange of personal data between Towards Healing and its Data Subjects. In addition, Towards Healing exchanges personal data with Data Processors on the Data Subjects' behalf.

This is consistent with Towards Healing's obligations under the terms of its contract with its Data Processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a Towards Healing staff member is unsure whether such data can be disclosed.

In general terms, the staff member should consult with the DPO to seek clarification.

Subject Access Requests

Any formal, written request by a Data Subject including an up to date copy of proof of Identity (passport, driving licence, public service card) for a copy of their personal data (a Subject Access Request) will be referred, as soon as possible, to the Data Protection Officer, and will be processed in line with the timeframe permitted by the Data Protection Commission (30 days)

It is intended that by complying with these guidelines, Towards Healing will adhere to best practice regarding the applicable Data Protection legislation.

Third-Party

In the course of its role as Data Controller, Towards Healing engages a number of Data Processors to process Personal Data on its behalf. In each case, a formal, written contract (Confidentiality Agreement) is in place with the Processor, outlining their obligations in relation to the Personal Data, the specific purpose or purposes for which they are engaged, and the understanding that they will process the data in compliance with the Irish Data Protection legislation.

The Data Protection Principles

The following seven key principles echo the current data protection regime under the GDPR and Irish legislation and are fundamental to this Data Protection Policy.

In its capacity as Data Controller, Towards Healing ensures that all data shall comply with all the Data Protection Rules.

These provisions are binding on **every** Data Controller. Any failure to observe them would be a breach of the Act.

Data Protection Principles Rebranded

1. Lawful, Fairness and Transparency
2. Purpose Limitation
3. Data Minimisation
4. Accuracy
5. Storage Limitation
6. Integrity and Confidentiality
7. Accountability

1. *Lawfulness, Fairness and Transparency*

For data to be obtained fairly, the data subject will, at the time the data is being collected, be made aware of:

- The identity of the Data Controller Towards Healing
- The purpose(s) for which the data is being collected
- The person(s) to whom the data may be disclosed by the Data Controller
- Any other information that is necessary so that the processing may be fair.

Towards Healing will meet this obligation in the following ways:

- Where possible, the informed consent of the Data Subject will be sought before their data is processed;
- When Towards Healing collects information from a Data Subject on the website, a privacy policy is available online for review which details data collection. This notice is available online and can be reviewed later in this policy.
- Where it is not possible to seek consent, Towards Healing will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;
- Where Towards Healing intends to record activity on video or in photographs, Towards Healing staff will always inform the subjects and seek their consent before proceeding.
- Processing of the personal data will be carried out only as part of Towards Healing lawful activities, and Towards Healing will safeguard the rights and freedoms of the Data Subject;

- The Data Subject's data will not be disclosed to a third party other than to a party contracted to Towards Healing and operating on its behalf.

2. Purpose Limitation

Towards Healing will obtain data for purposes, which are specific, lawful and clearly stated. A Data Subject will have the right to question the purpose(s) for which Towards Healing holds their data, and Towards Healing will be able to clearly state that purpose or purposes. See the Privacy Notice on why Towards Healing collects data and the ways in which it is used.

An inventory of all personal data that Towards Healing holds is available for review as an additional document.

3. Data Minimisation

- Any use of the data by Towards Healing will be compatible with the purposes for which the data was acquired.
- Data is not relevant to such processing will not be acquired or maintained.

4. Accuracy

Towards Healing will:

- Ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy;
- Conduct periodic reviews and audits to ensure that relevant data is kept accurate and up-to-date. Towards Healing conducts a review of sample data every six months to ensure accuracy;
- Staff contact details and details on next-of-kin are reviewed and updated every two years.
- Conduct regular assessments in order to establish the need to keep certain Personal Data. Review of data takes place at the end of every calendar year.

5. Storage Limitation

- Towards Healing only keeps personal data in a form which permits the identification of Data Subjects for no longer than is necessary and for the purposes for which the personal data is processed.
- Anonymisation of data takes place if necessary in order to minimise the length of time that personal data is held by the organisation.
- Some identifiable data needs to be kept for statistical, scientific or historical research purposes. Data in particular in relation to those people who have

trained with Towards Healing will be recorded in this way if there is a specific request to do so.

- Towards Healing has identified an extensive matrix of data categories, with reference to the appropriate data retention period for each category. The matrix applies to data in both a manual and automated format.
- Once the respective retention period has elapsed Towards Healing undertakes to destroy, erase or otherwise put this data beyond use. See a list of retention periods for data storage later in this policy.

6. Integrity and Confidentiality

Towards Healing will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by Towards Healing in its capacity as Data Controller.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access. No third parties are given access to data unless it is required to do a job for Towards Healing. Any third parties/contractors are bound by Towards Healing confidentiality agreements and the Data Protection legislation that is in place in Irish law and under GDPR.

All laptops and computers under the control of Towards Healing are password protected. Data is only accessed by those who 'need to know' the information.

7. Accountability

- *Towards Healing manages and stores data in such a manner that, in the event a Data Subject submits a valid Subject Access Request seeking a copy of their Personal Data, this data can be readily retrieved and provided to them within the allotted timeframe of 30 days as per the GDPR regulations.*

Towards Healing has implemented a Subject Access Request procedure by which to manage such requests in an efficient and timely manner, within the timelines stipulated in the legislation.

Data Subject Access Requests

As part of the day-to-day operation of the organisation, Towards Healing's staff engage in active and regular exchanges of information with Data Subjects. Where a formal request is submitted in writing and accompanied by proof of ID by a Data

Subject in relation to the data held by Towards Healing such a request gives rise to access rights in favour of the Data Subject.

Towards Healing's staff will ensure that, where necessary, such requests are forwarded to the Data Protection Officer in a timely manner, and they are processed as quickly and efficiently as possible, but within not more than 30 days from receipt of the request. The request must be a valid request and must be in writing in order for Towards Healing to process it within this time frame and the Data Subject must also provide photographic ID to Towards Healing.

Towards Healing has a Subject Access Request Form which is filled out when a request comes in and will be used to fulfil the Access Request from the Data Subject within the allotted time frame.

Implementation

As a Data Controller, Towards Healing ensures that any entity which processes Personal Data on its behalf (a Data Processor) does so in a manner compliant with the Data Protection legislation.

Failure of a Data Processor to manage Towards Healing's data in a compliant manner will be viewed as a breach of contract and will be pursued through the Courts.

Failure of Towards Healing's staff to process Personal Data in compliance with this policy may result in disciplinary proceedings.

Data Subject – Rights and Freedoms

1. Right to be Forgotten

The Data Subject has the right to the erasure of personal data. The Data Subject can request from the Controller the deletion of personal data, without undue delay, on particular grounds.

- If a Data Subject wishes to have personal data deleted from Towards Healing records, they must write to Towards Healing with the request and send in photographic ID. Towards Healing will then respond to their Access Request in a timely manner and within the 30-day time frame as set out by the legislation.
- However, Towards Healing needs to keep some identifiable data for statistical, scientific or historical research purposes. Data in particular in relation to those people who have trained with Towards Healing will need to be kept on record. To record this data if a request has been made by

a Data Subject to delete personal data, Towards Healing will record it in a way so that personal data has been anonymised.

2. Right to Restriction of Processing

In certain circumstances, the Data Subject can request Towards Healing to restrict processing either permanently or temporarily. For example, the accuracy of data may be contested, there may be concerns that the processing may be unlawful or there are queries over the legitimate interests of the Controller overriding the rights and freedoms of the Data Subject.

Towards Healing will process all requests for the restriction of processing of data if a Data Subject sends in a written request.

3. Right to Object to Certain Processing

The Data Subject is entitled to object to the processing of their personal data based on his or her situation, preference or state of mind. Where data is processed, for example, for the purpose of direct marketing, consent may be withdrawn at any time and free of charge. An objection to processing may be overridden in certain circumstances. For example, Irish law may require the Controller to continue keeping fundraising records for financial auditing reasons. However, the organisation has to bear in mind that the burden of complying with such an overriding factor rests with the Towards Healing and not the Data Subject.

The Data Subject can withdraw consent from Towards Healing from processing their data at any time, by unsubscribing directly within any emails, emailing us directly, phoning the Towards Healing office or via post.

4. Right to Data Portability

Where a Data Subject is moving their account from one provider to another (or one organisation to another), the Data Subject should be able to receive a copy of his or her personal data in a structured, commonly used, machine readable format. There are some exceptions to this right.

Towards Healing is able to provide a copy of personal data to a Data Subject upon written request.

5. Right of Access to Information

Where the Data Subject submits a written request, the Controller must provide a copy of any information relating to the Data Subject without undue delay and at the latest, within one month of receipt of the request. Any reference to other individuals in the data must be removed or redacted before the information is handed over. This deadline may be extended to two months in certain situations. There will be no fee for this facility under the GDPR.

Towards Healing will provide access to information to a Data Subject when a written request along with photographic ID is provided to Towards Healing. This will be done within the 30-day timeline set out in the legislation.

6. Right to Complain, Right to Judicial Remedy

Where a Data Subject is not satisfied that the Controller adhered to its obligations under the GDPR, he or she can consider bringing a complaint to the Irish Data Protection Commissioner or seek a judicial remedy in the Irish courts.

Towards Healing also has a feedback and complaints policy.

Gaining Consent from Data Subjects

Towards Healing gains consent from Data Subjects in order to process data requests.

Towards Healing Data Controllers will be required to be able to justify their processing of personal data, with reference to Lawful Processing Conditions, provided in the Regulation. Under Article 6 of the GDPR, the processing of personal data (e.g. name, address, mobile number, e-mail address, etc.) will be considered lawful only if at least one of the following conditions applies:

Data Processing Log

Data that Towards Healing processes on a regular basis and data processed with the assistance of other third-party processors is recorded in a Data Processing Log that is maintained by Towards Healing. This log is available for review if requested by the Office of the Data Protection Commissioner.

Inventory of all personal data that Towards Healing holds

An inventory of all personal data that Towards Healing holds is available for review in an additional document.

Implications for Data Subject not providing consent

If you do not provide your information, Towards Healing will not be able to provide any services.

Towards Healing Privacy Policy

Towards Healing commitment to privacy

Towards Healing knows that you care how information about you is used and shared, and we appreciate you trusting that we will do so carefully and sensibly. To better protect your privacy, we provide this Privacy Policy explaining our practices and the choices you can make about the way your information is collected and used by Towards Healing. The information below explains our policy regarding your privacy, both online and offline. By visiting www.parentsplus.ie or sharing personal information with Towards Healing you are accepting the practices described in this Privacy Statement.

Our www.towardshealing.ie website is maintained by Towards Healing

What personally identifiable information is collected by Towards Healing?

When you visit our website, you may contact certain staff members (listed) with information such as - name, address, email address, telephone numbers that you knowingly choose to disclose, which is collected on an individual basis for various purposes. or simply asking a question. We receive and store any information you enter on our Database or give us in any other way, whether it is online or offline. We ask for personal information so that we can fulfil your request and return your message. This information is retained and used in accordance with existing laws, rules, regulations, and other policies.

Towards Healing does not collect personal information from you unless you provide it to us. If you choose not to provide any of that information, we may not be able to fulfil your request or provide services, but you will still be free to browse the other sections of our website owned and administered by Towards Healing. This means that you can visit our site without telling us who you are or revealing any personally identifiable information about yourself.

The way we use information

When you supply information about yourself for a specific purpose, we use the information for only that purpose (such as to provide the service or information you have requested). We do not share this information with outside parties except to the extent necessary to complete your request for services. In order to provide you service, Towards Healing request you contact the therapist to provide your first appointment.

We use return email addresses to answer the email we receive, to receipt any transactions or if follow-up for that specific function is required. Such addresses are carefully guarded by Towards Healing for their specific purpose and are not shared

with outside parties. An individual's information is stored on a secure cloud system which we use to process data and keep in contact with you.

Towards Healing does not sell, rent, give-away or share its email addresses or other personal contact information with outside sources.

Should any material changes be made to the ways in which we use personally identifiable information, Towards Healing will take commercially reasonable measures to obtain written or email consent from you. We will also post the changes to our use of personally identifiable information on our website at least 30 days prior to a change.

Our commitment to data security

Personally, identifiable information is stored on our database which is a secure cloud system. It is not publicly accessible. Further, personally identifiable information is only accessed by Towards Healing personnel on a "need to know" basis. To prevent unauthorised access, maintain data accuracy, and ensure the correct use of information, we have put in place appropriate physical, electronic, and managerial procedures to safeguard and secure the information we collect online. Towards Healing has data protection policies and procedures in place to ensure data security.

Your Choice and how you can 'Opt-out' of communications

Therapists:

When Towards Healing send out "mass emails", there will be an option for our Processors (therapists) to "Opt in / Opt out". When "Opt out" is selected, Towards Healing will "Do not Contact" on the profile. Information you submit to Towards Healing over the phone will not be used for this purpose unless you 'opt-in' specifically. Opt out will only be accepted following certain criteria (i.e. no active cases within 7 year period)

Clients:

If you have received services from Towards Healing and wish no longer to receive any further services, please use the following options to have your personal identifiable information nominalized.

- You can send an email to: dataprotection@towardshealing.ie
- You can send mail to the following address:
Towards Healing, PO Box 5654, Dundrum, Dublin 14

How to correct/update your information

If you would like to verify the data we have received from you or to make corrections to it, you may contact us directly by requesting your information by letter and including an up to date copy of proof of identification.

Cookies

How does this site use cookies?

By using the site, you agree that we may store and access cookies on your device.

What does this mean?

Cookies are small text files held on your own computer. Cookies will never contain any personally identifiable information. We use cookies in order to deliver the best possible service to you, provide a secure and effective site service for clients.

What are cookies?

Cookies are small text files sent from websites and stored in the user's web browser while user is browsing a website.

When users visit the same website again, the browser sends cookies back to the website allowing the website to recognise the user and remember things like personalised details or preferences. More information about cookies and details of how to manage or disable them can be found on www.aboutcookies.org.

Towards Healing Cookie Policy

Towards Healing respects, the privacy of all visitors to our website. This Cookie Policy outlines our policy concerning the use of cookies on towardshealing.ie.

We may update our Cookie Policy from time to time to reflect any changes in technology or legislation which may affect the way in which cookies are used by us and how you as a user, can manage them.

Which cookies does Towards Healing use?

When you use the towardshealing.ie website the following types of cookies can be set on your device:

Strictly necessary cookies

Some examples of these cookies include Identifying you as being signed in and keeping you logged in throughout your visit. These cookies don't contain any personally identifiable information.

Website Performance cookies

These cookies are used to collect statistical information about visitors of the website and the pages they view. These cookies don't collect information that identifies a visitor. All information these cookies collect is aggregated and used anonymously. We use these cookies to understand what content is popular which helps us to improve our website.

For more information on how to manage cookies, including opt-out of performance cookies please visit: <http://www.aboutcookies.org/Default.aspx?page=1>

External Links on the website

This website contain links to other websites. Please note that when you click on one of these links, you are entering another site. We encourage you to read the privacy statements of these linked websites as their privacy policy may differ from ours. Towards Healing cannot be held responsible for content contained on external websites and these links are provided for information purposes only.

Changes to this privacy statement

Changing business practices and circumstances may require that we make changes to this privacy policy from time to time. Any changes will be reflected on this website. Towards Healing reserves the right to modify its website and/or this Privacy Policy at any time and visitors are deemed to be apprised of and bound by any such modifications. Our goal is to provide all services to visitors in an accessible, efficient and friendly manner while maintaining their privacy. If you have comments or questions regarding privacy, please contact us.

Legal Disclaimer

We may disclose personal information when required by law or in the good-faith belief that such action is necessary in order to conform to the edicts of the law or comply with legal process served on Towards Healing.

For more information

If you have any questions, concerns or comments about your privacy, please send us a description of your concern via email to dataprotection@towardshealing.ie

Appendix 1

Definitions

For the avoidance of doubt, and for consistency in terminology, the following definitions will apply within this Policy.

This includes both automated and manual data.

Data

Automated data means data held on a computer or stored with the intention that it is processed on a computer.

Manual data means data that it is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.

Personal Data

Information which relates to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller. (If in doubt, Towards Healing refers to the definition issued by the Article 29 Working Party and updated from time to time.)

Sensitive Personal Data

A particular category of Personal data, relating to: Racial or Ethnic Origin, Political Opinions, Religious, Ideological or Philosophical beliefs, Trade Union membership, Information relating to mental or physical health, information in relation to one's Sexual Orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.

Data Controller

A person or entity who, either alone or with others, controls the content and use of Personal Data by determining the purposes and means by which that Personal Data is processed.

Data Subject

A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.

Data Processor

A person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract, but who is not an employee of the Data Controller, processing such Data in the course of his/her employment.

Data Protection Officer

A person appointed by Towards Healing to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members and service recipients

Relevant Filing System

Any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.