Ollscoil na hÉireann
National University of Ireland

Data Protection Policy

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1. Introduction

The National University of Ireland is committed to a policy of protecting the rights and privacy of individuals (including students, staff and others) in accordance with relevant Irish data protection legislation and with EU data protection regulations and directives. In order to conduct its stated business, the University needs to process personal data. To comply with the law, NUI undertakes to collect and use personal data fairly and transparently in line with stated business purposes only, to store it safely and securely, not disclose it unlawfully to any third party, and to retain such data for stated periods only.

2. NUI Business purposes for personal data use

NUI uses personal data for the following lawful functions:

- NUI Awards/Scholarships and Grants competitions: NUI processes personal data supplied by current students and/or alumni of the NUI constituent universities and recognised colleges, where these individuals are applying for an advertised Award/Scholarship/Grant.

- NUI Matriculation: NUI processes personal data supplied by prospective students of the constituent universities and recognised colleges, where these individuals are seeking a decision by NUI on their applications for exemptions to Irish and/or 3rd language matriculation requirements. NUI's matriculation role is a statutory function and exemption decisions are transmitted to the Central Applications Office (CAO) for further processing as part of the annual university admissions process.

- NUI Conferrings: NUI receives personal data about graduating students from NUI's constituent universities (and their associated colleges) and from NUI Recognised Colleges. NUI uses this data to produce parchments for conferring ceremonies, in order to award the degrees and other qualifications of the University (statutory function).

- NUI Document Services: NUI provides a fee-paying service to graduates of the University. Upon direct application from graduates and submission of the advertised fee, NUI produces duplicate testimonia and/or English-language versions of original Latin testimonia. NUI also provides an NUI degree/qualification verification service for external agencies.

- NUI Convocation (Graduate) Register: following the conferring of degrees and other qualifications, NUI uses the graduate data to maintain and update the NUI Convocation (Graduate) Register (statutory function).

- NUI electoral constituency of Seanad Éireann: for those graduates who claim their entitlement to vote, personal data is used to produce the Seanad Éireann (NUI constituency) electoral register. NUI administers the electoral ballot, in line with section 37 (University members Act, as amended) of the Irish Constitution.

- HR functions: NUI uses personal data to recruit and employ staff and process payroll and pension-related functions.

- Archival research: NUI can assist persons to undertake archival research in respect of matriculated students of the University, since inception in 1908 (and prior to NUI, the Royal University, established 1880). Applicants' personal data is required for verification purposes, to gain access to the Archives.

- Suppliers and contractors: personal data is processed, to contract and to pay for business services.

- Compliance: personal data may be used to comply with legal monitoring and reporting obligations to funding bodies and government bodies e.g. Irish Revenue.

3. Principles of the Data Protection Act 2018 (in line with GDPR)

The University administers its responsibilities under the legislation in accordance with the eight stated data protection principles outlined in Irish Data Protection legislation (DP Act, 2018) and relevant EU General Data Protection Regulation (GDPR, 2016) as follows:

1. **Obtain and process information fairly.**
   The University will obtain and process personal data fairly and in accordance with the fulfillment of its legitimate functions and stated business purposes.

2. **Keep data only for one or more specified, explicit and lawful purposes.**
   The University will keep data for purposes that are specific, lawful and clearly stated and the data will only be processed in a manner compatible with these purposes.

3. **Use and disclose data only in ways compatible with these purposes.**
   The University will only disclose personal data that is necessary or compatible with the purpose/s for which it is collected, and to individuals who have specified, legitimate roles in relation to these purposes.

4. **Keep data safe and secure.**
   The University will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction. The University is aware that high standards of security, including IT security, are essential for all personal data.

5. **Keep data accurate, complete and up-to-date.**
   The University will have procedures that are adequate to ensure high levels of data accuracy and will put in place appropriate procedures to assist staff in keeping data up-to-date. In line with Irish Data Protection legislation and EU Regulations, the University requires that where it is a data processor, the named data controller(s) take steps to ensure the quality and accuracy of data transmitted to the University.

6. **Ensure that data is adequate, relevant and not excessive.**
   Personal data held by the University will be adequate, relevant and not excessive in relation to the purpose/s for which it is kept.

7. **Retain data for no longer than is necessary for the purpose or purposes for which it is kept.**
   The University will specify retention periods for all personal data that it receives, collates and processes.

8. **Give a copy of his/her personal data to that individual, on request**
   The University will have procedures in place to ensure that data subjects can exercise their rights and obtain copy(ies) of personal data held by NUI. Any restrictions to data subjects' rights to access, change or erase personal data will be clearly communicated.

4. NUI Data Protection relationships with member institutions and other organisations

In line with the definitions in Irish Data Protection legislation (DP Act 2018) and the GDPR, the University is Data Controller for some of its lawful functions, Data Processor for a small number of specific functions and is Joint Data Controller for other lawful functions. NUI is Joint Data Controller with its constituent universities (and their linked colleges) and NUI Recognised Colleges for specified business purposes involving individuals' personal data. This relates in particular to:

i) the electronic transfer of personal data about graduating students from member institutions to NUI, for the purpose of producing parchments and certificates for the award of degrees and other qualifications of the National University of Ireland, and;
ii) the physical transfer of printed degree parchments and certificates to member institutions for the purposes of Conferring ceremonies. This includes said transfer to RCSI institutions located in third

countries outside of the EEA and NUI ensures that appropriate safeguards are in place to cover data subject rights relating to their personal data, during these transfers.

Further information relating to NUI's position as a Data Controller or Joint Data Controller or Processor is set out in the relevant regulations or procedures governing or guiding each business purpose or NUI activity. Data Protection relationships are set out in writing in formal Data Protection Agreements between NUI and its constituent universities (and their linked colleges, where there is direct business relationship between NUI and these linked colleges, involving personal data) and NUI Recognised Colleges.

Separately, the Data Protection responsibilities between NUI and CAO are also set out in a NUI-CAO Data Protection Agreement, to ensure that data subject rights are fully protected during business functions related to NUI matriculation and university admissions.

These Data Protection Agreements are subject to review. Data Subjects can request access to view these agreements at any time by contacting NUI via email, at: data-protection@nui.ie or by telephone at the central NUI telephone number, asking to speak with the Data Protection Officer or the Registrar.

5. Roles and Responsibilities: NUI and its staff

The University has overall responsibility for ensuring NUI compliance with relevant Data Protection legislation. However, all staff member of the university who are involved in the collection, storage or processing of personal data has individual responsibilities under Irish Data Protection legislation and the GDPR

The University will provide support, assistance, advice and training to its staff to ensure it is in an overall position to comply with the legislation. NUI Staff should refer to this Data Protection policy and to Data Protection Staff Guidelines for information and assistance and escalating issues to their line manager and/or the Data Protection Officer when required.

Any staff member involved in the processing/storing of personal data should familiarize themselves with the principles of the Data protection Act 2018 (section 3 of this policy) and make sure:

a. to obtain and process personal data fairly and transparently.
b. to keep such data only for explicit and lawful purposes.
c. to disclose such data only in ways compatible with these purposes and to specified individuals with legitimate roles relating to the purposes.
d. to keep such data safe and secure.
e. to take all reasonable steps to keep such data accurate, complete and up-to-date.
f. that such data are adequate, relevant and not excessive.
g. to retain such data for no longer than is necessary and stated for the explicit purpose.
h. to identify circumstances where a Data Protection Impact Assessment (DPIA) may be required and raise this with their line manager and/or the Data Protection Officer See section 8 of this policy.
i. to give, no later than one month of receipt of request, a copy of the data to the individual to whom they relate; such a request is known as a Personal Data Access Request.

6. Personal data: Subject Rights

The amended Irish Data Protection legislation (DP Act 2018) and the GDPR confers additional rights on data subjects i.e. individuals about whom the University collects, processes and stores personal data.

These rights are as follows:

a. to have their personal data obtained and processed fairly in line with the NUI stated business purpose, kept securely and not unlawfully disclosed to others.
b. to be informed of NUI's identity as a data controller or a data processor, in relation to purposes for which their information is held.
c. to be informed of the reasons why their personal data is being collected; what it is being used for, who will have access to it, how it is being stored and for how long it will be retained by NUI.
d. to request and obtain a copy of their personal data.

e. to have their personal data corrected if inaccurate, or erased, subject to any restrictions on these rights to erasure of personal data, arising from NUI's legal responsibilities (see section below).
f. to prevent their personal data from being used for certain purposes: for example, an individual may want to have the data blocked for research purposes where they are held for other purposes.
g. in line with employment rights, not to be forced to disclose information to a prospective employer. No one can force another person to make an access request, or reveal the results of an access request, as a condition of recruitment, employment or provision of a service. Where vetting for employment purposes is necessary, this can be facilitated where the individual gives consent to the data controller to release personal data to a third party.
h. It should be noted that under the Freedom of Information Act (2014) records containing personal information may be released to a third party, where NUI is legally required to do so.

7. Restriction of personal data subject rights: NUI Graduate Register

NUI has statutory responsibility to maintain a register, in perpetuity, of all graduates from NUI constituent universities, their linked colleges and NUI recognised colleges. The requirement for the register is down in chapter 86 of the NUI statutes. This register also forms the basis of the NUI constituency register for Seanad Éireann, although the latter is an "opt-in" register where graduates claim their right to vote.

Article 17(3)(b) of the GDPR provides grounds for exemptions to data subject's right of erasure (article 17(1)) of their personal data. NUI meets the grounds for exemption as NUI is subject to a legal obligation to maintain the Register, and also does so in the public interest. **It should therefore be noted that the right of erasure will not apply to the graduate register.** This means that in circumstances where a data subject requests the deletion of his/her personal data from the NUI Graduate register, NUI has legal grounds not to comply with this request. NUI staff should follow the steps set out in the Data Protection staff guidelines.

8. Procedures and Guidelines

This policy supports the provision of a structure to assist in the University's compliance with Data Protection legislation. NUI's Data Protection Officer is responsible for providing a separate set of staff guidelines and procedures, for NUI staff reference.

NUI's business activities do not fall under any of the categories mandated by the Irish Data Protection Commissioner as requiring Data Protection Impact Assessments (DPIAs) to be carried out before any technological or procedural change is carried out. However, NUI policy is to observe best practice by undertaking a Data Protection Impact Assessment (DPIA) before embarking on any project that includes new technology or administrative processes that may impact on the collation, processing, transmission or storage of personal data and/or where the data protection rights of data subjects may be impacted. A DPIA procedure is set out in the Data Protection Staff Guidelines and a DPIA template is available for staff to use when carrying out a DPIA.

9. Review

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

Contact Person University Registrar.
Compliance Person: Data Protection Officer.

10. Appendix 1 Definitions

NUI refers to the following definitions, as outlined in the Irish Data Protection Act (2018) and EU General Data Protection Regulations ((20178) (GDPR).

Personal data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller;

Sensitive personal data means personal data as to -

(a) The racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject.
(b) whether the data subject is a member of a trade-union.
(c) the physical or mental health or condition or sexual life of the data subject.
(d) the commission or alleged commission of any offence by the data subject, or
(e) any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings.

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.

Controller means the individual or organisation who either alone, or jointly with others, determines the purpose and the means of processing of personal data

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Joint Controller means that two or more controllers jointly determine the purposes and means of the data processing**.**

11. Document Management

Approved by:	*Registrar*	*Document Owner: Registrar*
Approval Date:	*19/08/2013*	*Updated and approved on 25/5/2018* *Updated and approved on 12/09/2018* *Updated and approved on 10/02/2019* *Updated on 19/08/2019.*
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