

## 1. PURPOSE

The purpose of this policy is to set out Irish Lights obligations in relation to data protection legislation and to demonstrate compliance with it. This policy outlines how Irish Lights fulfils the requirement for the fair and lawful processing of all the personal data it receives and the records that it creates and retains for operational, research and historical purposes.

Irish Lights is required by law to comply with the General Data Protection Regulation (GDPR) 2018. It reforms and supersedes the Data Protection Acts, 1988 and 2003 and the UK Data Protection Act 1998 and has been set up to strengthen and unify data protection for all individuals within the European Union (EU). The regulation lays out a framework designed to balance an individual's right to information privacy against the legitimate needs of others to collect and use data proportionately and avoid causing unwarranted harm.

Irish Lights collects and processes personal data relating to its employees, customers and stakeholders to allow it to conduct its business operations. To comply with data protection law Irish Lights must ensure that all personal information is collected and used fairly, stored safely, and not disclosed to persons unlawfully.

## 2. SCOPE

All employees (temporary or permanent) must adhere to this policy. It applies to all personal records of **living people** regardless of format or medium including, but not exclusively, paper, electronic, audio, visual, CCTV and photographic. It should be read alongside all other appropriate Irish Lights policies and procedures, listed later in this document.

## 3. DEFINITIONS

**3.1 Personal Data:** is any information relating to an identified or identifiable person (data subject). An identifiable person is one who can be identified, directly or indirectly, in particular, by reference to identifiers such as name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person (e.g. address, phone number, PRSI number, bank details etc.)

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**3.2 Special Categories of personal data (Sensitive data):** is a sub category of the above, requiring higher levels of protection and relates to racial, ethnic origin, mental or physical health, sexual orientation, trade union membership, religious or philosophical beliefs, criminal convictions or proceedings.

#### 4. RESPONSIBILITIES

**4.1 DATA CONTROLLER:** Irish Lights, as the Data Controller will comply with Article 5 of the GDPR which requires that the management of personal data shall be:

- **Lawful, fair, transparent:** Personal data will be collected and used openly, fairly and lawfully, without causing unjustified harm or intrusion into someone's private life.
- **Specific, explicit, for a legitimate purpose:** Irish Lights will clearly identify the specific purposes for collecting all personal data and will outline how Irish Lights intend to process it (e.g. how and why it is used).
- **Data minimisation:** Data will be adequate, relevant and limited to what is necessary, ensuring that Irish Lights holds only enough information to do the job, but not anything that isn't needed.
- **Accurate and up to date:** Irish Lights will take reasonable steps to ensure that facts are correct.
- **Kept no longer than necessary:** The **Irish Lights Retention and Disposal Policy** outlines the retention schedule. Irish Lights will destroy any personal data that is no longer needed. Retained information is reviewed regularly to ensure that details are up to date, relevant and not excessive.
- **Processed Securely:** See 8 below.
- Irish Lights will ensure **Accountability and liability** in the management of personal data.

**4.2 DATA PROTECTION OFFICER (DPO)** has overall responsibility for:

- ensuring compliance with data protection legislation
- keeping the Chief Executive and Directors updated on data protection issues
- making provisions for the regular review of this policy and those associated with it
- investigating any modifications when necessary.

**4.3 CHIEF EXECUTIVE OFFICER & DIRECTORS** are responsible for:

- facilitating the implementation of the requirements of the GDPR
- ensuring that the lawful and correct treatment of personal information is imbedded within all business operations;
- maintaining confidence in Irish Lights relationship with all its stakeholders;

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**4.4 SENIOR MANAGERS** are responsible for the regular review, completion and maintenance of data logs within their areas.

**4.5 LINE MANAGERS** must ensure that all staff in their area fulfil their data protection responsibilities and undertake mandatory data protection training.

**4.6 ALL EMPLOYEES** must comply with this policy. Employees will sometimes have access to personal information relating to colleagues, customers and third parties. Breaches of this policy and therefore data protection law may lead to disciplinary action, in line with Irish Lights disciplinary procedures. Employees must:

- familiarise themselves with this policy and adhere to the data protection principles, ensuring that procedures for the collection and use of personal data are adhered to.
- not remove or destroy personal information except for lawful reasons and in accordance with Irish Lights **Retention and Disposal Policy**.
- co-operate with the DPO when carrying out their duties. If an employee is in any doubt regarding their obligations they should contact the DPO.

## **5 LEGAL BASES FOR COLLECTING DATA**

In exercising its lawful authority Irish Lights carries out tasks in the public interest related to the safety of the mariner at sea; the safety of Irish Lights Staff; and the safety of the environment in which we, and those who come after us, must live and work.

Under the GDPR (Article 6) there are six lawful bases for the processing and retention of personal data will apply as follows:

### **A. Public task (Public Interest / Official Authority)**

In order to perform a public task, Irish Lights complies with the following legislation:

- **Merchant Shipping Acts and associated Statutory instruments and**
- **Marine Labour Convention**

### **B. Contract**

Processing of personal data is necessary in respect of the performance of a Contract of Employment to which our employees are party; or processing of personal data is necessary to take steps at the request of the Data Subject prior to entering into a contract.

### **C. Consent (where appropriate)**

The processing of personal data is undertaken only where the unambiguous, evidenced and clearly affirmed consent is held by Irish Lights. The use of this will be limited within Irish

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Lights, such as sending information about Irish Lights to customers who have consented for marketing or PR purposes.

**D. Legal obligation:**

The processing is necessary for compliance with a legal obligation to which the Controller is subject (e.g. returns to revenue, compliance with Marine Labour Convention).

**E. vital interests:**

The processing is necessary to protect the vital interests of the Data Subject (e.g. in the event of an emergency).

**F. Legitimate interests:**

(Normally refers to any commercial activities rather than processing for a Public Task (see A. above). The processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

Irish Lights will also meet one of listed **additional conditions** where it is classified as

**5.1 Special Categories of Personal Data (Sensitive Data)**

Irish Lights will only process sensitive personal data if it meets one of the below **additional conditions** as specified in Article 9 of the GDPR (see also 3 & 11). These additional conditions are:

1. The Data Subject has given explicit consent to the processing of personal data for one or more specified purposes; or
2. Processing is necessary to carry out the obligations of the Controller or of the Data Subject in the field of employment and social security and social protection; or
3. Processing is necessary to protect the vital interests of the Data Subject or of another person where the Data Subject is physically or legally incapable of giving consent; or
4. Processing is carried out during its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim, about its ethos and purposes; or

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5. Processing relates to personal data which is manifestly made public by the Data Subject; or
6. Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity; or
7. Processing is necessary for reasons of substantial public interest; or
8. Processing is necessary for preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services pursuant to contract with a health professional;
9. Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices; or
10. Processing is necessary for archiving in the public interest, or scientific and historical research purposes or statistical purposes in accordance with the Regulation.

## 5.2 ARCHIVING

Irish Lights has a strong 'family based' culture where the sharing of stories and history are long embedded behaviours. Irish Lights forms an important part of our islands' history and as custodians it has collected and maintained records and artefacts which has, and will continue to inform technical, sociological, genealogical and general historical researches

Personal data may be stored for **archiving purposes in the public interest or for historical research purposes**. In these circumstances, Irish Lights will take all necessary measures to safeguard the rights and freedoms of individuals. Any data transferred to the National Archives will be retained and disposed of in accordance with the National Archives Act, 1986.

## 6. RIGHTS OF DATA SUBJECTS

The GDPR gives individuals greater control over their personal information by setting out additional and more clearly defined privacy rights, as follows:

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- **Right to be informed:** to receive certain information on the collection of personal data in the form of a *Privacy Notice* (see 7 below)
- **Right to access** personal information an organisation holds on an individual
- **Right to rectify** inaccurate personal data
- **Right to erasure** of personal data if given by consent and/or it is inaccurate or unnecessary
- **Right to restrict processing of** personal data if given by consent and/or it is inaccurate or unnecessary
- **Right to data portability:** to have data sent to the individual or another organisation
- **Right to object;** to any uses or disclosures of personal data that are not (i) required by law, (ii) necessary for the fulfilment of a contractual obligation, (iii) required due to vital interests, (iv) required to perform a public task or (v) the data is being processed based on consent (where applicable). Irish Lights will seek a reasonable accommodation where an objection is received. An individual may withdraw consent at any time in relation to processing of personal information if it is based on consent.
- **Right to object:** to direct marketing & profiling or automated decision making

Data protection rights will help to ensure that the information stored about data subjects is:

- factually correct;
- only available to those who should have it;
- only used for stated purposes.

## 7. PROCEDURE

### 7.1 Collection of Information

Irish Lights collects and processes personal data relating to its employees, customers and stakeholders to allow it to conduct its business operations. Personal information is obtained directly from the data subject but in certain circumstances, it will be necessary to obtain information from third parties e.g. references from previous employers; Irish Revenue.

A **Privacy Notice** will be provided when collecting personal data which will detail the type of data required, the purpose for the processing, the legal basis for collecting the data, to whom the data will be disclosed, the period the data will be stored (as per the Irish Lights Retention and Disposal Policy) and confirmation of the data subject's rights. The Privacy Notice will ensure that the recipient understands the nature of the request and how the data will be used and stored.

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Employees are responsible for ensuring they inform HR of any changes in their personal details e.g. change of address, change of next of kin, etc. Irish Lights will endeavour to keep personal data up to date and accurate.

## **7.2 Storage of Information**

Automated Data is held in electronic form and Manual Data is held in paper form and is stored in a relevant filing system. Personal data should be stored in a secure filing system either in hard copy or electronically. Irish Lights will ensure that only authorised personnel have access to identified locations or systems storing personal data. Irish Lights will continue to ensure appropriate security measures are in place to protect against unauthorised access.

The **Irish Lights Retention and Disposal Policy** outlines retention periods.

## **8 SECURITY OF INFORMATION**

### **8.1 Security measures**

Irish Lights shall take all reasonable steps to ensure that appropriate security measures are in place to protect the confidentiality of both electronic and manual data. Security measures will be reviewed from time to time having regard to the technology available, the cost and the risk of unauthorised access. Employees must implement all Irish Lights security policies and procedures. Access reports for systems holding personal data are subject to systematic review and sign off to ensure appropriate access/security levels are maintained.

### **8.2 Tidy Desk Policy**

Employees must be vigilant with the security of systems and files under their remit. At any time when leaving a desk, the screen should be locked on computers and documents containing personal and sensitive data should be placed in a drawer. At the end of a working day computers should be shut down and all relevant filing cabinets and drawers should be locked. Should any breach of this policy come to the attention of an employee they should contact the DPO immediately.

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### 8.3 Offsite information or systems

Employees who take laptops and/or files home should be cautious not to leave personal information on any public transport or in a vehicle overnight. Please also refer to the following **Irish Lights policies**:

- **Acceptable Use Policy**
- **Removable Media & Consumer Cloud Storage Policy**
- **System Access Policy & Procedure**

**8.4 Email** - Personal data should not be stored on email. If an employee holds and/or receives an email containing personal data, they must action it (if applicable), delete it and send to one of the following (see below – if in doubt, send to HR or The DPO):

HR Data: send to Human Resources  
Payroll/Finance Data: send to Payroll  
Health & Safety Data: send to Safety & Quality Co-ordinator  
ONS – Navigation Reviews: send to NPSO  
ONS – Ship related data: send to Granuaile Master

## 9 DATA SECURITY BREACH

If there has been a specific breach in data security, employees should immediately contact the DPO, who will instigate an investigation. The Director of TDS should also be informed immediately if the breach involves electronic records. The source of the data breach will be identified and the situation rectified as soon as possible. In the event of a general data security breach the DPO will contact all persons impacted by the breach. The DPO will confirm actions taken to the employee as soon as the breach has been resolved. The DPO will put in place measures to mitigate against the risk of breach in the future.

### 9.1 NOTIFYING THE DATA PROTECTION COMMISSIONER

A breach that is likely to infringe the rights/security of individuals (e. g. *if it could result in damage to reputation, financial loss, discrimination, identity theft or fraud, financial loss, and other economic or social disadvantages*) must be reported the Data Protection Commissioner **within 72 hours** of Irish Lights becoming aware of it.

## 10 DISCLOSURE OF INFORMATION

Personal information will only be processed in accordance the six legal bases (see above in 5) and will not be disclosed to third parties except where required or authorised by law. Employees must treat all personal information they receive confidentially and must not disclose it, except in accordance with the GDPR. If in doubt, an employee must contact the DPO.

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## 11 SPECIAL CATEGORIES OF PERSONAL DATA

### 11.1 Sensitive Personal Data - Medical Details

Irish Lights carries out pre-employment medicals as part of the recruitment process. In addition, it is sometimes necessary to carry out a medical to assess an employee's ongoing fitness for work and for the protection of employees wellbeing. This is also a standard requirement for seafarers. The Occupational Health Physician (OHP) retains this information. Occasionally it may be necessary to refer employees to the OHP for a medical opinion in line with our Absence Management Policy. The OHP retains any ensuing medical report. Where the OH provider changes, the medical files will be transferred to the new provider with due regard to their sensitivity and confidentiality. The OHP may forward a 'report' to the HR Manager/HR Advisor. In such circumstances the report will be stored in a secure manner with the utmost regard for confidentiality.

Employees are entitled to request access to their medical reports by contacting HR or the DPO, who will consult with the OHP and request the information. The final decision lies with the OHP on whether the information should be disclosed. Employees are required to submit sick certificates in accordance with the Sick Leave Policy. HR will retain these in accordance with the Retention & Disposal Policy, having the utmost regard for confidentiality.

### 11.2 Sensitive Personal Data - Injury Details

If an employee has an accident during work, they are required by contract to complete an Accident Report Form. These forms are held securely by the Safety and Quality Co-Ordinator and are shared with the Legal and Insurance Manager, Insurers and Health and Safety Authority in certain circumstances.

### 11.3 Sensitive Personal Data – Trade Union Membership

Where consent has been given to a trade union to deduct subscriptions via the Irish Lights Payroll System, a copy of the consent will be shared by the trade union with Irish Lights Payroll personnel for the payment of subscriptions only.

### 11.4 Biometric Data – based on Consent only

This is data that allows a person to be identified and authenticated based on a set of recognizable and verifiable data which are unique and specific to them. Where Irish Lights use biometric data, explicit consent will be sought from employees.

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## 12 EMAIL MONITORING

Irish Lights provides email and internet access for most employees. Software is in place to protect against threats and dangers associated with email and Internet use. Personal mailboxes may only be checked under supervisory control:

- Upon specific authorisation by a manager in cases where a complaint indicates that a particular mailbox may contain material which is dangerous or offensive;
- Where there is a legitimate work reason (e.g. long term absence and requirement for operational use) or in the legitimate interest of the organisation.

Please see the **Acceptable Use Policy** for further details.

## 13. ACCESS REQUESTS

Data Subjects are entitled to request data held about themselves. There are exceptions to this. Please refer to Data Protection Commissioner website for more information

[https://www.dataprotection.ie/docs/Exceptions\\_to\\_the\\_Right\\_of\\_Access/78.htm](https://www.dataprotection.ie/docs/Exceptions_to_the_Right_of_Access/78.htm)

Irish Lights will provide this data within one month\*. There is no charge for requesting this. Data subjects must make a request directly to the DPO **in writing**. [DPO@irishlights.ie](mailto:DPO@irishlights.ie)

\*If the request is complex or if there is a large number of requests at one time, the response period may be extended by a further two months.

Data Subjects will not be provided with information relating to others, third parties or legally privileged information. Information that is classified as the opinion of another person will be provided unless it was given on the understanding that it will be treated confidentially. Please note that employees who express opinions about other employees during their employment should bear in mind that their opinion may be disclosed in an access request.

A data subject who is dissatisfied with the outcome of an access request has the right to make a complaint to the DPO. This should be done in writing within one month of receiving the information.

## 14. TRANSMISSION OF DATA OUTSIDE THE STATE

It may be necessary for Irish Lights to transfer a data subject's personal information to other services or bodies in countries outside the European Economic Area, which do not have comparable data protection laws to Ireland. When this is necessary steps will be taken to ensure that the information has the same level of protection as it does inside the State. Irish Lights will only transmit to services or bodies which agree to guarantee this level of protection. Please note that Irish Lights Pension Administrator, MyCSP is based in the UK.

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It is expected that when the UK leaves the European Union, it will continue to adhere to the same data management standards as set out in the GDPR. For more information, please contact the DPO.

**15. BREACH OF POLICY:** Any breach of the data protection principles is a serious matter and may lead to disciplinary action up to and including dismissal.

**16. DATA PROTECTION IMPACT ASSESSMENTS (DPIA):** Under the GDPR, DPIAs are mandatory for any new project which involves the processing of personal data. DPIAs are used to identify and mitigate against any data protection related risks arising from a new project. At the initiation of any new project the Business Operations Committee will review the Project Request Template against the requirements of a DPIA. A review can also take place during the project, if it becomes apparent that personal data/processes relating to personal data will be altered/introduced as part of the project.

**17. MONITORING THE POLICY:** This policy will be reviewed from time to time by the DPO taking into account changes in the law and the experience of the policy in practice.

**18. LEGISLATION:** General Data Protection Regulations 2018, which supersedes the Data Protection Acts, 1988 and 2003 and UK Data Protection Act 1998.

**19. ADVICE:** The Data Protection Officer is available to answer queries or deal with any concerns about data protection. The DPO can be contacted at [DPO@irishlights.ie](mailto:DPO@irishlights.ie)

**20. REFERENCES:**

- **Retention and Disposal Policy**
- **Acceptable Use Policy**
- **Removable Media & Consumer Cloud Storage Policy**
- **System Access Policy & Procedure**

**21. VERSION SUMMARY**

**REV. NO. DESCRIPTION OF CHANGE**

00	Original Policy – first issue
01	New Layout and Logo 2016
02	Additions in line with the General Data Protection Regulations 2018

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**22. ACCESS RESTRICTIONS:** Accessible to all employees

**23. APPROVALS**

**Approvals**

Document

Author:



HR Advisor

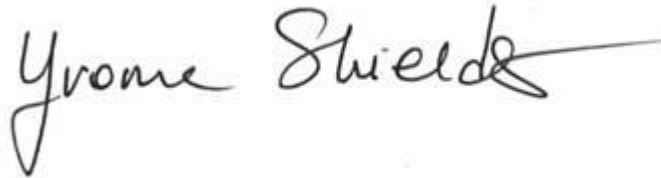
Document

Owner:



Data Protection  
Officer

Approved By:



Chief Executive

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