

Privacy Statement

The following statement is issued as partial fulfilment of obligations placed upon Independent Colleges under the General Data Protection Regulation 2018 (GDPR). From 25th May 2018 organisations within the EU, or processing data of EU data subjects, are governed by the new European Data Protection Regulation, known as the GDPR. Independent Colleges has and will continue to maintain security of personal data and protect the privacy of data subjects in accordance with legislation. The GDPR specifies rules relating to how organisations collect, use, disclose and transfer information about data subjects.

GDPR also outlines the principles organisations must apply in processing personal data, and the rights of individuals in relation to their personal data and how organisations use it.

The aim of this notice is to inform all Independent Colleges data subjects, and potential data subjects, of how it processes personal data and the legal basis it relies upon for doing so. The Statement will outline how Independent Colleges complies with the principles. It will explain: (i) definitions of key terms from the GDPR ;(ii) the principles of GDPR; (iii) who Independent Colleges is in the context of GDPR; (iv) who to contact in Independent Colleges about your personal data; (v) what personal data Independent Colleges collects and how it is used; (vi) when and with whom Independent Colleges shares personal data; (vii) the arrangements for transfer of data to other countries outside of the EEA; (viii) how Independent Colleges keeps your data safe; (ix) how Independent Colleges stores personal data and how it's destroyed; (x) your rights in relation to your personal data; (xi) the process for changes to this Privacy Statement

Definitions

Data protection legislation includes a number of terms that you may need to understand. The following definitions are intended to assist you.

Personal Data: any information relating to an identified or identifiable natural person ('Data Subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity. This includes both manual and electronic data. Examples of "identifiers" include name, address, date of birth, photographs, fingerprints etc. but also include student number, PPS number and other specific details that might assist in identifying an individual.

Data subject: a natural person whose personal data is processed by a controller or processor. Independent Colleges data subjects include staff, students, enquirers / leads, applicants (to programmes or to the College as a potential employee), graduates, former employees and other such parties the College may engage with from time to time in the completion of business activities. Staff refers to all employees, full and part time, permanent and temporary, and for ease will also include reference to consultants, external examiners and those third parties to whom Independent Colleges makes payment for the provision of goods, services and expertise.

Data Controller: the person or organisation that determines when, why and how to process Personal Data. Independent Colleges, as the legal entity, is the data controller. In some instances, the College may act as joint controller. This is where two or more legal entities determine how they each process personal data relating to data subjects whose personal data they share with one another. Examples of this in relation to Independent Colleges include CAO, QQI and the Immigration and Naturalisation Service.

Data Processor: ‘processor’ means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller. There may be instances where Independent Colleges acts as a data processor on behalf of a data controller or where Independent Colleges appoints a data processor to act on its behalf for example, the use of an accountant for payroll administration.

Principles of GDPR

The GDPR sets out principles for processing of personal data. Every organisation must comply with these. The principles are as follows: Personal data must:

- be processed fairly and lawfully
- be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
- be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- be accurate and where necessary kept up to date.
- not be kept for longer than is necessary for that purpose or those purposes.
- be processed in accordance with the rights of data subjects under this Act. Be kept secure with appropriate technical and organisational measures to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

In summary, the Data Protection principles mean that Independent Colleges must collect, use, store, and share your data in accordance with the legal basis for doing so. It must only collect and process the required minimum data for the purpose it is required and only process it for that purpose. Independent Colleges must keep your data secure and store it only for as long as it is legally required, at which point it must then destroy the data in a secure manner. Independent Colleges must not transfer data to other countries without assuring itself of the measures in place to maintain the security of the data.

Independent Colleges is a data controller under the GDPR and, as such is responsible for deciding how it processes personal data of data subjects and in doing so complies with the GDPR. Under GDPR, Independent Colleges is obliged to notify data subjects of the information contained within the Statement. The Privacy Statement will be published on the College website, included in programme handbooks and in the employee handbook.

All personal data enquiries, or requests to exercise your rights as a data subject, can be directed to Andrew Deegan, Registrar, Independent Colleges, The Steelworks, Foley Street, Dublin 1, or by email to Andrew.deegan@independentcolleges.ie. If you are dissatisfied with the information provided or believe your request to exercise your rights has not been addressed, you can make a complaint to the supervisory authority. As Independent Colleges operates primarily in Ireland, the supervisory authority is the Data Protection Commissioner who can be contacted through the following means: By post: Office of the Data Protection Commissioner, 21 Fitzwilliam Square South, Dublin 2, D02 RD28, Ireland. By phone +353 (0761) 104800, or By email: info@dataprotection.ie

The type and extent of personal data Independent Colleges College Dublin collects varies depending on Independent Colleges relationship and interaction with the data subject.

As a User of the Independent Colleges Website Data subjects that interact with the Independent Colleges website – www.independentcolleges.ie will have data collected from them. Data relating to browsing activity, collected through the use of cookies, pixel tags and similar technologies, can include:

- IP (internet protocol) address; referring site URL (website address) where the data subject's session started, and details about the data subject's device, including type (e.g. mobile or tablet), brand, model, operating system name and version, browser name, version, language and protocol, and other unique numbers assigned to a device (e.g. IDFA on iPhone, Google adID on Android);
- details about the pages visited and activities on those pages (e.g. products viewed or purchased, including details of purchases made and the time and duration of visits to pages), page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page;
- using a data subject's IP address, the approximate geolocation (e.g. eircode); and
- events relating to ads served on the data subject, such as the number of ads displayed to the data subject and whether the data subject clicked on an ad;

Independent Colleges will collect personal data for the purpose of informing data subjects of information and events that may be of interest to them where explicit consent to do so has been provided or in the legitimate interests of the business where it is a reasonable expectation that the marketing information will be provided, there is no suitable alternative means of provided it and where the interests of the College and the third party have been weighed. If a data subject would prefer not to receive marketing communications, they may opt out from all or specific types through following the directions contained within the marketing information or contacting the data protection contact detailed in this Statement.

When a potential student, an employer or a parent/family member enquires about a programme at Independent Colleges, or an individual enquires about potential employment in Independent Colleges we will need to collect and use personal data from you to respond to your enquiry. This is limited to name, address, and contact telephone number, postal and or email address, education and or employment history. This information allows us to provide you with the most relevant information in response to your request. This information is collected on the legal basis that it is within our legitimate interests as a higher education provider and an employer to use this personal data to allow enquirers to receive a response to requests for information.

In order to apply for a programme of study or an employment vacancy in Independent Colleges, the College will collect personal data to assist in responding to your application, to allow the College to check you meet the criteria for admission to the programme or for the vacancy advertised. This is limited to name, address, date of birth, contact telephone number, postal and or email address, education and or employment history nationality, first language, and whether or not the applicant is a national of the European Union. Applicants for programmes of study are also requested to provide details of next of kin. Where this is provided, Independent Colleges accepts that the applicant has secured the consent of the next of kin to provide those details to the College for the use in an emergency. Applicants are also encouraged to disclose any information about their health that we may need to be aware of in order to make reasonable accommodations. Again, this information is processed based upon contractual necessity. It is disclosed at the discretion of the applicant but may

impact on our ability to fulfil the contract and thus render it void if not disclosed at this stage. In some instances, information may be collected through a third party e.g. recruitment agents, CAO. In such cases Independent Colleges understands that the applicant has authorised the third party to share the information with Independent Colleges and to consider the application in the same way as a direct application.

To enrol or register on a programme of study in Independent Colleges we will use the information obtained as part of the application process but will also require gender, term time address (if not already provided), copies of certificates, PPS number, CAO number (if applicable), visa / GNIB card details (if applicable), credit card or payment details, copies of identity documentation, and a photograph of you. This information is collected on the legal basis of contractual necessity, meaning it allows us to take the required steps that would allow us to enter into a contract as requested by the data subject. It is also collected for the purpose of fulfilling our legal obligations in respect of visa holding students under immigration legislation and in respect of arrangements for the Protection of Enrolled Learners. Photographs are collected, and a student number is issued, to facilitate the provision of a student card in the legitimate interest of the College needing to assure itself of the identity of individuals on College premises for health, safety and welfare purposes and to validate student identity for access to services and completion of examinations and assessments.

As a registered student Independent Colleges will collect your personal data to enable us to advise you of services and supports available to you and to communicate with you about any changes in relation to agreements with you e.g. timetable changes. Independent Colleges will collect personal data for quality assurance monitoring and reporting in respect of student satisfaction, progression, completion and achievement. This data processing is undertaken on the legal basis of contractual necessity and also in Independent Colleges legitimate interests as a provider of higher education programmes required to undertake monitoring of the programmes and learner experience. Independent Colleges will collect the personal data relating to the attendance of individual students in classes and examinations. This data collection is undertaken on the basis of contractual necessity (for examinations and assessments), due to legal obligations (for visa holding students), and on the basis of legitimate interest to facilitate operation of programmes and the College. Independent Colleges collects the images, through the College CCTV system, of all individuals who access Independent Colleges premises. This is in the legitimate interest of College security and the health, safety and welfare of staff, students and visitors. Furthermore, it is used as a means of ensuring the security, reliability and integrity of examinations and exam processes.

Staff and students required to use the TURNITIN plagiarism detection software will have their personal data processed in order to enable the College and the TURNITIN plagiarism detection software to satisfy itself of the academic integrity of student work. Data is processed in TURNITIN plagiarism detection software regarding four different categories of users: customers, administrators, teachers and students. At the request of universities/schools, TURNITIN process the following personal data in the plagiarism detection software service:

- Email address
- Linguistic style
- IP address
- Name
- Document (which may contain personal data in the text of the document)
- Email messages (which may contain personal data in the body of the message)
- Submission comments (which may contain personal data in the text)

The lawful basis upon which Independent Colleges relies for the processing and sharing of this personal data is legitimate interest. It is the legitimate interest of the College, its graduates and its accrediting authorities that Independent Colleges can stand over the academic integrity of works submitted and grading in partial fulfilment of the requirements for an academic award. In order to fulfil this legitimate interest, the use of plagiarism detection software is essential. TURNITIN is a data processor on behalf of Independent Colleges College Dublin as the data controller. The TURNITIN data processing policy is available at https://help.turnitin.com/Privacy_and_Security/Privacy_and_Security.htm?_ga=2.251262913.699973240.1571238173-1117154880.1571238173.

As a graduate of Independent Colleges we may collect additional data from you relating to your further study and or employment following graduation. Independent Colleges will use data collected as part of the enrolment process to facilitate contact with graduates. This is undertaken on the basis of legitimate interests of the College as a higher education provider required to monitor the suitability of programmes for employment, the employability of graduates, opportunities for further study within Independent Colleges. Graduates can opt out from engaging in graduate surveys and receiving information from the College through following the instructions provided in the information or advising in writing to the named contact within this Statement.

As an employee of Independent Colleges, the College will use the personal data provided through the application process and will also request your PPS Number, bank account details, and next of kin information for use in an emergency. These are collected on the basis of contractual necessity. Where next of kin information is provided, Independent Colleges accepts that the employee has sought the consent of the named individual for the sharing of their data for this purpose. Personal data of employees may also be used for the effective management and operation of the business. Wherever possible this will be anonymised. Where that is not possible it will only be shared with those who need to know for the fulfilment of legitimate interests, contractual necessity or legal obligations. Information about health and wellbeing may be collected during the course of employment, in relation to employee absence or accommodation requests. This is collected and processed in order to enable the College to perform the contract entered into by it. Similarly, information will be collected and processed in relation to professional development, research and scholarly activity. This is based on the legitimate interests of the College where staff development is required to be monitored and reported on to awarding bodies. Independent Colleges collects the images, through the College CCTV system, of all individuals who access Independent Colleges premises. This is in the legitimate interest of College security and the health, safety and welfare of staff, students and visitors. Furthermore, it is used as a means of ensuring the security, reliability and integrity of examinations and exam processes.

On termination of employment with Independent Colleges, the College will retain indefinitely such personal data as is required to continue its fulfilment of legal obligations in respect of record keeping, revenue and payroll records. It will also retain contact details to enable the completion of contractual obligations and on the basis of the legitimate interests of the College whereby follow-up communication may be required for the ongoing operation and management of the business. In normal cases, after a period of 12 months following termination of contract, the personal data of former employees will comprise of name, address, telephone number, email address, date of birth, PPSN, payroll history, P60s and P45 statements, dates of employment, details of position(s) held will be retained. Performance management records, appraisal records, interview notes, annual leave records, sick leave and medical certification, and records of professional development will normally be securely destroyed 12 months after the termination date. Email accounts, user accounts for

Independent Colleges services will be deactivated immediately, except by mutual agreement, and the account will be closed within 2 weeks of termination.

Personal data, including CCTV images, name, contact details and or association, pertaining to visitors to Independent Colleges will be collected in the legitimate interests of the College and also to comply with legal obligations in respect of health, safety and welfare of visitors, students and staff.

In rare and exceptional circumstances Independent Colleges may use personal data to protect the vital interests of the student / employee/ visitor. Similarly, Independent Colleges may use personal data when it is in the public interest e.g. in cases of reportable incidents or illnesses

Where a data subject refuses or fails to provide personal data that is required by the College for legitimate reason under GDPR, this may impact on the ability of the College to fulfil its contractual agreement with you and can result in the cancellation of that contract and the associated provision of service. This will be communicated at the time should the matter arise.

When and With Whom Information is Shared

As a student or employee of Independent Colleges we will share your personal data with third parties where there is a lawful bases for doing so. Under the GDPR, the lawful bases are:

1. Consent: the data subject has given clear consent Independent Colleges to process their personal data for a specific purpose.
2. Contract: the processing is necessary for a contract Independent Colleges holds with the data subject, or because the data subject has requested Independent Colleges to take specific steps before entering into a contract e.g. reference checks, communication with Irish Naturalisation and Immigration Service (INIS).
3. Legal obligation: the processing is necessary for Independent Colleges to comply with the law.
4. Vital interests: the processing is necessary to protect someone's life.
5. Public task: the processing is necessary for Independent Colleges to perform a task in the public interest or for Independent Colleges official functions, and the task or function has a clear basis in law.
6. Legitimate interests: the processing is necessary for Independent Colleges 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.
7. Legal Obligation: The College is legally obliged to share students' personal data with:
 - a. the Department of Social Protection (all students),
 - b. the Department of Justice / Immigration and Naturalisation Service (visa holding students),
 - c. funding bodies (students publicly funded programmes),
 - d. parents or legal guardians (students under 18 years old).
 - e. It further has a legal obligation to share students personal data with QQI, the Protection of Enrolled Learners (PEL) Scheme administration and bonding partners to facilitate programme completion for registered students in the instance of the cessation of an accredited programme of 3 months duration or greater (See Independent Colleges Policy on Protection of Enrolled Learners).
 - f. The College is legally obliged to provide personal data on staff to the Office of the Revenue Commissioner / Department of Finance.

Where students are on a programme of study that is accredited by an external awarding body, the College is required to share personal data of all such students to facilitate certification or registration, in accordance with the College contract with the student. In cases where a student's College place is funded by their employer or other sponsor, and a contractual arrangement is in place between the employer / sponsor and the College, pertaining to the provision of personal data relating to attendance, progression and achievement, the College will be obliged to share this data for the performance of the contract. Personal data of staff and or students may be shared with other service providers to enable Independent Colleges to fulfil its contractual obligations towards student and staff. Such service providers include:

- legal services for arrangements relating to Protection of Enrolled Learners, student disciplinary or complaints, human resource management and employment matters;
- IT services for website development and support, MIS implementation and management and data security matters
- Health services for the provision of staff or student supports in response to requests from the individual, or in cases where the vital interests of an individual (or third party) warrants it.
- Financial services for collection of fees, administration of payroll, business accounting and auditing.

Where Independent Colleges uses a third party provider for the provision of services, Independent Colleges retains the role of data controller and is responsible for how personal data is used and processed, except where a data subject subsequently engages in a direct contract with the service provider independent of Independent Colleges.

Where it is in the legitimate interests of the College, personal data may also be shared with third parties. Examples include:

- CRM system provider for the facilitation of recruitment of students
- TURNITIN Plagiarism Detection Software for assurance of academic integrity
- Validation panel members for the fulfilment of validation and review processes as required by awarding bodies
- External Examiners for the purpose of ensuring integrity of assessment and the fair assessment of learners.
- Boards of Examiners and members of Academic Council for the completion of required academic governance
- Printers / publishers of graduation materials
- Graduation gowning company for the availability of correct academic dress for staff and students at graduation
- Photographers for filming or photographing corporate / academic events such as graduation

Arrangements for Transfer of Data Outside of the EU

In all instances of personal data transfer to countries outside of the EU, Independent Colleges will seek to agree a transfer, or set of transfers, only where the transfer satisfies one or more of the following:

- The transfer is made with the individual's informed consent;

- The transfer is necessary for the performance of a contract between the individual and the organisation or for pre-contractual steps taken at the individual’s request;
- The transfer is necessary for the performance of a contract made in the interests of the individual between the controller and another person;
- The transfer is necessary for important reasons of public interest;
- The transfer is necessary for the establishment, exercise or defence of legal claims;
- The transfer is necessary to protect the vital interests of the data subject or other persons, where the data subject is physically or legally incapable of giving consent; or
- The transfer is made from a register which under Irish or EU law is intended to provide information to the public (and which is open to consultation by either the public in general or those able to show a legitimate interest in inspecting the register).

Personal data can be breached or compromised when it is lost, damaged, accessed and or altered by unauthorised sources, used for purposes other than that which it was collected for, retained longer than the purpose warrants, or shared without authorisation or legal basis. Independent Colleges implements a range of mechanisms to protect the personal data that it retains. These include:

- Restricted access to personal data to designated roles, relevant to the role and in accordance with the purpose for the data collection.
- Appropriate technical security measures – password protection, encryption, firewalls, back-ups etc.
- Publication and implementation of policies and procedures to protect personal data
- Use of secure physical storage – lockable cabinets and rooms
- The provision of staff training
- Implementation of data protection audits
- Risk assessment of any third-party data processing on behalf of Independent Colleges.

Where a data breach is suspected, procedures for notification (internally and externally), investigation and impact minimisation will be implemented.

Independent Colleges retains personal data, in electronic and manual formats, determined by its purpose. Access to data is restricted to specified roles or personnel base on a need to know for the fulfilment of obligations or responsibilities. Personal data is retained only for as long as is necessary to fulfil the purpose it was obtained for and will not be used for purposes beyond that. Individual responsibilities are assigned for the destruction of data in accordance with the policy. Independent Colleges takes all reasonable steps to ensure personal data is accurate and up to date. Staff and students are encouraged to notify the relevant department, or the data protection contact in this Statement, of any required updates, or inaccuracies requiring correction in respect of their personal data. Data subjects requiring specific information about their personal data can contact the data protection contact outlined in this Statement. Records and personal data may be retained for a longer period than that specified in retention schedules in cases of internal or external dispute and legal cases.

Under GDPR data subjects have increased rights and data controllers are required to notify data subjects of their rights. This Statement seeks to fulfil the obligation for Independent Colleges to notify you of those rights. Individuals have the right to:

- be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR.
- withdraw consent, where consent is the legal basis for data processing

- access their personal data (by way of a data subject access request).
- have inaccurate personal data rectified or completed if incomplete.
- have personal data erased (the right to be forgotten) in certain circumstances
- request the restriction or suppression of their personal data, in certain circumstances
- data portability, allowing individuals to reuse their data across different services, where feasible
- object to personal data processing, in certain circumstances

To exercise any of these rights, please use the data protection contact details provided in this Statement. Where we require additional information from you to verify your identity and the legitimacy of the request or to establish the specific reasons for the request to enable Independent Colleges to respond appropriately, we will do so in a timely manner. There is normally no fee applied in respect of any rights requests.

Independent Colleges advises that this Statement is produced in accordance with GDPR, and on the basis of its links with relevant associated policies and procedures. Where additional personal data processing takes place, beyond that outlined within this Statement, Independent Colleges will notify data subjects at the point of data collection. This Statement can be updated at any time as deemed necessary by Independent Colleges and will be replaced in all published instances where that situation arises.