



An Coimisiún um Chaidreamh san Áit Oibre  
Workplace Relations Commission

# Privacy Policy

## **Introduction**

The Workplace Relations Commission (WRC) was established on 1 October 2015 under the Workplace Relations Act 2015.<sup>1</sup>

### **Functions of the Commission**

The main functions of the WRC are to:

- Promote the improvement of workplace relations, and the maintenance of good workplace relations,
- Promote and encourage compliance with relevant employment legislation,
- Provide guidance in relation to compliance with Codes of Practice,
- Conduct reviews of, and monitor developments, in workplace relations generally,
- Conduct or commission relevant research and provide advice, information and the findings of research to Joint Labour Committees and Joint Industrial Councils,
- Advise the Minister for Jobs, Enterprise and Innovation in relation to the application of, and compliance with, relevant legislation, and to
- Provide information to the public in relation to employment legislation (other than the Employment Equality Act)<sup>2</sup>.

The legislation also assigns to the WRC responsibility for the promotion and improvement of industrial and employment relations generally.

Within this framework, the Commission's core services include the provision of early resolution, mediation, conciliation, facilitation and advisory services, adjudication on complaints and disputes, the monitoring of employment conditions to ensure the compliance and enforcement of employment rights legislation, the provision of information, and the processing of employment agency and protection of young persons (employment) licences.

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<sup>1</sup> The establishment of the Workplace Relations Commission (WRC), on 1 October 2015, brought together the functions of the Labour Relations Commission (LRC), the National Employment Rights Authority (NERA), the Equality Tribunal, and the first instance functions of the Employment Appeals Tribunal (EAT).

<sup>2</sup>EAA information provided by the Irish Human Rights and Equality Commission

Data protection legislation confers rights on individuals as well as responsibilities on those persons processing personal data. This policy sets out how the WRC processes personal data and ensures that our stakeholders and staff understand the rules governing the use of personal data.

The EU General Data Protection Regulation (GDPR EU 2016/679) which replaced the Data Protection Directive 95/46/EC is designed to harmonise data privacy laws across Europe, to protect and empower all EU citizens' data privacy and to reshape the way organisations across the region approach data privacy.

The GDPR came into effect on 25 May 2018. This policy reflects the GDPR requirements.

### **Scope and Purpose**

This policy applies to all the WRC's personal data processing functions in relation to identified or identifiable natural persons, including those classed as customers, clients, employees, suppliers and any other personal data the WRC processes from any source.

### **Definitions**

Personal Data is defined as any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, by reference to an identifier such as name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special Categories of Personal Data may include personal data on racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

This policy should be read in conjunction with other relevant WRC and Department of Business, Enterprise, and Innovation (DBEI) policies such as the Information Security Policy, Acceptable Use Policy, IT Security, Internet and Email use policy.

## **Policy Responsibility**

The Director General and Management Committee are committed to compliance with all relevant EU and Irish laws in respect of personal data, and the protection of the rights and freedoms of individuals whose information the WRC collects and processes and are responsible for ensuring that this policy is implemented in their respective Divisions.

Managers at all levels must ensure that this policy is implemented fully and all members of staff have a responsibility to comply with the WRC data protection policies.

Relevant elements of this policy are detailed further on [www.workplacerelations.ie/kjhkjhkjhkjh](http://www.workplacerelations.ie/kjhkjhkjhkjh)

## **Data Protection Principles**

### **Personal Data Must be Processed Lawfully, Fairly and Transparently**

The WRC's statutory functions are grounded on the Workplace Relations Act 2015 and related legislation. In other circumstances the WRC will request the consent of the data subject to collect and process that data at the time that the information is being sought.

In order for processing to be fair, the WRC makes certain information available to the data subject(s) and certain third parties. This applies whether the personal data was obtained directly from the data subject(s) or from other sources.

The WRC will provide the required information on the utility of the data collected to data subjects at the time personal data is collected. The information provided is detailed and specific, and such notices are understandable and accessible.

Information must be communicated to the data subject in an intelligible form using clear and plain language.

The WRC may make such information available on its website, mobile platforms, social media, or booklets.

### **Personal Data May Only be Collected for Specific, Explicit and Legitimate Purposes**

The WRC will collect and process personal data only for the purposes for which it is collected. WRC staff are alert to requests for processing of personal data for purposes for which it was not collected, no matter how related the processing may appear.

### **Personal Data Must be Adequate, Relevant and Limited to What is Necessary for Processing**

The WRC will ensure that in designing methods of data collection, whether online, on forms or through customer interaction, that only the personal data required to identify the data subject(s) and provide the service will be processed.

### **Personal Data Must be Accurate and Up-To-Date**

All data subjects have a right to ensure that their data is accurate and complete. The WRC requires accurate and up-to-date data about data subjects to ensure that the data subjects receive the appropriate WRC services. All data collection procedures provide that reasonable steps are taken to update personal data where new data has been provided.

All changes to personal data will be shared with each third party with whom the previous data had been shared, unless this is impossible or requires disproportionate effort.

### **Personal Data is Kept in a Form such that the Data Subject can be Identified only as Long as is Necessary for Processing**

The WRC will implement appropriate policies and procedures to ensure that personal data is retained only for the minimum period required to provide the benefit or services requested. This may be done by destroying the personal data, by anonymisation or any other appropriate method. At present, the WRC retains such data indefinitely but, in the context of discussions with the Archives Office, the WRC is in the process of developing a tailored Data Retention and Archiving Policy – this draft policy may be accessed at [www.workplacerelations.ie/hgfjhgihg](http://www.workplacerelations.ie/hgfjhgihg).

### **Personal Data Must be Processed in a Manner that Ensures Appropriate Security**

In conjunction with DBEI, the WRC will implement appropriate technical and organisation measures to ensure that appropriate security of the processing of personal data is implemented.

### **Demonstrating Compliance**

The WRC will ensure that it maintained adequate records of its processing and evidence that it has complied with this policy and related policies and procedures. Responsibility for providing assurance in this regard lies with the Director General, the Management Committee and the Data Protection Officer.

## **Rights of WRC Data Subjects**

The WRC has and will update appropriate policies, procedures and training to implement the following data rights of data subjects.

All data subjects have the following rights, as outlined in this section. However, restrictions may apply in certain situations.

### **Right of Access**

Data subjects have the right to:

- receive confirmation from the WRC that their personal data is being processed;
- access to their personal data; and
- certain other details in relation to how the WRC use personal data

Data subjects can request copies of paper and electronic records about what the WRC holds, shares or uses. To deal with a request, the WRC asks for proof of identity and sufficient personal information to enable the WRC locate the personal information requested.

When requesting this information, the WRC requires that the data subject complete this Data Subject Access Request Form. ([LINK ON WEB](#))

When submitting the request, the data subject must supply information to help the WRC verify identity, such as a photocopy of passport and utility bill and as much detail as possible to help the WRC identify the information the data subject wants to access (i.e. date range, subject of the request).

Please note that an access request is free of charge; however, where the WRC determines a request to be unjustified or excessive, a reasonable fee may be charged.

### **Right to Rectification**

Data subjects have a right to request that the personal data held is up to date and accurate.

Where information is inaccurate or incomplete, a person may contact the WRC to request that the information be rectified. Upon receipt of request, the WRC will endeavour to ensure that the personal data is rectified and as up to date as is reasonably possible. In some circumstances requests may not be granted and if this occurs the data subject must be informed.

The Adjudication function of the WRC is a quasi-judicial function, the right to rectification of documentary evidence contained in submissions or decisions may not apply.

## **Right to be Forgotten**

Data subjects have the right to seek the erasure of personal data relating to them in the following circumstances:

- The personal data is no longer required for the purposes for which it was obtained.
- Where data is being processed on the basis of consent and consent is withdrawn to the processing and no other lawful basis exists.
- The personal data is being unlawfully processed.
- The person objects to the processing of personal data and there are no overriding legitimate grounds for the processing.
- The personal data requires deletion in line with legal requirements.

However, the WRC will be unable to fulfil an erasure request if the processing of personal data is necessary for the following:

- Exercising the right of freedom of expression and information.
- Compliance with a legal obligation or for the performance of a task carried out in public interest.
- Reasons of public interest in the area of public health.
- Archiving or statistical purposes in the public interest.
- The establishment, exercise or defence of legal claims.

The primary legal basis for the WRC's processing of personal data is on the basis of a legal obligation, as outlined under the Workplace Relations Act 2015, In this regard, some processing in relation to personal data may not be subject to the right to erasure.

To determine the validity of a request for erasure in line with the associated WRC processing activity, the WRC will carry out an assessment of the justification for the retaining of the personal data where a legal requirement applies and will contact the data subject if unable to fulfil the request.

In certain circumstances the WRC may need to retain some information to ensure preferences are respected in the completion of our duties.

### **Right to Restriction**

A data subject has the right to restrict the extent of personal data processed by the WRC in circumstances where:

- He/she believes the personal data is not accurate, in which case the WRC have to restrict any processing while the accuracy of the personal data is verified.
- The processing of the personal data is unlawful but the person wishes to restrict the processing of data rather than erase it.
- Where the personal data is no longer required by the WRC but the data subject requires the retention of the data for the establishment, exercise, or defence of a legal claim.
- The person has a pending objection to the processing of your personal data.

When processing is restricted, personal data will only be processed:

- with consent;
- for the establishment, exercise or defence of legal claims;
- for the protection of the rights of other people; or
- for reasons important to public interest.

The WRC will contact the data subject to confirm where the request for restriction is fulfilled and will only lift the restriction after informing him/her that the WRC is doing so. In some circumstances requests may not be granted, i.e. where the personal data was used in legal proceedings.

### **Right to Data Portability**

The right to data portability only applies:

- to personal data provided to the WRC by the data subject (i.e. not any other information),
- where the WRC is processing personal data where consent provided to do so,
- when processing is carried out by automated means.

The primary legal basis for the processing of personal data is on the basis of a legal obligation, as outlined under Workplace Relations Act 2015. As such, the WRC carries out minimal processing of personal data on the basis of a contract or on the provision of consent by the data subject and does not currently carry out any fully automated processing of personal data. The right to data portability will most likely apply in very limited circumstances.

### **Right to Object**

The data subject has the right to object at any time to the processing of personal data which is undertaken on the basis of public interest or legitimate interest by the WRC.

The primary legal basis for our processing of personal data is on the basis of a legal obligation as outlined under the Workplace Relations Act 2015. The right to object will most likely apply in very limited circumstances.

If a data subject objects to the processing of data, the WRC will then stop the processing of personal data unless it is required for legal proceedings.

### **Right Not to be Subject to Automated Decision Making, including Profiling**

The WRC does not currently carry out any fully automated decision making or profiling using personal data. A data subject has a right not to be subject to a decision based solely on automated

processing or profiling, where such decisions would have a legal effect or significant impact on him/her.

## **Request Channel**

Requests are sent via WEB LINK.

## **How Long will a Request Take to Complete?**

Upon receipt of a request, the WRC will comply with the request within the statutory timeframe provided for in the GDPR – one month. If more time is required to deal with the request, the WRC will notify the requester of the delay, and the factors resulting in the delay. If the WRC refuses the request, the WRC will notify the person within the relevant statutory timeframe accompanied by the reason for refusal.

A fee is not charged for any requests, provided they are not considered to be unjustified or excessive. In such circumstances a reasonable fee may be charged (also applicable for multiple copies) or the request refused.

## **Communications with Data Subjects**

The WRC may contact data subjects occasionally for information regarding certain aspects of their dealings with the WRC.

This contact will relate to the purposes referred to in this Privacy Statement and may include the following:

- As part of adjudication, mediation inspection, enforcement or other statutory obligation.
- To respond to requests, queries, or complaints.

The WRC will endeavour not to contact the data subject outside of usual business working hours.

## **Responsibilities of the WRC**

The WRC has responsibility for the following

### **Ensuring Appropriate Technical and Organisational Measures**

The WRC will implement appropriate technical and organisational measures to ensure protection of personal data.

### **Maintaining a Record of Data Processing**

The WRC will maintain an inventory of its data processing activities in the manner prescribed by Regulation. The will be reviewed and signed off by the Management Committee on an annual basis.

### **Implementing Appropriate Agreements with Third Parties**

The WRC will ensure that where such transfer of personal data is required, appropriate agreements, memoranda of understanding, bilateral agreements and contracts (collectively “agreements”) with all third parties shall specify the purpose of the transfer, the requirement for adequate security, right to terminate processing, restrict further transfer to other parties, ensure that responses will be given to requests for information and the right to audit.

### **Transfers of Personal Data Outside of the European Economic Area**

No such transfer is envisaged. In the event that such an occasions arises the WRC will not transfer the personal data of its data subjects outside of the European Economic Area unless an adequate level of protection is ensured.

### **Data Protection Impact Assessments**

The WRC will carry out a data impact assessment prior to any decision to implement procedures and documentation in the context of the introduction As part of this process, a copy of the impact assessment shall be shared with the WRC Data Protection Officer.

### **Personal Data Breaches**

The WRC defines a ‘personal data breach’ as meaning a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to

personal data transmitted, stored or otherwise processed. (e.g. the most common breach incidents that can occur are correspondence issuing to an unauthorised third party). The WRC deems any loss of personal data in paper or digital format to be a personal data breach.

The WRC has a protocol for dealing with personal data breaches. This protocol sets out the methodology for handling a personal data breach and for notification of the breach to Data Protection Commissioner and to data subjects where this is deemed necessary.

### **Governance**

The WRC monitors compliance at Divisional and Management Committee level. In this regard, the Committee: receives

- Receives regular reports of data protection activities from WRC Divisions
- Receives regular reports from the Data Protection Officer
- Reviews data protection impact assessments and approve or not the design of data protection elements of projects
- Instigates investigations of data protection matters of interest
- Approves internal audits or compliance with this policy, and
- Any other such activities relating to data protection.

### **Data Protection Officer**

The Data Protection Officer of the WRC reports directly to the Management Committee. The responsibilities of the Data Protection Officer include the following

- i. Keeping the Management Committee informed about data protection responsibilities, risks and issues
- ii. Acting as an advocate for data protection within WRC
- iii. Monitoring compliance with the relevant data protection legislation.
- iv. Monitoring that all data protection policies and policies are reviewed and updated on a regular basis
- v. Ensuring that the WRC provides appropriate data protection training and advice for all staff members

- vi. Providing advice where requested as regards the data protection impact assessments and monitoring that such assessments are completed to an appropriate standard
- vii. Provide advice on data protection matters from staff, and other stakeholders
- viii. Responding to individuals such as clients and employees who wish to know which data is being held on them by the WRC
- ix. Monitoring that appropriate data processing agreements are put in place with third parties that handle the WRC's data and ensuring that reviews are carried out of third parties on a regular basis
- x. Monitoring that the record of data processing is updated regularly
- xi. Acting as a contact point and providing cooperation with the Data Protection Commissioner.

### **Responsibilities of Staff and Similar Parties**

Any person (staff or contract) who processes personal data on behalf of the WRC has a responsibility to comply with this data protection policy.

Further detail is available at [www.workplacelrelations.ie/hjgkfkghgfh](http://www.workplacelrelations.ie/hjgkfkghgfh)**Training and Awareness**All staff receive training on this policy. New staff receive training as part of the induction process. Completion of training is compulsory.

Also, staff are continuously reminded of data protection obligations through annual data protection obligations for signing; regular poster campaigns; e-mails to staff from DPO etc.