

Workplace Relations Commission

Privacy Statement

1. Introduction

The Workplace Relations Commission (WRC) is an independent statutory body set up under the Workplace Relations Act 2015. Its core services include the provision of 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. The WRC requires people who use its services to provide certain personal data in order to avail of these services. Your personal data may be exchanged with other Government Departments in certain circumstances where this is provided for by law. Where a complaint is made to the adjudication service any information sent to the WRC will be copied to the other party. Full details of the WRC's data protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available at [\[This Link\]](#). Details of this policy are also available in hard copy upon request.

2. Legislation

The data protection legislation confers rights on individuals as well as responsibilities on those persons processing personal data. The EU General Data Protection Regulation (GDPR EU 2016/679) replaces the Data Protection Directive 95/46/EC and was 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 force on 25th May 2018 and this version of the WRC policy reflects its provisions.

3. Who do I contact if I have a query about the data protection policy

The WRC has information on its website and you should refer to this in the first instance. If you cannot find the answer to your query on the website then do not hesitate to contact us at the address below:

Data Protection Officer

O'Brien Rd

Carlow

Or email your query to:

dataprotection@workplacereactions.ie

4. Who do we share information with?

The WRC may share personal data with other parties in the course of our duties but only in circumstances where it is lawful to do so. For example, if you have made a complaint to the Adjudication Services, any information you send to the WRC will be copied to the other party.

Your Representatives

Where you have made a complaint to the Adjudication Service your representative as nominated by you, (such as a trade union, legal representatives or any other persons acting for you) will be sent documentation from the other party to the complaint/dispute.

Our People

To perform its duties, the WRC may need to share information internally e.g. Adjudication Services may exchange complaint details with Mediation only in the context of dispute resolution. The WRC may also need to share data to include WRC representatives such as employees, contractors, legal representatives, adjudication officers and mediators. This information will be shared only where it is lawful to do so.

Government Departments, Bodies or Agencies

The WRC is legally obligated to share personal data with other State bodies but only as outlined under the Workplace Relations Act.

Recipients of this data may include Government Departments (e.g. the Department of Employment Affairs and Social Protection), agencies (e.g. the Labour Court, the Revenue Commissioners), An Garda Síochána. However, any personal data can only be shared strictly in compliance with the Act.

Where personal data is shared, the WRC will observe the following principles

- The transfer is based on a legal obligation or the performance of a contract.
- Where data is transferred to another party, we ensure appropriate technical and organisational safeguards are in place to protect personal data.
- Where a third party is engaged to provide a service to us, they must take appropriate steps to protect your personal data, and only to use the personal data for the purpose of performing those specific services.

5. What are your rights

As a data subject, you possess various rights.

Right of Access (Article 15)

You have the right to receive confirmation that your personal data is being processed. You are entitled to access to your personal data. You are also entitled to certain other details in relation to how personal data is used.

A Subject Access Request Form can be found here [\[LINK\]](#)

If what you require is a copy of your adjudication file you are entitled to a copy of the file outside the Data Protection legislation and may simply request a copy.

Right to Rectification (Article 16)

You have a right to request that the personal data held in relation to you is up to date and accurate. Where information is inaccurate or incomplete, you can request that the data be rectified. In some circumstances this may not be possible. For example, the adjudication function of the WRC is a quasi-judicial function and the right to rectification of documentary evidence contained in submissions or decisions may not apply.

Right to be Forgotten (Article 17)

The WRC processes personal data it collects because there is a statutory basis for the processing. 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, In this regard, some processing in relation to your data may not be subject to the right to erasure.

Where the WRC receives requests from data subjects looking to exercise their right of erasure then it will carry out an assessment of whether the data can be erased. We may be unable to fulfil an erasure request if the processing of personal data is necessary for the following reasons:

- Compliance with a legal obligation or for the performance of a task carried out in public interest.
- Archiving or statistical purposes in the public interest.
- The establishment, exercise or defence of legal claims.

Right to Restriction (Article 18)

The WRC will implement and maintain appropriate procedures to assess whether a data subjects request to restrict the processing of their data can be implemented. Where the request for restriction of processing is carried out then the WRC will write to the data subject to confirm the restriction has been implemented and when the restriction is lifted. Please note, in some circumstances requests may not be granted, i.e. where the personal data was used in legal proceedings.

Right to Data Portability (Article 20)

The WRC processes personal data its collects because there is a statutory basis for the processing as outlined under Workplace Relations Act 2015. Where the WRC has collected personal data on data subjects by consent or by contract then the data subjects have a right to receive the data in electronic format to give to another data controller. It is expected that this right will apply only to a small number of data subjects.

Right to Object (Article 21)

Data subjects have a right to object to the processing of his or her personal data in specific circumstances. Where such an objection is received, WRC will assess each case in its merits. As the primary legal basis for our processing of personal data is on the basis of a legal basis as outlined under the Workplace Relations Act 2015, the right to object will most likely apply in very limited circumstances.

Right not to be subject to Automated Decision Making, including Profiling (Article 22)

The WRC does not carry out any fully automated decision making or profiling using personal data.

Right to complain

The WRC will implement and maintain a complaints process whereby data subjects will be able to contact the Data Protection Officer. The Data Protection Officer will work with the data subject to bring the complaint to a satisfactory conclusion for both parties. The data subject will be informed of their right to bring their complaint to the Data Protection Commissioner and their contact details.

6. Archives Policy

In general, pending agreement with the Archives Office, personal data in paper format is not destroyed. Please note that all emails are archived after three months and are not generally available. This archives policy will be updated as soon as a new policy is approved by the Archives office.

7. Where do I send requests?

Please send all your requests to

Data Protection Officer
Workplace Relations Commission
O'Brien Road
Carlow
R93 W7W2

Or email
personaldatarequest@workplacereactions.ie

To answer your request, we will ask you to provide identification for verification purposes.

7. 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 which is currently 30 days. If more time is required you

will be notified of the delay and the reasons for it. If your request is refused you will notified within the relevant statutory timeframe of the reason for refusal.

A fee is not charged for any requests. However, if the WRC considers your requests to be unjustified or excessive, a reasonable fee may be charged (also applicable for multiple copies) or the request refused.

You are entitled to contact the Office of the Data Protection Commissioner if you have any complaints in relation to the enforcement of your rights.

The address for the Data Protection Commissioner is:

Canal House
Station Road
Portarlinton Co Laois
[info@dataprotection.i
e](mailto:info@dataprotection.ie)

LoCall Number 1890252 231