



JUDICIAL COUNCIL

Privacy Notice

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Introduction

The Judicial Council (hereafter 'the Council') is committed to protecting the rights and privacy of individuals (known as 'data subjects') in accordance with the EU General Data Protection Regulation (GDPR 2016/679) and Irish Data Protection Acts 1988-2018.

The GDPR is designed to harmonise data privacy laws across Europe, to protect and empower all EU citizen's data privacy and to reshape the way in which organisations approach data privacy. In Ireland, the national law, which, amongst other things, gives further effect to the GDPR, is the Data Protection Act 2018.

The GDPR applies to any organisation that collects and stores personal data (known as a 'controller') and also any other organisation (known as a 'processor') working on the instructions of the data controller. Adherence to the legislation is required by employees, contractors, consultants, agents and third parties who have access to personal data either directly or indirectly.

The GDPR significantly increases the obligations on organisations about how they collect, use and protect personal data. Organisations are obligated to be fully transparent about how they are using and safeguarding personal data as well as demonstrating accountability for their data processing activities.

Further information on data protection is available on the website of the Data Protection Commission (DPC) at www.dataprotection.ie

The Council is committed to the correct, lawful and fair handling of all personal data, respecting the legal rights, privacy and trust of all individuals with whom we deal.

It is important that you know how your personal information is processed. The GDPR introduces changes which give you greater control over your personal information. Please take time to read this notice carefully. If you have any questions about how we use your information, please contact our Data Protection Officer (details below).

1. The Judicial Council

The Council is the data controller for all personal data collected for its business purposes.

For more information on the activities of the Council, please log on to judicialcouncil.ie

You can contact the Council in any of the following ways:

By Post

The Judicial Council
Green Street Courthouse
Dublin 7
D07 W568

By email

info@judicialcouncil.ie

By Telephone

01 8886761

2. The Data Protection Officer

If you are concerned about what we do with your personal data or require any additional information in respect of any of our data protection policies, you can contact our Data Protection Officer (DPO) at:

Data Protection Officer
Green Street Courthouse
Dublin 7
D07 W568
info@judicialcouncil.ie
Phone: 01 8886761

3. Purposes of Processing

3.1 Why do we process your personal data?

Under the GDPR '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.

We process information about you for a range of purposes. These may include:

We may use the personal data you provide for the following purpose(s):

- a. Examining and analysing your correspondence;
- b. Finding out information to assist in answering your correspondence;
- c. If applicable, verifying your identity; and
- In order to respond to correspondence either directly from you, or from other people, approved to act on your behalf;
- For the storage of personal data (including legacy data), depending on our retention requirements;
- To manage complaints made in relation to the judiciary
- Where we engage in any consultation processes;
- For statistical purposes to inform management decisions;
- To undertake research to improve our service delivery;
- Considering replies to requests for tenders
- For Human Resources functions;

We also use contractors or service providers that process personal data on our behalf. These are all governed by legal instruments/contracts.

3.2 What types of personal data do we collect?

Under the GDPR 'personal data' means 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, in particular by reference to an identifier such as a 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.

Personal data we collect can include the following depending on the type of service being provided:

- name;
- address;
- date of birth;
- phone number;
- email address;
- bank account details;
- Identification including passports, drivers licences etc.
- Personal Public Services Number (PPSN);
- Allocated case reference numbers;

- Information relating to complaints;
- Information required to make payments and claims;
- Information related to HR support including grades, location, signature, photograph, next of kin, emergency contact details, personnel numbers, tax reference numbers, bank account details, payment history, work history, educational history, disability status, medical information, job applications, referee details, CV's.

Depending on the type of service being provided, we may process 'special categories' of personal data.

3.3 What is our lawful basis for processing your personal data?

Article 6 of the GDPR sets out the grounds on which personal data processing is lawful, including:-

- *Processing is necessary for compliance with a legal obligation*
- *Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller..*

The Data Protection Act, 2018 further states that processing is lawful where it is required for:

- *The performance of a function of a controller conferred by or under an enactment or by the Constitution;*
- *The administration by or on behalf of a controller of any non-statutory scheme, programme or funds where the legal basis for such administration is a function of a controller conferred by or under an enactment or by the Constitution.*

Much of the personal data processed by the Council is carried out for the performance of the Council's functions or in the public interest. In addition, personal data is processed by the Council in compliance with certain legal obligations to which the Council is subject.

The Judicial Council Act 2019 underpins the Council's core functions and allows for the processing of personal data by us, or on our behalf. The Act outlines the function of the Council:

Section 38 (1) (b) Data Protection Act 2018 states that:

(b) the administration by or on behalf of a controller of any non-statutory scheme, programme or funds where the legal basis for such administration is a function of a controller conferred by or under an enactment or by the Constitution.

The Council may also process personal data in accordance with certain contracts it has put in place and, in limited circumstances, where it has a legitimate interest in processing specified personal data.

In very limited circumstances, the Council may request specific consent of a data subject to process their data. In such cases, consent will be sought at the time that the data is collected and the data subject will be advised that they can withdraw their consent at any stage during processing. When requesting personal data, the Council will be fully transparent (including the use of clear and plain language) in relation to how this data will be used, and will ensure that the data is not used for any purpose other than that of which the data subject has been informed and to which s/he has consented where appropriate.

The Council ensures that Data Protection Impact Assessments (DPIA) are conducted before any new data processing activity is started, and to update this document accordingly. In line with the GDPR, the Council undertakes to consult with its Data Protection Officer and, if necessary, with the Data Protection Commission before commencing any new data processing activities.

4. Where is your personal data stored?

4.1 Electronic Storage

Personal data may be stored electronically on our internal ICT systems, and on the ICT systems of our processors and shared service providers. These systems are fully protected by anti-virus and anti-malware software. Electronic data includes all relevant personal information related to the types of personal data we collect outlined in section 3.2 above.

Access to personal data is restricted to those staff members who need the information to carry out their official duties. Complex passwords are used that must be changed regularly to access the network.

4.2 Storage of Hard Copy (Paper) Files

Where the Council holds paper records containing your personal data, these are stored on individual files which are secured on our premises in filing cabinets and appropriate storage facilities and where only our staff can access them. This is achieved through physical security, where access to a Council office is by a swipe card or lock and key so that visitors cannot access any personal data stored by us. The Council also promotes a clean desk policy.

5. Sharing personal data

5.1 Categories of Recipients with Whom We May Share Your Personal Data

The Council may share your data with or receive your data from other organisations but only where legally permissible. In general, the types of organisations that the Council would typically share information with are as follows:-

- The Courts Service;
- Payroll Shared Services Centre to provide for a range of shared services and supports;
- Regulators or supervisory authorities;
- IT consultants and general contractors hired by the Council, where they may be working on data handling systems & processes.

6. Transfers of personal data

6.1 Will your personal data be stored outside of the European Economic Area?

No, your personal data will generally not be stored outside the European Union or the European Economic Area (EEA - EU 27, plus Iceland, Norway, and Liechtenstein).

6.2 Are we allowed to transfer your data outside of the EU And EEA?

It is unlikely that we will transfer information about you to a country or international organisation outside the EEA. In such cases we will always take steps to ensure that any transfer of information is carefully managed to protect your privacy rights in accordance with Data Protection law.

6.3 Are there any other appropriate and suitable safeguards?

Personal data may only be transferred if appropriate safeguards are provided and on the condition that enforceable data subject rights and effective legal remedies are available. Appropriate safeguards may include:

- Legally binding and enforceable instruments between public authorities/bodies;
- Binding corporate rules;
- Data protection clauses adopted by a Supervisory Authority and approved or adopted by the EU Commission;
- Standard contractual clauses between controller/processor and recipient in the third country or international organisation.

7. Retention – How long will we keep your personal data?

Data protection best practice requires that organisations should not store personal data for any longer than is required. Each area of the Council is responsible for the

personal data that it collects for business reasons including that which does not need to be retained indefinitely.

The Council does not retain records in accordance with the requirements of the National Archives Act 1986.

8. Your rights as a data subject

All data subjects engaging with the Council and its processors have certain rights under EU (GDPR) and Irish data protection legislation. Guidance on the rights of individuals is available on the Data Protection Commission website and can be accessed via www.dataprotection.ie. Your rights are summarised below:

8.1 Right of Access

You can make a formal request for a copy of your personal data being processed by the Council.

We will need you to confirm your identity first, as we cannot give your personal data to others (except by specific request). Once we have verified your identity, we will seek to get the information that you have requested as soon as possible, but at the latest within one month of receipt of the request.

For complex requests, or where there are large numbers of requests, we can extend our time to respond to you by a further two months, but we must tell you we are going to do this within the first month, together with the reason for the delay. If we are not going to respond to your request we must tell you this within one month. We must remind you that that you have the option of submitting a complaint to the Data Protection Commission.

Anything we do in response to your request and any information we give you must be free. If you make excessive requests (e.g. make the same one repeatedly) or your requests have no basis in fact, we may either charge you a fee or refuse to act on it.

We may ask you to clarify your request. You can help us to fulfil your request by being as specific as possible about your dealings or contacts with us.

A separate Subject Access Request Form is available on the Council's website or on request.

8.2 Right to rectification

The Council is committed to holding accurate data about you, and will implement processes and procedures to ensure that you can rectify your data where inaccuracies have been identified.

8.3 Right to erasure (right to be forgotten)

Where the Council receives a request from you looking to exercise your right of erasure, the Council will carry out an assessment of whether the personal data can be erased without affecting the ability of the Council to provide on-going services to you.

8.4 Right to restriction of processing

The Council will implement and maintain appropriate procedures to assess whether your request to restrict the processing of your data can be implemented. Where the request for restriction of processing is carried out, the Council will write to you to confirm the restriction has been implemented and when the restriction is lifted.

8.5 Right to data portability

Where the Council has collected your personal data by consent or by contract, you have a right to receive the data in electronic format to give to another data controller. Exercising this right will depend on the feasibility of the request.

8.6 Right to object

You have a right to object to the processing of your personal data in specific circumstances. Where such an objection is received, the Council will assess the case on its merits.

8.7 Rights relating to automated decision-making, including profiling

You have the right not to be subject to a decision based solely on automated processing, where such decisions would have a legal or significant effect on you. The Council will ensure that where systems or processes utilise automated decision-making or profiling, an appropriate right of appeal is available to you.

8.8 Right to complain

If you are unhappy with how the Council has processed a request made by you, we will endeavour to assist you in resolving any issues raised. In such circumstances you should contact the Data Protection Officer.

You also have the right to complain directly to the Data Protection Commission (DPC). The DPC can be contacted as follows:-

By post: Canal House, Station Road, Portarlinton, R32 AP23, Co. Laois.

By e-mail: info@dataprotection.ie

By phone: 0761 104 800 or lo-call number 1890 252 231

How to Get In Touch With Us?

If you have any queries about this policy, please contact the Data Protection Officer (DPO). The DPO for the Council can be contacted at kmeier@judicialcouncil.ie

How Can You Exercise Your Rights?

You are entitled to exercise the rights outlined above. You can make a request under any of these rights by contacting the Council's Data Protection Unit at this address:

By e-mail: kmeier@judicialcouncil.ie

By post:
Data Protection Unit
Judicial Council
Green Street Courthouse
Dublin 7
D07 W568