

# Data Protection Notice

HOW WE PROTECT AND MANAGE YOUR PERSONAL DATA

TUSLA, THE CHILD AND FAMILY AGENCY

FINAL SEPTEMBER 2021

# Data Protection Notice

## What is a Data Protection Notice?

Tusla, the Child and Family Agency ('we' 'our' 'us') strongly believes in protecting the confidentiality and security of your [personal data](#). This document is referred to as our "Data Protection Notice" and describes how we use the personal data that we collect and receive about you.

All references to 'you' in this document are intended to refer to both Adult and Child Service Users of Tusla.

This Data Protection Notice contains some terms which you may need help understanding. The most commonly used terms are listed in the Glossary at the end of our Data Protection Notice.

## Who We Are

Tusla, the Child and Family Agency, is a statutory body established under the Child and Family Agency Act 2013.

Tusla is required under section 8 of the Child and Family Agency Act 2013 and under section 3 of the Child Care Act 1991 to promote the development, welfare and protection of children and families.

Tusla is a data controller under the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018. We are the [Controller](#) of your personal data as we decide what information to collect about you and what we will use it for in order to discharge our statutory responsibilities and to provide services to you.

## How to Contact Us for Help

If you want help with our Data Protection Notice or have questions about it, please contact the Child and Family Agency's Data Protection Officer whose contact details are below:

<b>Telephone:</b>	+353 1 771 8500
<b>Email:</b>	datacontroller@tusla.ie
<b>Post:</b>	Tusla, Brunel Building, Heuston South Quarter, St John's Rd W, Kilmainham, Dublin, Ireland

If you are unhappy about any aspect of the way we collect, share or use your personal data, we would like you to tell us. You can contact us using the details above. You can make a data subject rights request using our Data Subject Rights Request Portal at <https://privacyportal-de.onetrust.com/webform/fdd48e30-6053-43f4-bd8d-038230be01da/6acf5eca-1058-4a2d-96a5-f5840f213970>

If you are not happy with our response, you have a right to complain to the

**Data Protection Commission**  
21 Fitzwilliam Square South  
Dublin 2

# Data Protection Notice

D02 RD28

Ireland

[www.dataprotection.ie](http://www.dataprotection.ie)

<https://forms.dataprotection.ie/contact>

## Why We Are Allowed to Use your Personal Data

We only use your personal data for the reasons set out below in [‘What will my personal data be used for?’](#) We are permitted to do so under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 generally because the legislation under which we operate permits or requires us to process your personal data in order to promote the development, welfare and protection of children and families or, in other words, because:

- the processing is necessary for the performance of tasks carried out in the public interest or in the exercise of official authority vested in us;
- the processing of your [personal data](#) is necessary for compliance with a legal obligation to which we are subject;

**AND** in the case of [“special categories of personal data”](#), also because the processing is necessary for the purposes of provision of medical care, treatment or social services, management of health or social care systems and services.

## Your Rights

We have set out a summary of your rights regarding your [personal data](#) below. This section explains your rights in relation to your personal data in detail. The various rights are not absolute and are subject to certain exceptions or qualifications.

**Right to be informed:** You have the right to be provided with clear, transparent and easily understandable information about how we use your [personal data](#) and your rights. This is why we’re providing you with the information in this Data Protection Notice.

**Right of access:** You have the right to obtain access to your [personal data](#) (if we’re [processing](#) it), and other certain information (similar to that provided in this Data Protection Notice). This is so you’re aware and can check that we’re using your [personal data](#) in accordance with data protection law. You can request copies of paper and electronic records (including recorded calls, where applicable) about you that we hold, share or use. To deal with your request, we can request proof of identity and enough personal data to enable us to locate the personal data you request. We can only provide you with your information, not personal data about another person. Also, where access would adversely affect another person’s rights, we are not required to provide this. Due to legal privilege, we may not be able to show you everything that we learned in connection with a claim or legal proceeding. Please clearly set out in your access request the personal data that you’re requesting. If this is not clear, we may come back to you to ask for further personal data by way of clarification.

**Right to rectification:** You’re entitled to have your personal data corrected if it’s inaccurate or incomplete. If

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you tell us that the personal data we hold on you is incorrect, we will review it and if we agree with you, we will correct our records. If we do not agree with you, we will let you know. If you wish, you can tell us in writing that you believe our records still to be incorrect and we will include your statement when we give your personal data to anyone outside of Tusla. You can contact us using the details in the section at the beginning of the Data Protection Notice headed [‘How to Contact Us for Help’](#). You may also have the right to have incomplete personal data completed, including by means of providing a supplementary statement. Whether or not this is appropriate in any particular case depending on the purposes for which your personal data is being processed. We need to notify any third parties with whom we have shared your personal data that you’ve made a rectification request. We will take reasonable steps to do this, but if it is not possible or may involve disproportionate effort we may not be able to do this or ensure they rectify the personal data they hold. Generally, we will let you see the personal data that we hold about you, or take steps to correct any inaccurate information, if you ask us in writing. Due to legal privilege, we may not be able to show you everything that we learned in connection with a claim or legal proceedings.

**Right to erasure:** This is also known as ‘the right to be forgotten’ and enables you to request the deletion or removal of your personal data where there’s no compelling reason for us to keep using it. This is not an absolute right to erasure. We may have a right or obligation to retain the information, such as where we are under a legal obligation to do so or have another valid legal reason to retain it. You have a right to have your personal data erased, and to prevent processing, where:

- the personal data is no longer necessary for the purpose it was originally collected/processed;
- we have been processing your personal data in breach of data protection laws; or
- the personal data has to be erased in order to comply with a legal obligation

The right to erasure does not apply where your information is processed for certain specified reasons, including for the exercise or defence of legal claims or to allow us to administer and manage our employment relationship. Where we have provided the personal data you want to be erased to third parties, we need to inform them about your erasure request, so they can erase the personal data in question. We will take reasonable steps to do this, but this may not always be possible or may involve disproportionate effort. It may also be that the recipient is not required/able to erase your personal data because one of the exemptions above applies.

**Right to restriction of processing:** In certain situations, you have the right to ‘block’ or suppress further use of your information. When processing is restricted, we can still store your information, but may not use it further. You have the right to restrict the processing of your personal data:

- where you disagree with the accuracy of the information, we need to restrict the processing until we have verified the accuracy of the information;
- when processing is unlawful and you oppose erasure and request restriction instead;
- if we no longer need the personal data but you need this to establish, exercise or defend a legal claim; or
- where you have objected to the processing based on your individual interests and we are considering whether those interests should take priority.

Where we have disclosed your relevant personal data to third parties, we need to inform them about the restriction on the processing of your information, so that they don’t continue to process this. We will

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take reasonable steps to do this, but this may not always be possible or may involve disproportionate effort. We'll also let you know if we decide to lift a restriction on processing.

**Right to object:** You have the right to object to certain types of processing of your personal data. If you object to the processing of your personal data we will review your objection in the context of the personal data we process about you. If we consider that we can demonstrate compelling legitimate grounds for the processing which may override your individual objection we may continue to process your personal data despite your objection. If we feel we cannot demonstrate compelling legitimate grounds for the processing, we will stop processing your personal data. We will continue to process your personal data where it is necessary for research and statistical purposes carried out in the public interest as the right to object does not apply in this instance.

You are entitled to receive your personal data free of charge except where we may charge a reasonable fee to cover our administrative costs of providing the personal data for manifestly unfounded or excessive/repeated requests, or further copies of the same information. Alternatively, we may be entitled to refuse to act on the request. Please consider your request responsibly before submitting it. We will respond as soon as we can. Generally, this will be within one month from when we receive your request but, if the request is going to take longer to deal with, we will let you know.

In order to exercise any of the rights described above please contact us using the details in the section at the beginning of the Data Protection Notice headed '[How to Contact Us for Help](#)'.

Further information and advice about your rights can be obtained from the Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28, Ireland, or on its website at [www.dataprotection.ie](http://www.dataprotection.ie).

### What Personal Data Do We Process?

The types of personal data which we may collect, use, process or store includes (but is not limited to):

- **Identification Information:** First name(s), maiden name and surname, age, date and place of birth, gender, marital status, number of dependents, language of communication, nationality, citizenship
- **Physical Characteristics and Location Information:** Contact Details, Address, Physical Description
- **Family, Lifestyle and Social Circumstances Information:** Information relating to family, lifestyle and social circumstances, family and other household members, housing and travel
- **Criminal Convictions Information:** Information relating to criminal convictions, offences or alleged offences
- **Special categories of information:** Information classified by law as "special categories of personal data" including information about health, medical records, sexual history or sex life, racial and/or ethnic origin, religion and religious beliefs.

### How We Collect This Personal Data

We may collect your personal data from a variety of sources. The Children First Act 2015 requires certain specified categories of persons, known as "mandated persons", to report child protection concerns to Tusla using a mandated report form. This applies where the person knows, believes or has reasonable grounds

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to suspect that a child is being harmed, has been harmed or is at risk of being harmed, or where the child makes such a disclosure.

In addition to receiving reports from mandated persons, we also receive notifications, reports, referrals and complaints from members of the public, from a child and/or his or her parent or guardian on his or her behalf and retrospective complaints from adults about something that happened when they were children.

We also collect personal data about you from you directly when you engage with us and in order to provide services to you.

We may also collect your personal data from third parties, for example, An Garda Síochána, the Health Services Executive, GPs and other medical professionals, Schools, the Department of Education and Skills, the Adoption Authority of Ireland, the Department of Social Protection, the Department of Justice and Equality, the Department of Children, Equality, Disability, Integration and Youth, the Irish Youth Justice Service, the Courts Service, the Probation Service, the Irish Prison Service, Guardians Ad Litem and the Garda Síochána Ombudsman Commission.

### What We Use Your Personal Data For

We may use the information we have about you when it is permitted or required by the legislation under which we operate in order to provide the following services and the comply with legal and reporting obligations in relation to the following services:

- Child Protection and Welfare Services
- Alternative Care Services (including but not limited to, Adoption, Foster Care, Residential Care, Special Care and After Care Services)
- Family and Community Support Services
- Education Support Services
- Domestic, Sexual and Gender Based Violence services

Statistics from our services will be compiled and may be shared with researchers. Please note that when we provide these statistics to researchers for analysis and research we take out all personal data from this information so that you are not identified or identifiable from this information either on its own or when combined with any other information.

### How Long We Keep Personal Data For

We will keep your information for no longer than is necessary for the purposes for which the information is collected. Our data retention policies comply with all applicable laws to which we are subject. They set out how long we are allowed to retain different types of data we hold and are reviewed on a regular basis. Our retention periods take into account legal obligation(s) under applicable law to retain data for a certain period of time, statute of limitations under applicable law and guidelines issued by relevant data protection authorities and other relevant regulatory authorities.

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## Sharing Your Personal Data

We share personal data only to the extent that this sharing is strictly necessary with relevant third parties for the purposes of notifying them of child protection concerns, mandated persons for the purposes of obtaining their assistance with assessing child protection concerns, An Garda Síochána for the purposes of reporting a crime or suspected crime or for the purposes of making a notification to the National Vetting Bureau of An Garda Síochána. We may share your personal data with other professional practitioners such as health care and education providers, medical, legal or educational professionals, where we consider it in your best interest to do so. We may also share your personal data with authorities such as An Garda Síochána or the Garda Síochána Ombudsman Commission if requested to do so to assist a criminal investigation of a serious offence or as required by law.

We store your data on a cloud infrastructure provided by our third party service provider. This data sharing arrangement with the provider is governed by a service agreement that requires the provider to implement and maintain appropriate technical and organizational measures to protect your personal data and to maintain its confidentiality and security. The provider is required to abide by the requirements of data protection law regarding the collection, use, transfer, retention, and other processing of your personal data. The provider may transfer the data to a third country for purposes of providing this hosting service and is required to undertake such transfers subject to appropriate safeguards as model clauses described in Article 46 of the GDPR and such transfers and safeguards will be documented according to Article 30(2) of the GDPR.

## Personal data may be shared with the following categories of recipients

- GPs, Hospitals, Medical Professionals and the Health Services Executive
- An Garda Síochána and the Garda Síochána Ombudsman Commission
- Tusla Service Providers
- Tusla Commissioned and Funded Services
- Schools, Education Providers and the Department of Education and Skills
- The Irish Prison Service
- The Department of Justice
- The Department of Children, Equality, Disability, Integrity and Youth
- The Adoption Authority
- The Probation Service
- Courts and Guardians Ad Litem
- Government agencies and departments
- CORU
- HIQA
- Professional bodies
- Ombudsman and Regulatory Authorities and Agencies

## Cross Border Transfers of Personal Data

Tusla only transfers personal data outside of Ireland where it is permitted to do so and to countries that provide the same level of protection that is provided to the personal data in Ireland. This means that Tusla is permitted to transfer personal data within the European Economic Area in compliance with the General Data Protection Regulation (GDPR) and to any other country subject to certain safeguards being in place. These safeguards include that the transfer is to a country that has been determined by the European Commission to have an adequate data protection regime, i.e. has been granted an adequacy decision. The United Kingdom, including Northern Ireland, has been granted an adequacy decision, and Tusla sometimes transfers personal data to the United Kingdom, including Northern Ireland, where it is strictly necessary for the provision of services to service users.

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These safeguards also include that the transfer is subject to a legally binding and enforceable instrument between public authorities and bodies. Information relevant to child protection concerns will be shared with services in other jurisdictions who hold a stake in child protection and welfare where it has been determined that there may be immediate serious risk to a child. EC Regulation 2201/2003 is a single legal instrument which seeks to facilitate the work of courts and legal practitioners, providing for divorce and 'parental responsibility' and the regulation of cross-border rights of access between children and their parents. Intercountry data sharing coordinated and managed by International Social Services Ireland (ISSI) through established procedures governed by ISSI which is a part of Tusla that facilitates communication among social services in different countries in order to resolve socio-legal problems of individuals and families resulting from migration and international mobility.

### How We Keep Your Personal Data Safe and Secure

The security and confidentiality of your personal data is extremely important to us. Tusla has technical, administrative, and physical security measures in place to protect your personal data from unauthorised access and improper use; secure our IT systems and safeguard the information; and ensure we can restore your data in situations where the data is corrupted or lost in a disaster recovery situation.

We use encryption or other security measures which we consider appropriate to protect your personal data. We also review our security procedures periodically to consider appropriate new technology and updated methods. Despite our reasonable efforts, no security measure is ever perfect or impenetrable.

### GLOSSARY

Personal data is any personal information relating to an individual who can be identified, directly or indirectly, by reference to that information.

The Controller is the person or organisation which decides the purposes and means of the processing of personal data either on its own or with others.

Processing means any operation or set of operations which is performed on personal data such as collection, recording, organisation, structuring, storage, alteration, retrieval, consultation, use, disclosure, erasure or destruction.

Special categories of personal data are types of personal data which might show a person's race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership, sex life or sexual orientation, details about their health and any genetic or biometric data.

Model clauses are standard contractual clauses which have been approved by the European Commission as providing adequate safeguards to enable personal data to be transferred outside the European Economic Area.