

# **PRIVACY STATEMENT HUMAN RESOURCES DEPARTMENT**

## Version Control

<b>Department</b>	<b>Corporate Services</b>			
<b>Service</b>	<b>Data Protection</b>			
<b>Document Title</b>	<b>Privacy Statement – Human Resources Department</b>			
<b>Document Reference No.</b>	DP-2-09			
<b>Version No.</b>	V.1			
<b>Prepared By.</b>	Eamonn Tyrrell Data Protection Officer	<b>Date:</b>	February 2022	
<b>Approved By.</b>	Management Team	<b>Date:</b>		
<b>Revisions:</b>				
<b>Version No.</b>	<b>Revised by</b>	<b>Date</b>	<b>Approved by</b>	<b>Date</b>
V.2	Michael Arthurs HR Department		Eamonn Tyrrell, Data Protection Officer	

## **1.0 Introduction**

The role of the Human Resources (HR) Department is to support Kilkenny County Council's ongoing commitment to the delivery of a quality service to its customers. It achieves this through providing the following services/functions that are designed to attract, develop and retain a dedicated and highly qualified workforce:

- HR Administration
- Attendance Management
- Industrial/Employee Relations
- Integrated Performance Management
- PMDS
- Payroll
- Garda Vetting
- Superannuation
- Training and Development
- Miscellaneous HR functions.

## **2.0 Purpose of Privacy Statement**

The purpose of this privacy statement is to describe, in clear and concise terms, the personal data the HR Department may collect about individuals, why it is needed, how it is used and how individuals may interact with the HR Department in relation to their personal data. It also outlines the rights of individuals under data protection legislation in relation to the processing of their personal data.

## **3.0 Definitions**

For the purposes of this privacy statement the following definitions apply:

- is an individual who is the subject of personal data.

- **Personal Data:** 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.
- **Special Categories of Personal Data:** is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; genetic data; biometric data processed for the purpose of uniquely identifying a natural person; data concerning health and data concerning a natural person's sex life or sexual orientation.

#### 4.0 Scope

This statement applies to all personal data processed by the HR Department in physical or electronic format. This data primarily relates to past, current and prospective employees of the County Council.

#### 5.0 Data Protection Policy

The HR Department processes a significant amount of personal data in various formats on an on-going basis. Kilkenny County Council is committed to ensuring that personal data processed by its HR Department is:

- Obtained lawfully, fairly and in a transparent manner;
- Obtained for specified, explicit and legitimate purposes only;
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained;
- Recorded, stored accurately and securely and where necessary kept up to date;
- Kept only for as long as is necessary for the purposes for which it was obtained;

- Kept in a form which permits identification of the data subject;
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

Kilkenny County Council has a Data Protection Policy and Code of Practice which goes into more detail as to how it intends meeting these commitments. A copy of this document can be accessed [here](#).



## 6.0 What Personal Data is Processed

Details of personal data processed by each of the services/functions of the HR Department are contained in the following tables

**Table 6.1**

<b>Service/Function</b>	<b>Personal Data Processed</b>
HR Administration	<ul style="list-style-type: none"><li>• Name</li><li>• Postal Address</li><li>• Eircode/Postcode</li><li>• Contact Details (phone numbers, e-mail address)</li><li>• Gender</li><li>• Date of Birth</li><li>• Birth Certificate</li><li>• Civil Status – i.e. single, married, separated or divorced, widowed, etc.</li><li>• Nationality</li><li>• PPS Number</li><li>• Photo Identification</li><li>• Personnel Number</li><li>• Grade / Role</li><li>• Date of Commencement of Employment</li><li>• Date of Commencement of Permanency</li><li>• Work Location Details</li><li>• Work Pattern</li><li>• Pensionable Status</li><li>• Retirement Date</li><li>• Next of Kin</li></ul>

**Table 6.2**

<b>Service/Function</b>	<b>Personal Data Processed</b>
Attendance Management	<ul style="list-style-type: none"> <li>• Work attendances / hours worked</li> <li>• Work absences (e.g. business absences)</li> <li>• Leave (e.g. adoptive, annual, ante-natal appointments and classes, carers, compassionate, conferring, exam, flexi, force majeure, interview, interview board, jury, maternity, paternal, reserve defence force, sick, special, study, term time, training and union leave)</li> <li>• Career break details inc. nature of leave request, if leaving for future employment – employers details and duration of leave request</li> <li>• Time off in lieu of overtime</li> <li>• Work sharing scheme arrangements</li> <li>• Balances (leave, flexi and uncertified sick leave)</li> <li>• Occupational health checks / referrals</li> <li>• Medical certs / reports</li> </ul>

**Table 6.3**

<b>Service/Function</b>	<b>Personal Data Processed</b>
Industrial/Employee Relations	<ul style="list-style-type: none"> <li>• Nature of claims, grievances and complaints and any reports arising</li> <li>• Conduct and outcome of negotiations</li> <li>• Conduct and outcome of investigations</li> </ul>

**Table 6.4**

<b>Service/Function</b>	<b>Personal Data Processed</b>

Integrated Performance Management	<ul style="list-style-type: none"> <li>• Performance data (tasks, targets, timeframes and progress)</li> <li>• Training and development needs</li> </ul>
-----------------------------------	--

**Table 6.5**

Service/Function	Personal Data Processed
Payroll	<ul style="list-style-type: none"> <li>• Salaries/wages/pensions data</li> <li>• Allowances data</li> <li>• Tax deductions data</li> <li>• Pension related deductions data</li> <li>• Payroll deductions data (e.g. health insurance, life assurance, motor insurance, income protection, additional voluntary contributions, trade union subscriptions, membership fees for professional bodies and miscellaneous voluntary deductions)</li> <li>• Bank account details</li> </ul>

**Table 6.6**

Service/Function	Personal Data Processed
Garda Vetting	<ul style="list-style-type: none"> <li>• Name</li> <li>• Postal addresses (current and previous)</li> <li>• Contact details (phone numbers, e-mail address)</li> <li>• Date of birth</li> <li>• Place of birth</li> <li>• Passport number</li> <li>• Details of convictions</li> </ul>



**Table 6.7**

Service/Function	Personal Data Processed
Superannuation	<ul style="list-style-type: none"><li>• Commencement of employment data</li><li>• Service history</li><li>• Termination of employment data</li><li>• Pension and gratuity data</li><li>• Civil Status and associated certificates</li></ul>

**Table 6.8**

Service/Function	Personal Data Processed
Training and Development	<ul style="list-style-type: none"><li>• Training and development data (training and development scheduled, completed, assessments, qualifications and non-attendances at training and development)</li></ul>

**Table 6.9: Miscellaneous HR Functions**

<b>Service/Function</b>	<b>Personal Data Processed</b>
a) Access Cards	<ul style="list-style-type: none"><li>• Name</li><li>• Position / Grade</li><li>• Personnel number</li><li>• Issue date</li><li>• Photo identification</li></ul>
b) Cycle to Work Scheme	<ul style="list-style-type: none"><li>• Name</li><li>• Personnel number</li><li>• Grade</li><li>• PPS number</li><li>• Work location</li><li>• Salary/wages deductions</li></ul>
c) Payments to Suppliers	<ul style="list-style-type: none"><li>• Name</li><li>• Postal address</li><li>• Contact details (phone numbers, e-mail address)</li><li>• Bank details</li><li>• Category of supplier</li><li>• VAT/TRN/PPS number</li><li>• Tax clearance details</li><li>• Payment details</li></ul>

## **7.0 Why Personal Data is Processed**

Personal data is processed by the HR Department in order to manage the relationship with past, current and prospective employees in a lawful, effective and appropriate manner.

If the HR Department proposes to process personal data for a purpose other than it was obtained it will, prior to such processing, provide the data subject with information on that purpose and any other relevant information.

## 8.0 The Legal Basis for Processing Personal Data

The legal basis for processing personal data by the HR Department is under Article 6 and 9 of the GDPR and is mostly contained in the following legislation:

- Local Government Act 2001
- Employment legislation as follows:
  - Adoptive Leave Acts 1995 and 2005
  - Carers Leave Act 2001
  - Disability Act 2005
  - Employees (Provision of Information and Consultation) Act 2006
  - Equal Status Act 2000
  - Employment Equality Acts 1998 to 2011
  - Industrial Relations Acts 1946 to 2015
  - Maternity Protection Acts 1994 and 2004
  - Minimum Notice and Terms of Employment Acts 1973 to 2005
  - National Minimum Wages Act 2000
  - Organisation of Working Time Act 1997
  - Parental Leave Acts 1998 and 2006
  - Payment of Wages Act 1991
  - Protection of Employees (Fixed-Term Work) Act 2003
  - Protection of Employees (Part-Time Work) Act 2001
  - Public Service Management (Recruitment and Appointment) Act 2004
  - Public Service Pensions (Single Scheme and Other Provisions) Act 2012
  - Public Service Superannuation (Miscellaneous Provisions) Act 2004
  - Redundancy Payments Act 1967 to 2007
  - Terms of Employment (Information) Acts 1994 to 2012
  - Unfair Dismissals Acts 1977 to 2007
- Safety, Health and Welfare at Work Act 2005

- Children First Act 2015
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

There may be a limited number of circumstances whereby the HR Department relies on consent for the processing of personal data. In such circumstances the data subject has the right to withdraw consent to the processing of his or her personal data at any time.

Where special categories of information are being processed the HR Department will obtain the data subject's explicit consent to such processing unless this is not required by law or the personal data is required to protect the health of the data subject in an emergency.

## **9.0 How Personal Data is Obtained**

- 9.1** Most of the personal data collected by the HR Department is obtained directly from past, current and prospective employees. Some of it however is obtained indirectly from other sources such as referees, medical practitioners and previous employers.
- 9.2** The HR Department also creates personal data as a result of processing activities carried out by the services it provides e.g. attendance, payroll, service, performance and training and development data.

## **10.0 How Personal Data is Processed**

The processing of personal data by staff within the HR Department is generally carried out by its IT systems. Details of the IT systems that are used by the HR Department to process personal data are as follows:

- CORE HR, Payroll and Superannuation System
- MyPay (the local authority payroll and superannuation shared service).
- Agresso – Financial management system



## 11.0 Sharing Personal Data with Third Parties

The sharing of personal data with third parties will only occur in circumstances that are permitted by law.

Details of the sharing of personal data by the HR Department with third parties are contained in the following tables:

<b>Table 11.1</b>	
<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
HR Administration	<ul style="list-style-type: none"><li>• Submit.com</li><li>• Tableau / Makodata</li></ul>

<b>Table 11.2</b>	
<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Attendance Management	<ul style="list-style-type: none"><li>• Occupational health physician</li></ul>

<b>Table 11.3</b>	
<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Industrial/Employee Relations	<ul style="list-style-type: none"><li>• Employee representatives</li><li>• Employer representatives</li></ul>

<b>Table 11.4</b>	
<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Integrated Performance Management	<ul style="list-style-type: none"><li>• None</li></ul>



**Table 11.5**

<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Payroll	<ul style="list-style-type: none"> <li>• Laois County Council (MyPay)</li> <li>• Revenue Commissioners</li> <li>• Insurance companies</li> <li>• Medical Insurance Companies</li> <li>• Trade unions</li> <li>• Banks/ Financial Institutions</li> <li>• Professional bodies</li> <li>• Auditors</li> </ul>

**Table 11.6**

<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Garda Vetting	<ul style="list-style-type: none"> <li>• An Garda Síochána</li> </ul>

**Table 11.7**

<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Superannuation	<ul style="list-style-type: none"> <li>• Laois County Council (MyPay data)</li> <li>• Other local authorities (Service history only)</li> </ul>

**Table 11.8**

<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Training and Development	<ul style="list-style-type: none"> <li>• Regional Training Centre</li> <li>• Training providers e.g. IPA, LGMA</li> <li>• Training and education awards bodies</li> <li>• ProWorks</li> </ul>

Table 11.9: Miscellaneous HR Functions	
Service/Function	Third Parties with whom Personal Data is Shared
a) Access Cards	• None
b) Cycle to Work Scheme	• None
c) Payments to Suppliers	• None

## 12.0 Records Retention Policy

The HR Department's practices in relation to the retention of personal data are guided by the Local Government Management Agency's (LGMA) National Retention Policy for Local Authority Records and any updates that are issued by the LGMA. Copies of these documents are available [here](#).

## 13.0 Data Subject Rights

Data subjects have a range of rights under GDPR. These include the following:

- The right to be informed;
- The right of access;
- Right to rectification of inaccurate or incomplete data;
- The right to erasure (also known as the 'right to be forgotten') of personal data;
- The right to portability;
- The right to object to the processing of personal data;
- The right to restrict the processing of personal data;
- Rights in relation to automated decision making, including profiling.

Kilkenny County Council has developed a Data Subject Rights Policy and Procedures document which provides more detailed information on the rights of a data subject and how to exercise them. A copy of this document is available [here](#).

## 14.0: Complaints to the Data Protection Commission

14.1 Data subjects may make a complaint in the following circumstances:

- a) If they experience a delay outside of the prescribed timeframe for making a decision on a data subject right request;
- b) If they are dissatisfied with a decision by Kilkenny County Council on their data subject right request;
- c) If they consider that Kilkenny County Council's processing of their personal data is contrary to data protection legislation.

**14.2** Contact details for the Data Protection Commission are as follows:

Phone Number: 0761 104 800 or Local 1890 252 231  
E-mail: [info@dataprotection.ie](mailto:info@dataprotection.ie)  
Website: [www.dataprotection.ie](http://www.dataprotection.ie)  
Postal Address: Data Protection Commission  
Canal House  
Station Road  
Portarlinton  
Co. Laois  
R32 AP23.

## **15.0 Monitoring and Review**

Provisions contained in this statement shall be subject to on-going monitoring and review.

## **16.0: Further Information**

Further information and advice on the operation of this privacy statement is available from the Data Protection Officer, Kilkenny County Council. Contact details for the County Council's Data Protection Officer are as follows:

Phone: 056 779 4277  
E-mail: [dataprotection@kilkennycoco.ie](mailto:dataprotection@kilkennycoco.ie)  
Website: [www.Kilkennycoco.ie](http://www.Kilkennycoco.ie)

Postal Address: Kilkeny County Council  
Áras an Chontae  
John Street,  
Kilkenny

**14.3** Contact details for the Data Protection Commission are as follows:

Phone Number: 0761 104 800 or Local 1890 252 231

E-mail: [info@dataprotection.ie](mailto:info@dataprotection.ie)

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

Postal Address: Data Protection Commission  
Canal House  
Station Road  
Portarlinton  
Co. Laois  
R32 AP23.

**15.0 Monitoring and Review**

Provisions contained in this statement shall be subject to on-going monitoring and review.

**16.0: Further Information**

Further information and advice on the operation of this privacy statement is available from the Data Protection Officer, Kilkenny County Council. Contact details for the County Council's Data Protection Officer are as follows:

Phone: 056 779 4277

E-mail: [dataprotection@kilkennycoco.ie](mailto:dataprotection@kilkennycoco.ie)

Website: [www.Kilkennycoco.ie](http://www.Kilkennycoco.ie)

Postal Address: Kilkenny County Council  
Áras an Chontae  
John Street,  
Kilkenny