

DATA & PERSONALLY IDENTIFIABLE INFORMATION PROTECTION MANAGEMENT v3.2 JULY 2018

An area of high visibility for IrishRelo is the requirements necessary for the transfer of data abroad. There are special conditions that must be met before transferring personal data outside the European Economic Area, where the importing country does not have an EU approved level of data protection law.

At least one of the following conditions must be met in that the transfer is:

- A. consented to by the data subject
- B. required or authorised under an enactment, convention or other instrument imposing an international obligation on this State
- C. necessary for the performance of a contract between the data controller and the data subject
- D. necessary for the taking of steps at the request of the data subject with a view to his or her entering into a contract with the data controller
- E. necessary for the conclusion of a contract between the data controller and a third party, that is entered into at the request of the data subject and is in the interests of the data subject, or for the performance of such a contract
- F. necessary for the purpose of obtaining legal advice
- G. necessary to urgently prevent injury or damage to the health of a data subject
- H. part of the personal data held on a public register
- I. authorised by the Data Protection Commissioner - normal the approval which is based on the EU model.

As the legislation on the transfer of data abroad is complex, it may be advisable for persons to contact the Data Protection Commissioner in order to seek guidance on specific cases.

DATA PROTECTION

In May 2018 a new EU-wide data protection regulation came into force.

General Data Protection Regulation (GDPR) affects every organisation in Europe that handles personal data of any kind. It also affects any company that does business in the EU. The rules are complex and fines for non-compliance are significant (up to €20 million).

What are the Data Protection Principles?

The GDPR retains the core principles of the Data Protection Directive 95/46/EC but has been beefed up: there are many important new obligations as well as a tougher regime of sanctions for getting this wrong

- **Lawfulness, fairness & transparency**
personal data must be processed lawfully, fairly and in a transparent manner
- **Purpose limitation**
personal data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that's incompatible with those purposes
- **Data minimisation**
Personal data must be adequate, relevant and limited to what's necessary in relation to purpose for which it is processed and properly destroyed within a week of job-completion.
- **Accuracy**
Personal data must be accurate and kept up-to-date. Inaccurate data should be corrected or deleted
- **Retention**
Personal data should be kept in an identifiable format for no longer than is necessary (with certain exceptions).
- **Integrity and confidentiality**
Personal data must be kept secure. Required to demonstrate how to completely remove/destroy data at the mandatory time and also the means by which it is done. Keep a record of the data removed i.e. name/date etc
- **Accountability**
The data controller should be able to demonstrate, and in some cases verify, compliance with the GDPR. We must check that all policies, processes and procedures are in place and that this delivers the seven data protection principles. The Board should support organisation-wide awareness and training programmes that should be short, informative and that all of this is recordable and logged.

Data Protection steps taken by IrishRelo.

1. All the individuals whose data we collect are aware of our identity
2. IrishRelo staff tells the data subject what use we make of his/her data
3. All the disclosures that IrishRelo make of that data are legitimate ones
4. Appropriate security measures are in place to secure the data
5. Procedures are in place to ensure that data is kept up-to-date
6. Procedures are in place for handling data access requests from individuals
7. All IrishRelo staff are appropriately trained in data protection
8. Data Protection is regularly reviewed and audited.

Data Protection Commissioner: <https://www.dataprotection.ie/en>

APPLICABILITY

The IrishRelo **Data & Personally Identifiable Information Protection Policy** applies to the collection, use, distribution, access, or storage of our clients' Personal Information.

Personal Information

"Personal Information" is any information provided by our clients or collected by IrishRelo in connection with services provided to our clients:

- (i) that identifies or can be used to identify, contact, or locate the person to whom such information pertains, or
- (ii) from which identification or contact information of an individual person can be derived.

Clients' Personal Information includes, but is not limited to:

name, address, phone number, fax number, email address, social security number, passport number, other government-issued identifiers, and credit card information. Additionally, to the extent any other information (such as, but not necessarily limited to, a personal profile, unique identifier, biometric information, and/or IP address) is associated or combined with our clients' Personal Information, then such information also will be considered our clients' Personal Information. (Please see INTRODUCTION for detailed descriptions.) Our policy is based on **Generally Accepted Privacy Principles (GAAP)**.