6.2 The Care Trust Policy on Data Protection

The Care Trust DAC ('TCT' or 'the Company') is committed to complying with the obligations of the Data Protection Acts 1988 and 2003, with EU Regulation 2016/679 (the General Data Protection Regulation or 'GDPR'), which became effective on 25th May 2018, and with bestpractice in this area. This document was last reviewed and updated 1st May 2020.

The Care Trust has been raising funds from the general public for nearly 50 years on behalf of its beneficiaries, The Central Remedial Clinic (CRC, Rehab Group and special charitable projects)—all of which provide vital services and support for children and adults with disabilities, those who are disadvantaged and/or those requiring medical care.

Introduction

The general public contribute to The Care Trust by regular periodic donations and by entering periodic lottery draws which take place every month. Contributions are primarily transacted by direct debit, standing order, credit/debit card, or to authorised Contributor Agents. To facilitate the processing of contributions, TCT only keeps personal data for purposes that are specific, lawful and clearly stated.

Every individual has the right to know what personal information is held about him/her. TCT undertakes to ensure that all personal data, in hard copy and/or electronic format, is stored securely and provides internal and external auditors opportunity to vet its security systems and procedures on a regular and planned basis.

The Care Trust will not sell, trade, or otherwise transfer to outside parties personally identifiable information, except to trusted third parties who assist TCT operating its websites, conducting its business, or servicing its Contributors, so long as those parties agree to keep this information confidential as part of their contract with TCT.

Data Protection law places obligations on The Care Trust, and on all TCT staff and Fundraising Representatives who keep personal information. Hereafter, references to 'TCT' refer to all staff and Representatives.

The Board and the Chief Executive ('CEO') of TCT take responsibility to:

- ensure compliance with data protection legislation;
- have a clear procedure for handling requests for access to records;
- ensure that appropriate procedures remain in place to support compliance including periodic review and audit and
- examine the case for establishing databases and regulate such databases.

All TCT staff members are not expected to be experts in relation to data protection. However, the key aim of this Policy is that staff be aware of their responsibilities and can identity where a data protection issue has arisen for consultation with the CEO.

Definitions

Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing, storage and security of their personal data. Staff and Contributors supply information about themselves (for example, monthly direct debit details) to TCT and thus, the legislation applies.

Data Controller means the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data. (GDPR Art. 4(7)). In general, the Controller is TCT. However, it may interact with other bodies that also act as Data Controller e.g., in relation to TCT pension data, IPT is the Controller and Irish Life the Data Processor.

A Data Subject is an individual who is the subject of personal data, and this term covers both staff and Contributors to TCT. Data Protection legislation applies only to living persons.

Data is information in a form which can be processed and rights apply whether the information is held in electronic or manual format, or in photographs or digital images.

Personal data means any information relating to an identified or identifiable natural person ("Data Subject"); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier. (GDPR Art. 4(1))

Further relevant definitions are attached in Appendix 1 to this document.

Data Protection Principles

Data Protection Principles as set out by the Data Protection Acts, 1988 and 2003.

- Obtain and process information fairly;
- Keep it only for one or more specified, explicit and lawful purposes; Use and disclose it only in ways compatible with these purposes; Keep it safe and secure;
- Keep it accurate, complete and up-to-date;
- Ensure that it is adequate, relevant and not excessive;
- Retain it for no longer than is necessary for the purpose or purposes; Give a copy of his/her personal data to that individual, on request.

Further clarification on each principle, and how they apply to TCT, is set out below.

Obtain and process information fairly

To fairly process personal data it must have been fairly obtained, and the Data Subject must have given consent to the processing; or the processing must be necessary for one of a number of reasons including but not limited to:

- the performance of a contract to which the Data Subject is a party;
- compliance with a legal obligation, other than that imposed by contract; or
- for the purpose of the legitimate interests pursued by TCT except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject.

TO FAIRLY OBTAIN DATA the Data Subject must, at the time the personal data is being collected, be made aware of:

- the name of the Data Controller, e.g., The Care Trust;
- the purpose in collecting the data, e.g., The Care Trust fundraising on behalf of its beneficiaries;
- the identity of any representative nominated for the purposes of the Acts, e.g., name and ID number of Fundraising Representatives acting on TCT's behalf;
- the persons or categories of persons to whom the data may be disclosed, e.g., to trusted TCT third-party providers such as auditors;
- whether replies to questions asked are obligatory and the consequences of not providing replies to those questions;
- the existence of the right of access to their personal data;
- the right to rectify their data if inaccurate or processed unfairly; and
- any other information which is necessary so that processing may be fair and to ensure the Data Subject has all the information that is necessary so as to be aware as to how their data will be

processed.

In addition, where personal data is not obtained from the Data Subject, either at the time their data is first processed or at the time of disclosure to a third party, the above information is provided to the Data Subject and they must also be informed of the identity of the original Data Controller from whom the information was obtained and the categories of data concerned.

TCT has a Data Privacy Policy which provides all the specific information necessary for individuals, potential Contributors and existing Contributors to ensure all processing activities are transparent. This is available at all times on TCT's website.

DATA SUBJECT MUST HAVE GIVEN CONSENT

Consent means any freely given, specific, informed and unambiguous indication of his/her wishes by which the Data Subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed. (GDPR Rec.25; Art. 4(11))

Consent must reflect the Data Subject's genuine and free choice. If there is any element of compulsion, or undue pressure put upon the Data Subject, consent is not valid. (GDPR Rec.32, 43; Art. 7(4))

Consent must be specific. Blanket consent that does not specify the exact purpose of the processing is not valid consent. (GDPR Rec. 32; Art. 6 (1) (a)) In order to be specific, consent must be intelligible.

Consent must be informed. The Data Subject must be provided with sufficient information to enable them to understand what they are consenting to. (GDPR Rec.32, 42; Art.4 (11), 7(1))

The Care Trust aims to clearly and precisely explain the scope and the consequences of the data processing, via its Fundraising Representatives (in person), its website, and all documentation provided to Contributors by hand, post, or email.

Method of Consent

Consent must take the form of an affirmative action or statement. (GDPR Rec. 32)

This agreement can take any appropriate form (e.g., signature, tick-box, verbal consent, etc.), but TCT understands that it must be affirmative in nature—mere silence, passive acquiescence or failure to opt-out does not constitute valid consent. (GDPR Rec.32)

The Data Subject's consent to the processing of his / her personal data will not be tied to other matters. (GDPR Art. 7(2)) Consent can be provided by any appropriate method enabling a freely given, specific, informed indication of the Data Subject's wishes. It generally cannot be obtained from a third party. In completing and signing a mandate (credit/debit card or direct debit), Contributors give consent to The Care Trust to process their contributions via direct debit from their bank account, and to contact them in an appropriate manner to discuss same.

The request for consent is presented by TCT in a manner which is clearly distinguishable from the other matters, in an intelligible and easily accessible form, using clear language. TCT understands that if the Data Subject is asked to consent to something inconsistent with GDPR requirements that consent will not be binding.

Keep it only for one or more specified, explicit and lawful purposes

Data may only be kept for purposes that are specific, lawful and clearly stated and the data should only be processed in a manner compatible with that purpose(s). An individual has a right to question the purpose for which his/her data is held. TCT give a commitment to Contributors that data will not be passed onto third parties.

To comply with this rule:

- the Data Subject should know the reason/s why TCT is collecting and retaining their data, e.g., to process contributions for its lottery game draws and/or prize draws;
- the purpose for which the data is being collected should be a lawful one; and
- TCT must be aware of the different data sets kept and the specific purpose of each.

Use and disclose it only in ways compatible with these purposes

Any use or disclosure must be necessary for the purpose(s) or compatible with the purpose(s) for which TCT collect and keep the data. (This requirement can be lifted in certain restricted cases, in keeping with legislation.) Any processing of personal data by a Data Processor on behalf of TCT must be undertaken in compliance with the Acts.

Keep it safe and secure

Appropriate security measures must be taken against unauthorised access to, or alteration, disclosure or destruction of the data, and against its accidental loss or destruction. The nature of security used by TCT may take into account what is available technologically, the cost of implementation and the sensitivity of the data in question.

Keep it accurate, complete and up-to-date

It is in the interests of TCT to ensure accurate data for reasons of efficiency and effective decision-making. In addition, TCT may be liable to an individual for damages if they fail to observe the duty of care provision in the Act applying to the handling of personal data which tends to arise substantially in relation to decisions or actions based on inaccurate data. (The accuracy requirement does not apply to back-up data.)

Ensure that it is adequate, relevant and not excessive

It is essential that TCT seek and retain only the minimum amount of personal data needed to achieve their purpose(s). The information sought and held by TCT is:

- adequate in relation to the purpose/s for which you sought it
- relevant in relation to the purpose/s for which you sought it and
- not excessive in relation to the purpose/s for which you sought it.

Retain it for no longer than is necessary for the purpose or purposes

Under the legislation, personal data collected for one purpose cannot be retained once that initial purpose has ceased. Equally, as long as personal data is retained the full obligations of the Acts attach to it. If TCT no longer holds the information, then the Acts don't apply.

The Care Trust applies a policy of retaining all documents for no longer than six years, in line with Revenue guidelines for financial records. Where there is a need to retain Contributors' data after this period e.g., to analyse payment trends, TCT employ appropriate anonymisation of personal data, as permitted by the Acts. This involves the removal of any and all personal sensitive data that would allow current and lapsed Contributors to be identified.

Destruction

Once the period of use expires, TCT have processes in place for the secure destruction and disposal of data. This involves the following:

- All hard copy documents containing personal data are shredded.
- TCT avails of a contracted shedding service at least six times per year (more frequently, if required), whereby hard copy documents are confidentially shredded on-site.
- All electronic personal sensitive data is redacted/deleted from the IT systems and the computer recycle bin emptied.
- All computers and devices are checked regularly to ensure that no personal data is retained in this way.

- Give a copy of his/her personal data to that individual, on request

On making an access request, any individual about whom TCT keep personal data is entitled to:

- a copy of the data maintained about him or her; for example, a scanned copy of the Contributor's direct debit mandate
- know the categories of their data and the purpose/s for processing it
- know the identity of those to whom you disclose the data
- know the source of the data, unless it is contrary to public interest
- know the logic involved in automated decisions and
- data held in the form of opinions, except where such opinions were given in confidence and even in such cases where the person's fundamental rights suggest that they should access the data in question, it should be given.

Clear co-ordinated procedures, which are available for internal and external auditor scrutiny, are in place in TCT to ensure that all relevant manual files and IT systems are checked for the data in respect of access requests.

Right to Rectification, Erasure, Restriction, Data Portability (GDPR Arts 16 – 22)

Every individual about whom TCT keeps personal information has the right to have the information rectified or erased, to have data taken off a direct marketing / mailing list and has the right to complain to the Data Protection Commissioner.

The following rights are also observed by TCT:

Data subjects have the right to restrict processing in certain cases, i.e., a controller may store but not further process data. TCT undertake to notify the subject before lifting such a restriction.

Data subjects have the right to object to the processing of data in certain instances, such as direct marketing / profiling.

GDPR also introduces a right to portability of personal data that an individual has provided to a Controller. This enables individuals to obtain their data, and have it transmitted to another controller without hindrance, where technically feasible. TCT understands that data transmitted should be in a structured, commonly used and machine-readable format. (This provision only applies where automated processing is carried out and is based on consent.) This right does not extend to data generated by the Controller. (GDPR Art 20) Until such time as the industry/regulator publish standard specifications of file format for data transfers, TCT will provide a comprehensive Contributor Profile Report as fulfilling this requirement.

In each of the instances detailed above (Rectification, Erasure, Restriction, Data Portability), TCT undertake to provide information arising from any such request to the Data Subject without undue delay, and at the latest within one month of the receipt of the request.

Data access requests

To make an access request the data subject must:

- apply to The Care Trust in writing (including email);
- give any details which might be needed by TCT to help identify and locate all information maintained about him/her.

In response to an access request TCT will:

- supply the information to the individual without undue delay and within 30 days of receiving the request;
- ensure that any changes to the data requested are implemented within 30 days of receiving the request; and
- provide the information in a form which will be clear to the ordinary person.
- TCT will not charge a fee, unless further copies are requested, in which case a reasonable administrative cost may be applied.

Where no information is kept, the individual making the request will be informed within the 30 days. If the individual's right of access is restricted in accordance with legislation, TCT will notify the Data Subject in writing within 30 days and will state reasons for refusal. TCT will inform the individual of his/her entitlement to complain to the Data Protection Commissioner.

Redaction

Where it is deemed that not all the content in a particular document is of relevance to the individual making the data request, TCT may redact certain information in the records being disclosed. Redaction is carried out on the original/scanned document and must be applied thoroughly and consistently.

Details of all redactions identified and agreed with the CE are recorded, and a copy of the scanned document retained. Legislation also permits that a summary of the document can be prepared, if the extent of redaction renders the resulting document incomprehensible. TCT accept that the data subject can appeal such redaction decisions.

Use of CCTV systems

The Care Trust is aware that recognisable images captured by CCTV systems are personal data and therefore are subject to the provisions of the Acts. TCT does not currently use CCTV in any aspect of its business. TCT will only install a CCTV camera/system if satisfied that the use of such a camera/system is necessary, relevant and proportionate.

TCT staff members working in an environment with CCTV will be advised that CCTV is to be installed. Storage and retention of material collected by means of CCTV will be in accordance with TCT's Data Retention Policy for all other documents.

Direct Marketing

Direct Marketing can be defined as communication addressed to an identifiable individual that is asking them to exchange something of value for potential benefit.

Under GDPR, direct marketing is defined as a 'legitimate interest' of a Data Controller (Rec. 47). This means that TCT may use personal data for direct marketing purposes, where specific regulations (EU Privacy Directives and Data Protection Acts) are met.

Direct Marketing to Existing Contributors

Under EU Privacy Directives (SI336/2011), existing Contributors may receive marketing messages electronically (i.e., by emails/SMS) if:

Data Protection rules were observed when sourcing data in the first place; The product / service being marketed is TCT's own product / service;

The product / service marketed is similar to that originally bought; and Contributors consistently have the opportunity to refuse / opt – out.

TCT will not use electronic mail/SMS to send a Contributor a message for a non-marketing purpose which includes direct marketing information without explicit consent.

Where TCT uses electronic mail / SMS messages for direct marketing, the message will clearly state TCT's contact details and will provide a mechanism for recipients to respond and request a communication block. It is not required to provide a reason to cease communications. If a Contributor objects to receiving communications, this will be noted immediately by TCT and they will not be contacted again.

TCT understands that eMarketing consent has an expiry date of 12 months, after which time data cannot

be used and must be deleted. That is, details must have been collected within the previous 12 months or the individual / Contributor has received a marketing electronic mail within the previous 12 months to which they did not unsubscribe, using the cost-free method provided.

Direct Marketing to Potential Contributors Electronic Communications

TCT understands that under EU Privacy Directives (SI336/2011) individuals are only to be contacted by electronic mail / SMS messages to mobile phone for the purpose of direct marketing once their express prior consent has been obtained (i.e., the individual has 'opted- in'). This consent can be withdrawn by the individual at any time.

Other Communication Methods

Individuals may be contacted by other means (e.g., post or phone call to a landline) without obtaining their consent beforehand once:

- Data Protection rules were observed when sourcing data in the first place;
- Individuals have not previously objected to the receipt of marketing communications by such means (i.e., they have not 'opted out'), and
- Each time they are contacted they are given the opportunity to object to same in a cost-free easy manner, i.e., in the manner easiest for them.

If TCT proposes to make unsolicited calls to individuals for marketing purposes, it is legally required to consult the Irish National Directory Database to ensure agreement.

Data Breaches

A Data Breach is the scenario in which a third party gains unauthorised access to data, including personal data. This can lead to accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed.

TCT will notify the Data Protection Commissioner of any data breaches without undue delay and within 72 hours of becoming aware of the breach. (GDPR Art. 33 (1)) The only exemption to this mandatory obligation is where the breach is unlikely to result in a risk to the rights and freedoms of natural persons.

TCT will also notify the Data Subjects affected of any data breaches where the breach is likely to result in a high risk to the Data Subject. (GDPR Art. 34 (1)) This may not be necessary if the data has been rendered unintelligible by TCT and / or subsequent measures have been taken to minimize the risk. Where this would involve disproportionate effort, public communication will be used instead.

Responsibility for reporting any such data breaches rests with the CEO of The Care Trust, acting in consultation with the SMT and the Board.

TCT is committed to ensuring the implementation of appropriate technical and organizational measures to protect data or render it unintelligible to any unauthorized users. This includes psuedonymization of data; ongoing vigilance around processing systems and services; a current Business Continuity Plan for the testing, accessing and evaluation of security measures. TCT undertakes to maintain a record of any data breaches, including its effects and the remedial action taken.

Use of Images by The Care Trust

Any photograph, video or audio recording of a person constitutes their Personal Data and may, therefore, be subject to the provisions of the Data Protection Acts.

Images created purely for personal use are exempt from the Data Protection Acts.

Photographs, videos or audio recordings taken of people for official use may be covered by the Data Protection Acts, and those people (and, where applicable, their parent/guardian) should be advised and consent sought.

Official Use of Images may include:

Photographs of staff/stakeholders taken for identification purposes. These are likely to be stored electronically with other personal data and the terms of the Data Protection Acts apply.

Photographs of staff/contributors/stakeholders taken for public use e.g., for promotional purposes. These are likely to be stored electronically and shared with the public and the terms of the Data Protection Acts apply.

In all instances where a photograph is taken, or a video and/or audio recording is made for official use, the explicit and informed consent of the person (and, for minors, their parent/guardian) should be sought for its use or publication in any medium, e.g., company website, annual report, newspaper advertisement.

Informed consent is a process whereby participants are informed and asked for agreement prior to their data (including images) being collected and used. The individual should be given any information required to ensure fairness and transparency. Informed consent includes providing the individual with the

opportunity to withdraw consent previously given, if desired.

Consent should be obtained for each intended use of the images. Individuals should be informed of the purpose for which their data will be used and the bodies/people to whom the data might be transferred.

If it is intended to share the data with a third party (e.g., giving photo to a local newspaper) specific consent to transfer the image must be obtained in advance of any transfer. Consent can be written or verbal, but must be recorded on TCT's systems.

Where photographs are stored by TCT, they may be held on a computer system in line with the appropriate retention schedules per TCT's Data Retention Policy, after which they are deleted from the system.

Stock Image

TCT may, from time to time, use stock images from authorized sources. In such instances, TCT will abide by the terms of the licensing agreements in place.

Appendix 1: Definition of Terms

Issue	The Directive	The GDPR	Impact
Personal data EU data protection law only applies to personal data. Information that does not fall within the definition of "personal data" is not subject to EU data protection law.	**Art.2(a)** "Personal data" means any information relating to an identified or identifiable natural person ("data subject"); an **identifiable person is one who can be identified, directly or indirectly**, **in particular by reference to an identification number** or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.	**Art.4(1)** "Personal data" means any information relating to an identified or identifiable natural person ("data subject"); an **identifiable 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, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.	The definition of personal data is, for the most part, unchanged under GDPR. For some organisations, the explicit inclusion of location data, online identifiers and genetic data within the definition of "personal data" may result in additional compliance obligations (e.g., for online advertising businesses, many types of cookies become personal data under the GDPR, because those cookies constitute "online identifiers").
Sensitive Personal Data Sensitive Personal Data are **special categories of personal data that are**	**Art.8(1)** "Sensitive Personal Data" are personal data revealing racial/ ethnic origin; political opinions; religious/philosophical beliefs;	**Rec.10, 34, 35, 51; Art.9(1)** "Sensitive Personal Data" are personal data, revealing racial/ ethnic origin; political opinions; religious/philosophical beliefs;	For most organisations, the concept of "Sensitive Personal Data" remains unchanged. For organisations that process genetic or biometric data,

Issue	The Directive	The GDPR	Impact
subject to additional protections. In general, organisations require stronger grounds to process Sensitive Personal Data than they require to process "regular" personal data.	trade-union membership; data concerning health or sex life.	trade-union membership; data concerning health or sex life and sexual orientation; genetic data or biometric data. Data relating to criminal offences and convictions are addressed separately.	those data are now expressly categorised as "Sensitive Personal Data", and will therefore be subject to additional protections and restrictions.
Anonymous data Some sets of data can be **amended in such a way that no individuals can be identified from those data (whether directly or indirectly)** by any means.	**Rec.26** The Directive does not apply to data that are rendered anonymous in such a way that individuals cannot be identified from the data.	**Rec.26** The GDPR does not apply to data that are rendered anonymous in such a way that individuals cannot be identified from data.	Data that are fully anonymised (i.e., data from which no individuals can be identified) are outside the scope of both the Directive and the GDPR.
Pseudonymous data Some sets of data can be amended in such a way that no individuals can be identified from those data (whether directly or indirectly) without a "key" that allows the data to be re-identified. A	**N/A** The Directive does not explicitly address the issue of pseudonymous data. Pseudonymous data are treated as personal data.	**Rec.26, 28-29, 75, 78, 156; Art.4(5), 6(4)(e), 25(1), 32(1)(a), 40(2)(d), 89(1)** Pseudonymous data are **still treated as personal data because they enable the identification of individuals (albeit via a key).** However, provided that the "key" that enables re-identification of	Pseudonymisation of data provides advantages. It can allow organisations to satisfy their obligations of "privacy by design" and "privacy by default" and it may be used to justify processing that would otherwise be deemed "incompatible" with the

Issue	The Directive	The GDPR	Impact
good example of pseudonymous data is coded data sets used in clinical trials.		individuals is kept separate and secure, the risks associated with pseudonymous data are likely to be lower, and so the levels of protection required for those data are likely to be lower.	purposes for which the data were originally collected. In addition, the GDPR explicitly encourages organisations to consider pseudonymisation as a security measure.
Processing The term "processing" is very broad. It essentially means **anything that is done to, or with, personal data (including simply collecting, storing or deleting those data)**. This definition is significant as it clarifies that EU data protection law applies wherever an organisation does anything that involves or affects personal data.	**Art.2(b)** "Processing" means any operation or set of operations performed upon personal data, whether or not by automatic means**,** such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.	**Art.4(2)** "Processing" means **any operation or set of operations performed upon personal data or 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.	The GDPR introduces minor amendments to the wording of the definition of "processing". These amendments are unlikely to make any practical difference to most organisations.
Controller Under the Directive, "Controller" has	**Art.2(d)** "Controller" means the natural or legal person, public authority,	**Art.4(7)** "Controller" means the natural or legal person, public authority,	The concept of a "controller" is essentially unchanged under the GDPR. Any entity that is a

Issue	The Directive	The GDPR	Impact
particular importance because compliance obligations under EU law are primarily imposed on controllers. Under GDPR, controllers still **bear the primary responsibility for compliance,** although processors also have compliance obligations.	agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by EU or Member State laws, the controller may be designated by those laws.	agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by EU or Member State laws, the controller (or the criteria for nominating the controller) may be designated by those laws.	controller under the Directive likely continues to be a controller under the GDPR.
Processor The term "processor" refers to any entity that processes personal data under the controller's instructions (e.g., many service providers are processors).	**Art.2(e)** "Processor" means a natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller.	**Art.4(8)** "Processor" means a natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller.	The concept of a "processor" does not change under the GDPR. Any entity that is a processor under the Directive likely continues to be a processor under the GDPR.
Consent The concept of "consent" is foundational to EU data protection law. In general, the validly obtained consent of the data subject will permit	**Art.2(h)** "The data subject's consent" means any freely given, specific and informed indication of his wishes by which the data subject signifies his agreement to personal	**Rec.25; Art.4(11)** "The consent of the data subject" means any **freely given, specific, informed and unambiguous indication of his or her wishes by which the data subject, either by a statement or by a clear affirmative**	The GDPR makes it considerably harder for organisations to obtain valid consent from data subjects. For organisations that rely on consent for their business activities, the processes by

Issue	The Directive	The GDPR	Impact
almost any type of processing activity, including Cross-Border Data Transfers.	data relating to him being processed.	**action,** signifies agreement to personal data relating to them being processed.	which they obtain consent will need to be reviewed and revised to meet the requirements of the GDPR.
Data breaches The term "data breach" is commonly used to refer to **the scenario in which a third party gains unauthorised access to data,** including personal data.	**Art.17(1)** "Data breach" is not specifically defined in the Directive; but Art. 17(1) obliges controllers to protect personal data against accidental/unlawful destruction, loss, alteration, unauthorised disclosure/access, and all other unlawful forms of processing.	**Art.4(12)** "Data breach" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.	Although the GDPR introduces a formal definition that is not provided in the Directive, the concept of a data breach does not materially change.
Relevant filing system is any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information is accessible.			

Issue	The Directive	The GDPR	Impact	
Redaction is the separation of disclosable from non-disclosable information by blocking out individual words, sentences or paragraphs or the removal of whole pages or sections prior to the release of the document.				

Appendix 2: The Care Trust Data Breach Plan

A data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. (GDPR Article 4 (12))

1. Identify and classify the data breach

Essential details should be recorded in writing:

- Date / Time breach occurred – can be approximate
- Date / Time breach detected
- The person reporting the breach and to whom it was reported
- Description of the breach – as detailed as possible
- Any IT systems involved

All data breaches should be immediately notified to a member of the SMT.
Members of the SMT will ensure the Chief Executive (CEO) is notified immediately.

2. Contain and recover the data breach

- CEO will appoint an Investigation Leader from SMT, depending on type of breach. E.g., hacking incident led by the Head of IT; loss of manual files by Dir of Finance & Admin.
- Immediate action will be taken to minimise/recover losses, as advised by Investigation Leader.
- The Investigation Leader will assign tasks to staff, with deadlines, and be responsible for ensuring actions and results are recorded.

3. Assess the risks from the data breach

From their investigative work, the SMT will assess and quantify the risks. This will include consideration of the type / nature of data breached and the security measures in place as well as the potential number of Contributors / individuals affected.

4. Notify the relevant parties

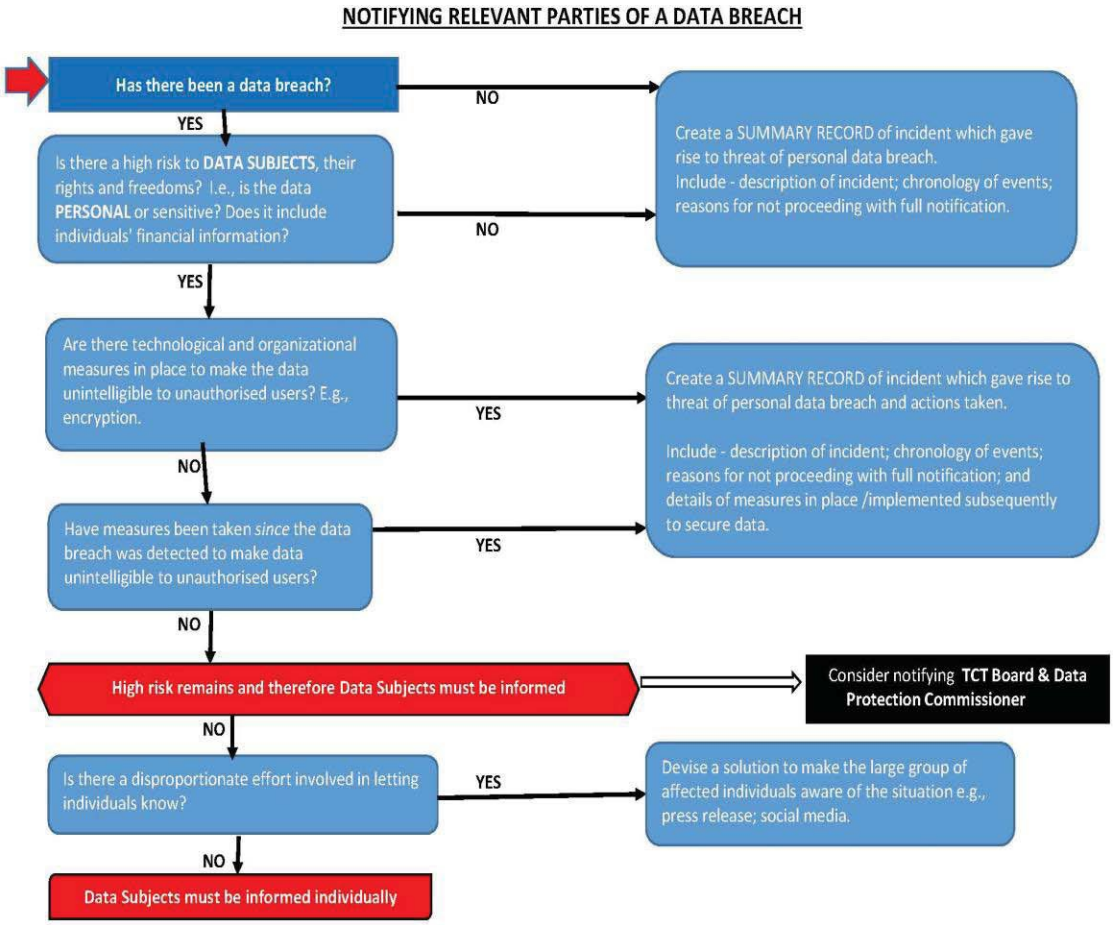
Using the decision tree provided and the time limits set out, notify relevant parties. If the Data Protection Commissioner (DPC) needs to be notified, use the webform at dataprotection.ie or the following details:
E-Mail - dpcbreaches@dataprotection.ie **Phone -** 1800 437737; 01 765 0100

Initial contact should only communicate the circumstances surrounding the incident. Do not include personal data in this initial communication.

If the DPC requires a detailed written report of the incident, they will specify a timeframe for this and may request the following information:

1. a chronology of the events leading up to the loss of control of the personal data;
2. amount and nature of the personal data that has been compromised;

3. action being taken to secure and / or recover the compromised personal data;
4. action being taken to inform those affected or reasons for the decision not to do so;
5. the action being taken to limit damage or distress to those affected by the incident;
6. the measures being taken to prevent repetition of the incident.



NOTIFYING RELEVANT PARTIES OF A DATA BREACH