DATA PROTECTION POLICY
STATEMENT

May 2011

Policy Status: Final and Approved May 2011
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Waterways Ireland Data Protection Policy

Introduction

Please note that this policy compliments, but does not supersede, the United Kingdom Data Protection Act 1998 and the Ireland Data Protection Acts 1988 & 2003. The Act takes precedence in all circumstances.

The full act can be found here:


1. This Data Protection Policy is approved by the Chief Executive and has been adopted for use by Waterways Ireland. The Policy is designed to regulate and standardise all aspects of Data Protection activities within the organisation. The Policy will be reviewed at regular 12 month intervals (January 2011 commencement date) to reflect changes to legislation or to the structure of Waterways Ireland and its associated policies. The policy will be available via the Waterways Ireland Website, Intranet and in hard copy (various formats on request) to all staff that are required to process personal information or data. Those who require advice or guidance should in the first instance contact the designated Waterways Ireland Data Protection Officer (contact details in Appendix 3)

2. In the course of its business Waterways Ireland is required to collect, hold, and use certain personal data about living individuals for the purposes of satisfying operational and legal obligations. Waterways Ireland recognises that the correct and lawful treatment of personal data is essential to the success of the organisation because it enhances confidence and its professional standing.
3. The information Waterways Ireland collects, holds, and uses includes personal and sensitive personal data about current, past and prospective employees; boat owners and boat hire operators; suppliers and others with whom it communicates. This personal data, whether it is held on paper, on computer or other media, is subject to legal safeguards as specified in the Data Protection Act 1998 (UK) and in the Data Protection Acts 1988 & 2003 (Ireland) (the “UK and Ireland DP Acts”). This data includes factual information, (such as names, addresses and contact numbers), and opinions (such as that included in staff reports).

4. In recent years considerable development has taken place in the UK and Ireland in relation to access to information legislation and Access To Information (ATI), such as the respective Freedom of Information and Environmental Information legislation that has been introduced in each jurisdiction. However in each case, personal information relating to a living individual is protected from release by specific data protection exemptions. Developments in ATI were intended to enhance the transparency of Government and its decision making processes. In parallel to this, European and National legislation in relation to the protection of personal information relating to living individuals has also been undergoing development.

The Data Protection Act 1998 (UK) and the Data Protection Acts 1988 & 2003 (Ireland) regulate how personal information relating to identifiable living individuals must be treated in each jurisdiction. The Acts are intended to protect personal privacy and to uphold the rights of individuals by regulating the processing of their personal information. The respective Acts afford specific rights to individuals about whom personal information is held and places specific responsibilities upon those holding or processing that personal information.
Recent discussions within the European Union (EU) indicate that even greater strides are being taken to enhance this protection. This has already led to changes in the Information Commissioners’ powers to conduct its activities, undertake un-announced inspections and to impose heavy monitory penalties where processes are found to be at fault.

5. All personal information comes under the scope of the UK and Ireland Data Protection Acts. This means that individuals are entitled to use the relevant Data Protection Act for the jurisdiction to request access to all or any personal information that Waterways Ireland holds about them. This includes holdings within a structured filing system and, dependant upon the subject area, may also include holdings in unstructured formats and systems.

6. As members of the public become more knowledgeable about their rights of access to data held about them, it is likely that requests for such information from Waterways Ireland will grow in number and complexity. The Information Commissioner, responsible for enforcement of UK Data Protection Act 1988 & Freedom of Information Act 2000 and the Ireland Data Protection Commissioner, operate as independent public officials reporting directly to each respective Government. They have responsibility to ensure the compliance of organisations that hold data protected information.

The UK Information Commissioner and the Ireland Data Protection Commissioner also have authority to take enforcement action against those bodies found to be in breach of the legislation.

Recent changes to the UK Data Protection Act gave the UK Information Commissioner the right to undertake un-announced spot checks of organisations to assure their compliance and, if they are found to be in
breach of the legislation, to levy financial penalties up to a maximum of £500,000.

The stated purpose of these changes is to ensure that organisations process personal information in a manner that is both professional and compliant with the Act.

7. Waterways Ireland, through the Chief Executive Officer, acknowledges its legal obligations under the respective Data Protection Acts and fully endorses and adheres to the provisions and the principles of those Acts. These principles specify the legal and operational conditions that must be satisfied in relation to obtaining, handling, processing, transporting and storing of personal data. Employees and all others who obtain, handle, process, transport, store or dispose of personal data for Waterways Ireland must adhere to the principles of the Data Protection Acts.

Objectives

8. The objective of this Waterways Ireland Data Protection Policy is to establish the standard by which all personal data will be treated in the organisation; and, to demonstrate Waterways Ireland’s commitment to comply with the relevant Data Protection Act requirements for each jurisdiction. This is best summed up under the following headings:

- **Awareness** – all staff whose work involves processing personal data, will be made aware of, (through training seminars and notifications), the legal requirements relating to the holding, processing, and disposal of personal data
- **Use** – all personal data held by Waterways Ireland will be used only for the purpose for which it was collected and be disposed of in a manner compliant with legislation when there is no longer a requirement for the data
• **Quality** – all personal data held by Waterways Ireland must be accurate and kept up to date

• **Accountability** – staff who deal with personal data will be personally responsible for their actions

• **Confidence** – through strict compliance with the Acts, everyone whose personal data is held by Waterways Ireland can be assured that their lives will not be affected adversely as a result of incorrect processing of their data

9. While it is intended that this Policy Statement will prove useful in explaining the ground rules for those dealing with personal information. Staff are encouraged to find out more about the details of the legislative requirements that have to be met by consulting the websites of the Information Commissioners of the UK and Ireland, or contacting the Waterways Ireland Data Protection Officer.

**Satisfaction of principles**

10. In order to meet the requirements of the Principles of the Acts, Waterways Ireland will:

• Observe through audit the conditions regarding the fair and lawful collection, processing and disposal of personal data;

• Meet its obligations to specify the purposes for which personal data is used;

• Collect and process appropriate personal data only to the extent that it is needed to fulfil operational or any legal requirements;

• Ensure by audit the quality and accuracy of personal data used;

• Adhere to legislative requirements that determine the length of time personal data is held and if redundant, disposed of in a safe and auditable manner;
• Adhere to legislative requirements that ensure the rights of individuals about whom the personal data is held, can be fully exercised under the respective Acts;

• Take the appropriate technical and organisational security measures to safeguard personal data in storage, use, transit and disposal; and,

• Adhere to legislative requirements that ensure personal data is not transferred outside the EU without suitable safeguards.

• undertake audits of policy, process and protocols to assure compliance with data related legislation and to identify areas that require remedial action.

**Designated Data Protection Officer**

11. Waterways Ireland’s designated Data Protection Officer is responsible on behalf of the Chief Executive for:

• ensuring compliance with the Data Protection Act in both jurisdictions

• the implementation of this Policy and it’s ongoing maintenance.

Any questions or concerns about the interpretation or operation of this policy should be taken up in the first instance with the Data Protection Officer.

**Status of the Policy**

12. The Chief Executive has approved this policy, and any reported or identified breaches will be taken seriously, fully investigated and may result in disciplinary action.

**Subject Access**

13. All individuals, staff or otherwise, who are the subject of personal data held by Waterways Ireland are entitled to:
• Ask what information Waterways Ireland holds about them, and why.
• Ask how to gain access to it and, in the vast majority of cases, be given access to it.
• Be informed as to how they can keep their information up to date.
• Be informed about what Waterways Ireland is doing to comply with its obligations under the respective Acts.

Employee Responsibilities

14. All employees are responsible for:
• Checking that the personal data that they provide to Waterways Ireland is accurate and current.
• Informing Waterways Ireland of any changes to information that have occurred since the information was last updated, e.g. changes of address, etc.
• Checking the accuracy of their personal data that Waterways Ireland may from time to time send to them for the purposes of information and updating, and inform the appropriate member of staff of its accuracy or any changes that may require to be made.
• If, as part of their responsibilities, employees collect information about staff or any other person, they must do so at all times in compliance with the Waterways Ireland Data Protection Policy.
• Any employee who considers that the policy has not been followed in respect of personal data about themselves or others must report the matter through their Line Manager, who will without delay report the matter to the Data Protection Officer. If for what ever reason the employee deems it necessary, they may report the matter directly to the Data Protection Officer.
• In order to maintain operational effectiveness it is vital that nominated members of staff, on occasion, have access to stored data. In order to do this, operators (who may be going on leave for instance) should
provide their nominated member of staff with the password to their computer. As this member of staff will be a Waterways Irelands employee this action will not be a breach of Data Protection legislation or policies.

Data Security

15. The need to ensure that data is kept securely means that precautions must be taken against its physical loss or damage, and that other than in compliance with the approved Policy, Processes and Protocols that access to, and disclosure of, any data protected information is restricted.

All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely by password protecting documents and keeping hard copy filing systems or data storage equipment locked.
- Personal information is not disclosed either orally, electronically, in writing or by any other means to any unauthorised third party.

Staff who are unsure of the identity of data subject requestors or the authorised third parties to whom they can legitimately disclose personal data, must seek advice from their line manager or the Data Protection Officer before any personal data is released

Incoming Paper and Internal Mail

16. The following principles should be applied to the processing of incoming and internal mail:

- Post Opening Procedures; any paper-based mail that is marked ‘Personal’, or ‘Private and Confidential’, or which appears to be of a personal nature, should only be opened by the addressee, or a designated person. Unless paper-based mail items are marked in this
way it will be assumed that they do not contain personal or confidential information. Any other mail not so marked will be assumed NOT to contain confidential or personal information, or information as designated by the relevant Data Protection Acts.

- Any mail that is not marked and when opened is found to contain personal or private information should be resealed, the envelope marked personal or private together with the name of the person who opened it and passed to the intended recipient without delay. The contents should never be discussed with any third party.

**Rights to Access Information**

17. The relevant Data Protection Act also affords a number of rights of access to data subjects (those about whom we hold personal information).

The rights given to data subjects are as follows:

- The right to know if Waterways Ireland is processing personal data relating to them as individuals, and to request a copy of that data and any associated information, such as details of the source of the data or the interpretation of any codes or symbols used to describe the data (such requests must be dealt with within the 40 calendar day legislative deadline);

- The right to compensation, determined by a Law Court and payable by the Waterways Ireland, for damage and distress caused to the data subject by any contravention of the Data Protection Act 1998 (UK) or the Data Protection Acts 1988 & 2003 (Ireland).

- The right to require Waterways Ireland, in certain circumstances, to rectify, block, erase or destroy personal data and to have that certified;

- The right to ask the relevant Information Commissioner/Data Protection Commissioner to assess whether or not it is likely that any processing of
personal data has been or is being carried out in contravention of the respective Data Protection Acts.
Waterways Ireland acknowledges these rights and is committed to safeguarding them in the way in which it holds and processes personal data. Any person who wishes to exercise this right should make the request in writing to Waterways Ireland’s Data Protection Officer. For the convenience of requestors a standardised subject data request form is available from the Data Protection Officer, however, this does not preclude a response being made to any other form of written application. The data subject access request form can be found in Appendix 4.

Waterways Ireland will comply with requests for access to personal information made under the respective Acts within 40 calendar days of receipt of a written application. In some extremely rare circumstances the process may exceed the specified response period and in these circumstances the reason for delay and its expected duration will be explained in writing to the requestor as soon as the potential delay is identified.

Waterways Ireland will charge members of staff and all other subject access requestors for subject access requests. Waterways Ireland will charge the regulated fee allowed in each respective jurisdiction See Appendix ‘2’.

18. In order to uphold the rights of data subjects, Waterways Ireland will ensure that:

- A Data Protection Officer is appointed with specific responsibility for data protection and that a nominated person is appointed to act in their absence;
- Reviews are undertaken to ensure that they conform to the most current legislative requirements of each respective jurisdiction;
Everyone is appropriately trained and that they understand they are
directly and personally responsible for following the designated Data
Protection Procedures and Protocols issued by Waterways Ireland;
Queries about processing personal information are dealt with promptly
and courteously, in accordance with policy and legislation, and that an
adequate audit trail is maintained of the process;
Methods of processing personal information are described clearly and
evaluated regularly;
Actual performance in the processing of personal information is
assessed regularly by the Data Protection Officer or an appointed
knowledgeable person.

**Implementation of the Policy – Data Protection Officer**

19. The designated Data Protection Officer will:

- be accountable for the activities explained in Paragraph 18 above.
  However day to day responsibility for the outworking of a number of
  these activities will rest with of the Directors of each Division;
- play a central role in terms of raising awareness of legislative and
  policy requirements; identifying and defining training, the ongoing
  review of the Policy;
- provide Data Protection related advice;
- instigate any subsequent investigation into complaints or compliance
  failures.
- make available to business areas the information they require to
  comply with the legislation, ensuring adequate training is available,
  liaising with business areas, responding to queries from business areas
  and inputting to induction procedures;
- undertake a meaningful and planned audit of Divisions and data
  holdings on an annual basis to ensure that they are compliant with the
  data policy, processing procedures and protocols that are in place;
• coordinate of the annual review of Waterways Ireland’s entries in the UK and Ireland Data Protection Registers and update Waterways Ireland’s entries in the UK and Ireland Data Protection Registers within 25 days of any change;
• Log Data Protection related statistics in order to inform future enquiries.

Implementation of the Policy

21. Specific Actions to be taken by the main decision maker within each Division are as follows:

• the monitoring of performance in order to satisfy themselves that all members of staff who deal with personal information are fully aware of their responsibilities and assure compliance of Waterways Ireland’s with the respective Data Protection Acts:
• ensuring identified staff attend appropriate training courses and are familiar with and applying the requirements of UK and Ireland Data Protection legislation;
• personal data and information is held securely and is stored in such a manner that it is readily accessible in the event of a request by a data subject;
• ensure that all subject access requests for personal information are dealt with within the legislative deadline of 40 calendar days and that an effective audit trail of each request is maintained;
• ensure that data protection procedures are included in associated office procedures manuals and job descriptions;
• review internal procedures per Division against the designated Data Protection Procedures and Protocols annually; and,
• Liaise with the Data Protection Officer about any data protection issue they are unsure about or may compromise the organisations professional image.
Publication of Waterways Ireland Information

22. Information which, by law, is obliged to be made public is exempt from the Data Protection Act 1998 (UK) and the Data Protection Acts 1988 & 2003 (Ireland). This would include, for example, information on staff contained within externally circulated publications such as Waterways Ireland’s annual report. However, any individual, who believes they have good reason for requesting that their details, in such publications, remain confidential, should contact the Data Protection Officer.

Sensitive Personal Data

23. Some of the personal data, which Waterways Ireland holds, falls into the category of sensitive personal data. Types of data regarded as sensitive include information about an individual’s racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sexual orientation, criminal proceedings or convictions. Requirements for the processing of such sensitive personal data are more stringent than those for other personal information. Waterways Ireland will process any sensitive personal data that it holds in accordance with the requirements of the Acts.

Retention of Data

24. All staff are responsible for ensuring that information is not kept for longer than is specified by legislation or internal Policy. The purpose for holding personal data, and a general description of the categories of people and organisations to which Waterways Ireland may disclose it, are listed in the Data Protection Register. This information may be inspected or obtained from Waterways Ireland’s Data Protection Officer or the UK Information Commissioner’s Office or the Office of the Data Protection Commissioner.
### Appendix 1 Glossary of Terms

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<th><strong>Data Subject</strong></th>
<th>This is the living individual who is the subject of the personal information (data).</th>
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<tr>
<td><strong>Data Controller</strong></td>
<td>A person or organisation, like Waterways Ireland, holding/using personal data and determining how and why information is processed. As a data controller an employer has a responsibility to establish workplace practices and policies that comply with the Data Protection Act.</td>
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<tr>
<td><strong>UK Information Commissioner</strong></td>
<td>Is an independent public official reporting directly to Government.</td>
</tr>
<tr>
<td><strong>Data Protection Commissioner in Ireland</strong></td>
<td>Is an independent public official reporting directly to Government.</td>
</tr>
<tr>
<td><strong>Data Protected Information</strong></td>
<td>Personal information (data) pertaining to an individual.</td>
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<td><strong>Data Protection Officer</strong></td>
<td>The contact person within WI who is responsible for the effective compliance with the Data Protection and providing advice and guidance.</td>
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<tr>
<td><strong>Notification</strong></td>
<td>The Data Protection Act 1998 (UK) and the Data Protection Acts 1988 &amp; 2003 (Ireland), requires each data controller to register all types of data and processing that is required to perform business functions with the Information Commissioner (UK) or the Data Protection Commissioner (Ireland) about its personal data processing activities. The register entry does not name the people about whom information is held.</td>
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**Personal data/Personal information**

Personal information about an identifiable living individual; this information can be factual or an opinion.

**Processing**

This is any activity that involves personal data, including collecting, recording, retrieving, consulting, holding, disclosing or using it; also doing work on the data such as organising, adapting, changing, erasing or destroying it. The Data Protection Act 1998 (UK) and the Data Protection Acts 1988 & 2003 (Ireland), requires that personal data be processed fairly and lawfully therefore data controllers have to register all types of data and processing that is required to perform business functions with the Information Commissioners Office (UK) and the Data Protection Commissioner (Ireland). When any personal data is recorded a data subject must be told the identity of the data controller and why his or her personal information is being or will be processed.

**Rights of Access**

The Data Protection Act 1998 (UK) and the Data Protection Acts 1988 & 2003 (Ireland) grant you full access to any personal information (data) pertaining to you that an organisation or individual may store or process.

**Sensitive Personal Data**

Sensitive personal data includes information about an individual’s racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sexual orientation, criminal proceedings or convictions.
Appendix 2 Allowable Fees for each Subject Access Request

United Kingdom: the fee for a subject access request is £10.

Ireland: the fee for a subject access request is €6.35.
Appendix 3 Data Protection Officer Contact Details

Caroline McCarroll  
Data Protection Officer  
2 Sligo Road  
Enniskillen  
County Fermanagh  
BT74 7JY  
Telephone: +44 (0) 28 66346 252  
Email: caroline.mccarroll@waterwaysireland.org

Mary Gilheaney  
Data Protection Officer  
2 Sligo Road  
Enniskillen  
County Fermanagh  
BT74 7JY  
Telephone: +44 (0) 28 66346 212  
Email: mary.gilheaney@waterwaysireland.org
Appendix 4 Data Protection Subject Access Request Form

Subject Access Request
Request for personal data under the Data Protection Act

Please complete and return this form together with your fee and proof of identity to the Waterways Ireland Data Protection Officer

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<th>Surname:</th>
<th>Forename(s):</th>
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<th>Date of Birth (for identification purposes only):</th>
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Data requested (Please describe the data which you are seeking as precisely as you can. The more precise you can be the better able we will be able to help you. Continue on a separate sheet if necessary):

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<th>Statement</th>
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<td>I certify that I am the person named on this form and that I wish to be provided with the data which I have specified relating to myself under the Data Protection Act.</td>
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<th>Signature:</th>
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<th>Date:</th>
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Please enclose the following with this form:

- a fee of £10, €6.35 (payable to Waterways Ireland),

and proof of your identity. Please supply a photocopy (not the original) of one of the following:

- The pages which identify you in your passport.
- Your driving licence.

Please send the completed subject access request form, fee and proof of identity by post to the following address:

Data Protection Officer  
Waterways Ireland  
2 Sligo Road  
Enniskillen  
County Fermanagh  
BT74 7JY

Whilst Waterways Ireland must respond to your request for information within 40 days, please note this time period does not begin to run until all of the above have been received.

Data Protection Act Declaration: The data gathered by this form will be used to process your request under the Data Protection Act. It will be held by the Data Protection Officer, and may be transferred to other parts of Waterways Ireland for the purposes of verifying your identity or processing your request for data. The data will be held for seven years from the date when we responded to your request, unless your request forms part of an ongoing case, in which case the data will be kept for as long as is necessary.