St. Michael's House

PRIVACY STATEMENT

Written By:	....	**XpertDPO**
Reviewed By:	....	**Tom Mitchell**
Approved By:	....	**Tara Molloy**
		Signed:  ***Liz Reynolds, C.E.O.***
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Person Centred • Professional • Honest • Ethical • High Standards of Governance • Innovative
All Policies and Procedures are in line with *St. Michael's House* ***Values***

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Versions of Policy

Version	Date	Amendments	Written By / Reviewed by

Data controllers
"Data controllers" are the people or organisations that determine the purposes for which, and the manner in which, any Personal Data is processed, and make independent decisions in relation to the Personal Data and/or who/which otherwise control that Personal Data.

For the purposes of the GDPR St. Michael's House is the data controller with regard to the Personal Data described in this Privacy Policy.

St. Michael's House provides a comprehensive range of services and supports to men, women and children with intellectual disabilities and their families in 170 locations in the greater Dublin area. The supports include ;- residential and independent living, day supports, vocational training services, respite supports and clinical supports.

St. Michael's House is a company limited by guarantee (company number: 27628) and is a registered charity (CHY5692, CRA 20008932). The registered address is St. Michael's House, Ballymun Road, Ballymun, Dublin 9. St. Michael's House is funded by the Health Service Executive as a Section 38 Body under the Health Act 2004.

St. Michael's House has outsourced the function of the Data Protection Officer to XpertDPO Ltd. Our Data Protection Officer can be contacted as follows:
Telephone: 353 1 678 8997
Post: 20 Harcourt St, Saint Kevin's, Dublin, D02 H364, Ireland

Purpose and Scope of this Policy
The purpose of this Privacy Policy is to provide you, as our data subject, with a statement regarding the Data Protection and Privacy practices and obligations of St Michael's House and an explanation of your rights as a data subject.

This Data Protection and Privacy Policy and Notice applies to our business practices, and our website, which is accessible here **https://www.smh.ie**

The purpose of this Privacy Policy is to explain how we collect and use Personal Data for the provision of our services and the day to day running of St Michael's House.

This Privacy Policy sets out what Personal Data we collect and process about you in connection with the services and functions of St. Michael's House. We are not responsible for the content or the privacy notices for any websites to which we may provide external links.

Laws that apply to us:
• General Data Protection Regulation (EU Regulation 679/2016)
• Regulations flowing from Data Protection Act 2018
• ePrivacy Regulations 2011 implementing EU Privacy and Electronic Communications Directive 2002/58/EC on Privacy and Electronic Communications, otherwise known as ePrivacy Directive (ePD)

Why and how do we ensure compliance?
Data protection and privacy laws provide rights to individuals with regard to the use of their Personal Data by organisations, including St. Michael's House. Irish and EU laws on data protection govern all activities we engage in with regard to our collection, storage, handling, disclosure and other uses of Personal Data.
We must comply with data protection and privacy laws because the law requires us to, but we also would like you to have confidence in dealing with us, and compliance with data

protection law helps us to maintain a positive reputation in relation to how we handle Personal Data.

We are required to demonstrate accountability for our data protection obligations. This means that we must be able to show how we comply with the applicable data protection and privacy laws, and that we have in fact complied with the laws.

We do this, among other ways, by our written policies and procedures, by building data protection and privacy compliance into our systems and business rules, by internally monitoring our data protection and privacy compliance and keeping it under review, and by acting if our representatives, including employees or contractors, fail to follow the rules.

We also have certain obligations in relation to keeping records about our data processing.

Who must comply?
All our representatives, which include employees and contractors, are required to comply with our Data Protection Policies and Procedures which inform this Privacy Policy when they process Personal Data on our behalf.

What are the data protection principles and rules?
We aim to comply with the following principles found in Data Protection Law:

- Lawfulness, fairness and 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 is incompatible with those purposes.
- Data minimisation – Personal Data must be adequate, relevant and limited to what is necessary in relation to purposes for which they are processed.
- Accuracy – Personal data must be accurate and, where necessary, kept up to date. Inaccurate Personal Data should be corrected or deleted.
- Retention – Personal data should be kept in an identifiable format for no longer than is necessary.
- Integrity and confidentiality – Personal data should be kept secure.
- Accountability – Under the GDPR, we must not only comply with the above six general principles, but we must be able to demonstrate that we comply by documenting and keeping records of all decisions.

What is personal data?
Personal data is any data that identifies you, or could be used to identify you, which is submitted and / or collected by St. Michael's House. It does not include anonymised data where your identity has been removed.

Any personal data that you share with us is treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR).

What personal data do we process?
We may collect the following categories of personal data:
• Personal details about people who use our residential, respite, day and clinic services: such as contact names, date of birth, address, next of kin, telephone numbers email, country of birth, photographs, videos, attendance records, medical card number, social preferences, sleep and spiritual needs, clinical needs, daily records and personal planning records.

• Relevant information from other health and social care professionals, including information on diagnosis and assessments, interventions and supports, individual profile and assessment of need, risk assessments and other relevant information relative to personal care needs.

• Other relevant information in relation to finances/bank statements, accident/incident reports and correspondence between services/professionals.

• We process CCTV recordings for the purpose of maintaining the safety of St Michael's House staff and security of our premises. Please refer to our CCTV section in the Data protection policy

• We process contact names, telephone numbers, addresses, email, social media identifiers, social media data (e.g comments made on posts, messages you may send to us via social media and your activity on our pages , photographs and videos for the purpose of communications and fundraising.

• We process marketing and communications preferences; technical data such as operating system (OS), internet protocol (IP) address, browser , time zone and location, browser plug-in and Cookies, also data sent via email, text, or other electronic communications.

Special Category Data
We may collect sensitive data – or 'Special Category Data' – about you in order to assist you and to provide our service/s.

- Medical data
- Clinical treatment plan
- Health & social care assessments
- Data on personal care needs
- Personal data revealing racial or ethnic origin (e.g., your nationality)

Children's Data
We may collect children's data in order to provide our services to children. This is done with parental or guardian consent where a child is under the age of 16 years old.

Criminal Convictions / Offence Data
St Michaels House is required by law **to collect** information about criminal convictions and offences.

Aggregated Data
As with most websites, we gather statistical data and other analytical information (for example, demographic information, usage data etc.) collected on an aggregated basis of all visitors to our website. This data is not considered personal data in law as it does not directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this Policy.

How and why, we use your data

- To contact and communicate with you
- To provide you with Health and Social Care services where you are a service user, including providing you with information about our services
- To review the care provided to ensure it is of the highest standard possible, improving individual diagnosis and care.

- To fulfil our responsibilities as an employer where you are a staff member
- To carry out fundraising to support the financial sustainability of our organisation, including receiving donations .
- To receive feedback
- To understand the use of our website
- To administer and protect our website and business (including troubleshooting, data analysis, testing, maintenance, support, reporting and hosting of data)
- For compliance with legislation relevant to St. Michael's House
- For marketing and promotional purposes in connection with the services
- To deliver information about our services and our organisation where you have subscribed to receive same.
- To meet specific legal obligations to maintain audit documentation in the case of statutory audits
- To investigate complaints, legal claims or adverse incidents
- For the management and administration of St. Michael's House (now and in the future).

Legal Bases for using your data

We use your personal data for the purposes outlined above. In doing so we rely on a number of separate and overlapping legal bases to lawfully process your personal data. These may include:

- Where processing is necessary for the provision of health and social care supports and for the purposes of medical diagnosis in accordance with Article 9(2) (h) GDPR.
- Where processing is necessary in order to protect your vital interests or that of another person where you are physically or legally incapable of giving consent.
- Where processing is necessary for the performance of a contract which you have entered into with us or to take steps at your request prior to entering into a contract as specified under Article 6(1) (c) GDPR.
- Where you have consented to the processing
- Where necessary for us to comply with a legal obligation, or to establish, exercise or defend legal claims
- For the purposes of our legitimate interests, provided that those interests are not overridden by your interests or fundamental rights and freedoms

How long do we keep your data

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. Records are maintained in line with the recommendations Of the HSE retention policy which can be found at **https://www.hse.ie/eng/services/yourhealthservice/info/dp/recordretpolicy.pdf**.
We have a Retention Policy and Retention Schedule in place, and we ensure data is destroyed confidentially when it is required to do so.

In some circumstances you can ask us to delete your data: see below for further information. In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

If you have any queries about our retention periods you can contact us on info@smh.ie

Third Parties and Disclosures of your Personal Data
We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

When you consent to providing us with your personal data, we will also ask you for your consent to share your personal data with the third parties set out below.

St. Michael's House has contracts in place and carry out due diligence in regard to our suppliers and relevant third parties. Any payment transactions carried out by us, or our chosen third-party provider of payment processing services will be encrypted using secured encryption technology.

Third Parties we may disclose your data to

The clinical information collected by a St. Michael's House healthcare professionals, or a staff member authorized to process your data is not passed on to others unless it is considered necessary for your health or social care needs. We may share your personal data, and where necessary special categories of personal data, with selected third parties including suppliers and contractors in order to provide you with our services. For example these suppliers may include our web hosting provider and our IT service providers.
In addition we may disclose your personal information (including special categories of personal data) to third parties:

• Where we are under a duty to disclose or share your information in order to comply with any legal obligation, or to protect our rights, property, safety, clients or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

• With St Michael's House Housing Association where you are a residential tenant of that organisation or have sought to become one

• Where solicitors or your elected power of attorney have your written authorisation to be provided with the personal data we hold about you.

Below is a list of the third parties that we may disclose your personal data to and the reason for doing so. We reserve the right to update this list as the need arises.

Third Party Name	**Reason for data sharing**
Other companies in SMH group	For efficient operations
Progressing Disabilities partner organisations	To support the provision of children services
HIQA	Legal obligation to ensure compliance with regulation
HSA	Legal obligation to report workplace injuries
HSE	Legal obligation to report on specific areas, safeguarding/Finance

	requirements/Aids and Appliance orders
Health Research Board	Legal obligation to keep the National Ability Supports System database up to date
Child and Adolescent Mental Health Services (CAMHS)	Provision of health care and services to service users
Residential Tenancies Board	In fulfilment of our role as an Approved Housing Body
Local authorities	In fulfilment of our role as an Approved Housing Body
Nursing agencies	Provision of healthcare and services
IT/Software providers	Cloud service providers IT data centre provider IT service provider Software for processing donation payments Software for processing online credit/debit card donation payment
CCTV providers	Provision of CCTV equipment and services
Law firms	Legal services
Deloitte	Audit and accounting services
Revenue Commissioners	Legal obligation to disclose certain information
Corporate Health Ireland	Pre-employment medicals/occupational health assessments
An Garda Siochana	Law enforcement
Miscellaneous photographers, venues corporate partners, trade unions, professional bodies	For operational purposes in connection with fundraising events, payment of subscription fees
Other Statutory bodies relevant to the provision of supports	Provision of healthcare and access to services i.e. chemist, colleges etc
Service providers whom St Michael's House subcontract to provide to provide essential services	For operational purposes access to services i.e. transport

International Transfers
All hosted in EU.

St. Michael's House data is stored on secure systems within St. Michael's House premises and with providers of secure information storage within the EU. Should St. Michael's House engage a data processor or controller outside of the European Economic Area (EEA), (subject to adequacy findings) standard contractual clauses and a transfer impact assessment would be carried out.

Security features/data location
If St. Michael's House has received your information, we will use strict procedures and security features to try to prevent your personal data from being accidentally lost, used, or accessed in an unauthorised way.

Your data may be stored within electronic or paper records, or a combination of both. All our records have restricted access controls, so that only those individuals who have a need to know the information can have access. We have a number of security precautions in place to prevent the loss, misuse or alteration of your information, this might be through the use of computer passwords, audit trails as well as physical safeguards e.g. security controlled access.

St Michael's House utilises encryption, access controls and other features to ensure the security of your data.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator when we are legally required to do so.

St Michael's House limits access to your personal data to those employees, contractors and other third parties on a need-to-know basis and under contract. We will only process your personal data for the purposes for which it was collected, and third parties are only permitted to process your data on our instructions.

Information on Consent
By consenting, where this is the appropriate and identified lawful basis for processing, to our processing your Personal Data in line with this Data Protection and Privacy Policy and Notice you are giving us permission to process your Personal Data specifically for the purposes identified.

You may withdraw consent at any time by providing an unambiguous indication of your wishes by which you, by a statement or by a clear affirmative action, signify withdrawal of consent to the processing of Personal Data relating to you. If you have any queries relating to withdrawing your consent, please contact our Data Protection Officer using the contact details set out below.

Withdrawal of consent shall be without effect to the lawfulness of processing based on consent before its withdrawal.

Your Rights
Under certain circumstances, and dependent on legal basis under which your personal data is processed, by law you have the right to:

- Request information about whether we hold Personal Data about you, and, if so, what that Personal Data is and why we are holding/using it.
- Request access to your Personal Data (commonly known as a "Data Subject access request"). This enables you to receive a copy of the Personal Data we hold about you and to check that we are lawfully processing it.
- Request correction of the Personal Data that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- Request erasure of your Personal Data. This enables you to ask us to delete or remove Personal Data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your Personal Data where you have exercised your right to object to processing (see below).

- Object to processing of your Personal Data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your Personal Data for direct marketing purposes.
- Object to automated decision-making including profiling, that is not to be subject of any automated decision-making by us using your Personal Data or profiling of you.
- Request the restriction of processing of your Personal Data. This enables you to ask us to suspend the processing of Personal Data about you, for example if you want us to establish its accuracy or the reason for processing it.
- Request transfer of your Personal Data in an electronic and structured form to you or to another party (commonly known as a right to "data portability"). This enables you to take your data from us in an electronically useable format and to be able to transfer your data to another party in an electronically useable format.

How do you exercise your rights?

We have appointed a Data Protection Officer to monitor compliance with our data protection obligations and with this policy and our related policies. If you have any questions about this policy or about our data protection compliance, please contact the Data Protection Officer.

If you wish to exercise your rights, please contact our Data Protection Officer who will respond to the request within one calendar month.

Our Data Protection Officer can be contacted as follows:
XpertDPO
Telephone: 353 1 678 8997
Email:
Post: 20 Harcourt St, Saint Kevin's, Dublin, D02 H364, Ireland

Your Right to Lodge a Complaint

You as the Data Subject have the right to complain at any time to a supervisory authority in relation to any issues related to our processing of your Personal Data. We would like to hear from you first if you have a complaint about how we use your data so that we may rectify the issue.

As our organisation is located in Ireland, and since we conduct our data processing here, we are regulated for data protection purposes by the Data Protection Commission.

You can contact the Data Protection Commission:
Website: www.dataprotection.ie
Phone: +353 57 8684800 or +353 (0)761 104 800
Address: Data Protection Office – Canal House, Station Road, Portarlington, Co. Laois, R32 AP23. Or 21 Fitzwilliam Square Dublin 2. D02 RD28 Ireland

Updates

Our practices as described in this Privacy Policy may be changed, but any changes will be posted, and changes will only apply to activities and information on a going forward, not retroactive basis.

You are encouraged to review this Privacy Policy periodically to make sure that you understand how any personal information you provide will be used.

We may also email you in certain circumstances to let you know if and when we update this Privacy Policy to ensure you are informed.

Document Control and Approval

Director of Support Services, St Michael's House is the owner of this document and is responsible for ensuring that this policy is reviewed in line with the review requirements for the GDPR. This policy was approved by Tara Molloy Director of Support Services of St. Michael's House on 10/1/24 and is issued on a version control basis under signature.

Signature:  Date: 10.01.24