



Port *of* Waterford

Data Protection Policy

Contents

| | |
|---|---|
| Purpose | 1 |
| Scope | 1 |
| Data Protection Principles | 2 |
| Disclosure of Personal Data..... | 3 |
| Summary of Responsibilities..... | 3 |
| Rights under GDPR and Data Protection Acts (1988 & 2003)..... | 4 |
| Data Access Request (DAR)..... | 4 |
| Data Protection Officer..... | 5 |
| PROCEDURE FOR MAKING A DATA ACCESS REQUEST..... | 6 |
| DATA ACCESS REQUEST FORM | 7 |

Purpose

Port of Waterford, as a Data Controller, is required by law to comply with the following Irish and EU legislation relating to the processing of Personal Data:

- The Data Protection Act 1988 (The Principle Act) and
- The Data Protection (Amendment) Act 2003
- and with the EU General Data Protection Regulation, effective from May 25th 2018.

Scope

In order to carry out its statutory, commercial and administrative functions, Port of Waterford (“the Port”) needs to collect and process personal information relating to people for the purposes of its day to day activities.

Examples are:

Payroll, pension, safety, security, access control, marketing and financial processing.

The Port takes the confidentiality of all personal information particularly seriously and consequently takes all reasonable steps to comply with the principles of the Data Protection Acts. The Port aims to collect personal information only in order to meet specific legitimate purposes, and to retain that information only for as long as those purposes remain valid. Ordinarily, the Port will not pass personal information to any third party, except where required by law, statutory obligations or legitimate purposes balanced against the rights and interests of the data subject.

The Port is committed to ensuring that all employees, agents, contractors and data processors comply with the Data Protection Acts regarding processing and confidentiality of any personal data held by the Port, and the privacy rights of individuals under the legislation.

Data Protection Principles

To comply with the law, information (as defined by the Data Protection Acts) must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, the Port must comply with the following eight Data Protection Principles or Obligations

1. Obtain and process information fairly

The Data must be obtained and processed fairly and lawfully and only when certain conditions are met.

(See page 3 regarding Personal Data and Sensitive Personal Data.)

2. Keep it only for one or more specific, explicit and lawful purposes

The Data can only be obtained for specified, lawful and clearly stated purposes.

3. Use and disclose only in ways compatible with these purposes

Processing and Disclosure of personal data should not be incompatible with the specified purpose for which it was obtained.

4. Keep it safe and secure

The Data must be kept safe and secure. Port of Waterford, as the Data Controller, is responsible for applying adequate security structures to prevent unlawful or inadvertent processing, alteration or loss of the data.

5. Keep it accurate, complete and up-to-date

The Data must be kept accurate, complete and where necessary up-to-date.

6. Ensure it is adequate, relevant and not excessive

The Data obtained should be adequate, relevant and not excessive.

7. Retain for no longer than is necessary

The Data should not be kept for longer than is necessary for the purpose or purposes for which it was obtained.

8. Give a copy of his/her personal data to that individual, on Request

The Data Subject, the person to whom the information relates, has a Right of Access. The Controller must store and maintain the data in such a manner as to be able to respond to a Subject Access Request in a timely manner, as per regulations.

Disclosure of Personal Data

The legislation recognises two categories of Personal Data –

1. Ordinary Personal Data such as name, address, mobile phone number, car registration, PPS Number.
2. Sensitive Personal Data, which is more deeply personal to an individual, such as their racial or ethnic background, political opinions, religious or similar beliefs, trade union membership, physical or mental health, sexual life, the (alleged) commission of any offence, subsequent proceedings or sentence.

Sensitive personal data should normally only be processed if the data subjects have given their explicit consent to this processing.

The legislation applies equally to automated and manual data, i.e. data held or processed on a computer, or data held in 'hard copy', stored in an indexed or relevant filing system.

The security of personal information in the possession of the Port is of paramount importance and is, therefore, addressed in various policies and procedures. In addition to the principles contained within this policy, staff are also advised to read the Company employee handbook.

Contact with Third Parties Policy

All staff have an individual responsibility to ensure that they adhere to the Port's Data Protection Policy and the Data Protection Acts.

Summary of Responsibilities

Department Responsibilities

Key post holders have responsibility for ensuring that:

- All personal data being processed within their department complies with the Data Protection Acts and the Port's Data Protection Policy;
- All contractors, agents and other non-permanent staff engaged to work on behalf of the port, are aware of and comply with, the Data Protection Acts and the Port's Data Protection Policy;
- All personal data held is kept securely and is disposed of in a safe and secure manner when no longer needed.

Staff Responsibilities

Staff must ensure that:

- Personal data which they provide in connection with their employment is accurate and up-to-date, and that they inform the Port of any errors, corrections or changes, for example, change of address, marital status, etc.;
- Personal data relating to living individuals which they hold or process is kept securely;
- Personal data relating to living individuals is not disclosed either orally or in writing, accidentally or otherwise, to any unauthorised third party.

Rights under GDPR and Data Protection Acts (1988 & 2003)

The Data Subject is entitled to:

- Access to a copy of any data held by the Port of Waterford which relates to them;
- Require that any inaccurate data held by the Port of Waterford is corrected or erased;
- Prevent processing of the data likely to cause them distress or damage;
- Prevent evaluative decisions being made solely by automated means;
- Prevent processing of their personal data for the purposes of direct marketing;
- Request assistance from the Data Protection Commissioner's Office; and in the event of a breach of these rights, to pursue compensation through the Courts.

Data Access Request (DAR)

A Data Subject (or agent acting on behalf of data subject) is entitled to a copy of all data held by the Controller which relate to them. To be a valid request, the DAR must be:

- Made in writing to the controller
- Provide adequate identification

On receipt of a valid DAR, the Data Controller (Port of Waterford) must comply with the request as soon as possible, but not more than 40 days from receipt of a valid request.

Data Protection Officer

Within Port of Waterford, the Data Protection Officer (DPO) has responsibility for the co-ordination of Data Protection activities. Queries and clarifications should be directed to the DPO.

Data Protection Officer, Port of Waterford, 3rd Floor Marine Point, Belview Port, Waterford X91 V0XW

Or email dpo@portofwaterford.com

More complete information is available from the Office of the Data Protection Commissioner at: <http://www.dataprotection.ie>

This Policy document will be reviewed regularly and updated as appropriate in line with any legislative or other relevant development.

PROCEDURE FOR MAKING A DATA ACCESS REQUEST

Making an access request

If you wish to make a data access request, it must be in writing. There is no requirement to refer to the Data Protection Acts. Please complete and sign the Data Access Request form (short form) and send it to Data Protection Officer (address below).

To help us to respond to your request, please be as specific as possible about the information you wish to access. Please include any additional details that would help to locate your information - for example, a staff number, names of departments/offices that you were associated with, etc.

If you wish a third party to submit a data access request on your behalf (e.g. a family member or solicitor), you must provide written authorisation on Data Access Request (long form), to allow us to disclose your personal data to that third party.

Fees

No application fee is required to process your data access request.

Identification

In order to ensure that personal data is not disclosed to the wrong person, you may be required to provide proof of identity before any personal data is released to you.

Acceptable forms of identification include:

copy of passport or driving licence; staff ID card; copy of top of bank statement; copy of utility bill.

Copies are acceptable in most cases, however we reserve the right to ask to see original documents where necessary. If you are required to provide copies of such documents, they will be securely destroyed once we have verified your identity.

DATA ACCESS REQUEST FORM

(short form)

Request for a copy of Personal Data under Section 4 of the Data Protection Act 1988 (The Principle Act) and the Data Protection (Amendment) Act 2003, and EU General Data Protection Regulation

SECTION A

Full name

Postal address

Telephone number

SECTION B

I, _____ [insert name] wish to have access in accordance under Section 4 of the Data Protection Acts 1988 and 2003 for a copy of any information you keep about me, on computer or in manual form in relation to ordinary personal data / sensitive data / CCTV or as outlined below. If you require extra space, please attach and sign an additional sheet of paper with these details).

Signed: _____

Date: _____

Consent:

I _____ understand that providing information in this form will help the Data Controller to process my request for access to my personal data .

CHECKLIST

Have you:

| | |
|--------------------------|--|
| <input type="checkbox"/> | Completed and signed/dated the Access Form |
| <input type="checkbox"/> | Attached a copy of proof of identity |
| <input type="checkbox"/> | Given sufficient detail to help us process the Search Access Request |

PLEASE RETURN TO:

Port of Waterford Data Protection Officer,
3rd Floor Marine Point,
Belview Port,
Waterford X91 V0XW

DATA ACCESS REQUEST FORM

Data Protection Acts, 1988 and 2003
EU General Data Protection Regulation
(long form)

SECTION 1 – YOUR DETAILS (PLEASE USE BLOCK CAPITALS)

| | |
|-------------------|--|
| Surname: | |
| First Name(s): | |
| Address: | |
| | |
| | |
| Date of birth: | |
| Telephone number: | |
| Email address: | |

SECTION 2 – YOUR RELATIONSHIP WITH PORT OF WATERFORD

| | |
|--|---|
| Are you a current/former member of staff? | YES / NO* (*delete as appropriate) |
| If yes, please provide the following details: | |
| If neither, please indicate your relationship with the company, including dates of interest: | |

SECTION 3 – PERSONAL DATA REQUESTED

In the box below, please provide as much detail as you can about the personal data you wish to access in order to help us locate it quickly.

In accordance with the Data Protection Acts, 1988 and 2003, I request access to the following personal data that I believe Port of Waterford holds about me:

| |
|--|
| |
|--|

SECTION 4 – FEES

No application fees are required for Data Access Requests

SECTION 5 – IDENTIFICATION

In order for us to protect the security of personal data, it is necessary for you to provide proof of your identity. Acceptable forms of identification include:

- Copy of passport or driving licence
- Copy of bank statement
- Staff/student ID Card
- Copy of utility bill

Copies are acceptable in most cases, however we reserve the right to ask to see original documents where necessary. Copies of such documents sent with your access request form will be securely destroyed once we have verified your identity.

Please complete either section 6 or section 7 as appropriate

SECTION 6 – DECLARATION OF DATA SUBJECT

I confirm that I am the data subject named in Section 1 and I am requesting access to my own personal data. I understand that the information I have supplied will be used to confirm my identity and help locate the information I have requested. Data submitted on this form will only be used for the purposes of this data access request and recorded for statistical purposes for a period of 12 months.

Signed:

Date:

SECTION 7 – DECLARATION OF DATA SUBJECT FOR AGENT TO ACT ON THEIR BEHALF

If you wish someone else to submit a data access on your behalf (e.g. family member, solicitor) please complete this section.

I confirm that I am the data subject named in Section 1. I give permission for the person or organisation named below to act on my behalf in relation to my data access request. I have enclosed evidence of my identity referred to in Section 5 and confirm that I want my personal data to be sent to my representative at the address below. I understand that the information I have supplied will be used to confirm my identity and help locate the information I have requested. Data submitted on this form will only be used for the purposes of this data access request and recorded for statistical purposes for a period of 12 months.

Signed:

Date:

| | |
|-------------------------------|--|
| Name of agent: | |
| Relationship to data subject: | |
| Address: | |
| Telephone number: | |
| Email address: | |

Consent:

I _____ understand that providing information in this form will help the Data Controller to process my request for access to my personal data

RETURNING YOUR COMPLETED FORM:

Please send your completed form (with proof of identity and fee) to:

Tony McDonnell
Data Protection Officer
Port of Waterford
3rd Floor Marine Point
Belview Port
Waterford X91 V0XW

For assistance, telephone: (051) 874907

FOR INTERNAL USE ONLY:

| | |
|--|--------|
| Reference No: | DP/ |
| Date request received: | |
| Fee attached: | YES/NO |
| Identity verified: | YES/NO |
| If yes: | |
| Original ID supplied in person: | YES/NO |
| If yes, original evidence of ID checked and returned to requester: | YES/NO |
| Copy ID attached to request: | YES/NO |
| If yes, ID verified and documents shredded by: | |