

# PRIVACY NOTICE

Final Version, Ref No: DP01

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# 1 General

Oberstown Children Detention Campus ('Oberstown') is committed to protecting all personal, special and criminal categories of data held on you.

As such, we want you, the 'data subject', to be clear as to how we collect, use, store and share your personal data.

We also want you to be clear as to what rights you can invoke to help you to protect your privacy.

In this regard, **it is important that you read this Privacy Notice** and understand our use of your personal data.

Please note that we reserve the right to update this Privacy Notice as required. The most recent version of this document can be found on our website through the following link: <https://www.oberstown.com/privacy-policy/>

## 1.1 Oberstown Information

Oberstown provides safe and secure care and education to young people referred by the courts. Oberstown falls under the aegis of the Children Detention Schools Unit in the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) – formerly the Department of Children and Youth Affairs. Oberstown operates under a single Board of Management which is appointed by the Minister for Children, Equality, Disability, Integration and Youth.

Oberstown is committed to protecting the rights and privacy of individuals in accordance with both European Union and Irish data protection legislation. Oberstown shall lawfully and fairly process personal data about young people, employees and other stakeholders to achieve its mission and functions.

If you wish to locate further information on us, this can be done through the Oberstown website through the following link: <https://www.oberstown.com/>

## 1.2 Legislation

All personal data processed by us is done so in accordance with applicable Irish data protection laws, Law Enforcement Directive and the EU General Data Protection Regulation (GDPR).

## 1.3 Queries and Complaints

If you are unhappy with the way we handle your personal data and wish to complain or if you simply want further information about the way your personal data will be used, please contact us through any of the following options:

**Karen Foran**  
**Data Protection Officer**  
Oberstown Children Detention Campus  
Lusk  
K45 AY66  
Co Dublin

Telephone: 01 852 6400  
Email: [dpo@oberstown.com](mailto:dpo@oberstown.com)

You have the right to lodge a complaint with the Office of the Data Protection Commission. To contact the Office of the Data Protection Commission, please use the following details:

Data Protection Commission  
21 Fitzwilliam Square South  
Dublin 2  
D02 RD28  
Telephone: 01 7650100  
Telephone: 1800437 737  
Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)  
Webform: <https://forms.dataprotection.ie/contact>

### **1.4 Breaches**

We will take all appropriate technical and organisational steps to safeguard your personal data. In the unlikely event of a data breach, we will contact you in line with our legal obligations.

## **2 How do we collect information?**

We collect personal data to enable the provision of services to support the Oberstown purpose. The following non-exhaustive methods of data collection are an indication of ways in which we may obtain your information:

- Obtain personal data directly from you, your legal representatives or any other representatives on your behalf.
- Through data sharing between Government departments, agencies, bodies, investigatory bodies, local authorities, or the Gardaí.
- When entering our premises, you will be recorded on CCTV surveillance and the Visitor Sign In/Out book for security purposes.

It is important that the personal data you provide us is up to date and accurate. As outlined in Section 6.4 of this notice, if personal data we hold on you is inaccurate or incomplete, please contact us and we will update the information.

## **3 What do we use information for? What is the retention time period?**

### **3.1 Processes and Lawful Basis**

We use personal data collected to fulfil our obligations to provide a safe and secure environment for young people sentenced or remanded by the Courts and to enable the provision of services to support the Oberstown purpose.

We use personal data we gather for any of the following purposes:

Process	Purpose	Lawful Basis	Type of Data	Retention Timeframe
<b>Identity Verification</b>	To verify your (or your authorised representative's) identity in any interactions between Oberstown and you (or your authorised representative), whether in person, on the telephone, online, or in any other necessary circumstances.	Processing is necessary for compliance with a legal obligation to which the controller is subject.	Drivers Licence Passport	<ul style="list-style-type: none"> <li>Not retained</li> </ul>
<b>Security, Health &amp; Safety</b>	For the security, and health and safety, of individuals on Oberstown premises or under Oberstown's care.	<p>Processing is necessary for compliance with a legal obligation to which the controller is subject.</p> <p>Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.</p>	CCTV	<ul style="list-style-type: none"> <li>Retain for 30 days unless being used in an investigation (DP Acts 2(1)(c)(iv) – “no longer than is necessary”)</li> </ul>
			CCTV (Video and Audio) – Transport van	<ul style="list-style-type: none"> <li>Retain for 30 days unless being used in an investigation (DP Acts 2(1)(c)(iv) – “no longer than is necessary”)</li> </ul>
			Visitors Register	<ul style="list-style-type: none"> <li>Retain for 3 Years</li> </ul>

			Employee Identification Cards	<ul style="list-style-type: none"> <li>• Duration of employment</li> </ul>
			Access Control System (ACT)	<ul style="list-style-type: none"> <li>• Duration of employment</li> </ul>
			Incidents/Accidents	<ul style="list-style-type: none"> <li>• Retain indefinitely in original form if they contain personal data</li> </ul>
			Risk Register	<ul style="list-style-type: none"> <li>• Retain for 5 years after superseded</li> </ul>
<b>Journey Through Care</b>	To fulfil our obligations to provide a safe and secure environment for young people sentenced or remanded by the Courts and for the purposes of execution of criminal penalties.	<p>Processing is necessary for executing a criminal penalty.</p> <p>Processing is necessary relating to criminal convictions and offences or related security measures and is carried out only under the control of a competent authority.</p> <p>Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent.</p>	<p>Admission and intake information and placement plan which covers; name, address, date of birth, family details, lifestyle and social circumstances, education details, visual images and identification details.</p> <p>Special category data revealing racial or ethnic origin, religious beliefs, DNA and data concerning health.</p> <p>Criminal data regarding offences, convictions and warrants. This includes</p>	<ul style="list-style-type: none"> <li>• Hold in perpetuity – Children Act 2001</li> </ul>

			criminal data necessary for the execution of criminal penalties.	
<b>Pre-Recruitment, Recruitment &amp; Selection</b>	To register a prospective candidate's interest in recruitment for employment.	Processing is necessary in order to take steps at the request of the data subject prior to entering into a contract with Oberstown.	Contact details, date of birth, application form or CV, work and educational history and interview notes	<ul style="list-style-type: none"> <li>• Retain recruitment related data for 1 year if unsuccessful/ panelled</li> <li>• Retain recruitment related data for 7 years from termination of employment if successful</li> </ul>
	To complete the recruitment process and assess candidate suitability.	Processing relates to our obligations in employment and for assessing your work capacity.	Proof of identity, proof of qualifications, undertake Garda Vetting, reference check, fitness to work medical assessment	<ul style="list-style-type: none"> <li>• Duration of employment if successful</li> </ul>
			Garda Vetting	<ul style="list-style-type: none"> <li>• 3 years until superseded</li> </ul>
<b>Payroll</b>	To administer an employee's pay.	Processing is necessary for the performance of a contract with an Oberstown employee.	Payroll amendment instructions, Bank account details, PPSN, salary arrangements, allowances, date of birth, home address and contact telephone numbers	<ul style="list-style-type: none"> <li>• Retain payroll related personal data for the duration of employment +6 years</li> </ul>

<p><b>Pension</b></p>	<p>To administer an employee's pension entitlement and to comply with pension rules.</p>	<p>To comply with various pension laws.</p> <p>Processing is necessary for the performance of a contract with an Oberstown employee.</p>	<p>Salary arrangements, pension rates and schemes</p>	<ul style="list-style-type: none"> <li>• Retain pension data until 8 years after the death of the last surviving beneficiary of the scheme/policy.</li> </ul>
<p><b>Personnel File</b></p>	<p>To comply with employment and revenue laws and to ensure that terms and conditions of employment are adhered to.</p>	<p>Processing is necessary for the performance of a contract with an Oberstown employee.</p> <p>To comply with various employment and revenue laws.</p> <p>To protect the vital interests in the event of an accident or emergency.</p>	<p>Contracts of employment, secondment, PPSN, bank account details, working hours, employee leave, public holiday, emergency contact details and benefits, training records and termination records and other relevant HR information regarding employment</p>	<ul style="list-style-type: none"> <li>• Retain terms and conditions / secondment / training / employment leave / termination records for the duration of employment</li> <li>• Life Assurance/Claims Correspondence/Death in Service – 7 years</li> <li>• Maternity/Carers Leave – 8 years after the end of employment</li> <li>• Retain working time records for a retention period of 4 years</li> </ul>

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<b>Performance Details</b>	To manage employee's performance in accordance with relevant Oberstown policies.	Processing is necessary for the performance of a contract with an Oberstown employee.	Probation forms, performance review forms, notes of performance review meetings and performance improvement plan documentation	<ul style="list-style-type: none"> <li>• Duration of employment plus 7 years</li> </ul>
<b>Grievance &amp; Disciplinary</b>	To ensure employee complaints are fairly investigated in accordance with natural justice and Oberstown policies.	<p>To comply with Oberstown's legal obligation to apply fair procedures to any employee investigation.</p> <p>Processing is necessary for the performance of a contract with an Oberstown employee.</p> <p>Legitimate interests of Oberstown to fully investigate employee complaints.</p>	Workplace relations, workplace investigations, employee complaints, investigation meeting notes and witness statements	<ul style="list-style-type: none"> <li>• Retain grievance &amp; disciplinary data for a retention period of employment + 7 years</li> </ul>
<b>Medical Information</b>	To manage employee absences, to manage sick pay in accordance with the contract of employment and manage the fitness to work of an employee/	<p>Necessary to assess, subject to employee safeguards, the working capacity of the employee.</p> <p>To carry out obligations and exercise rights under employment law.</p>	Sick certificates, sick leave records and occupational health assessments	<ul style="list-style-type: none"> <li>• Retain medical information related personal data for a retention period of employment + 7 years</li> </ul>
<b>Making or Receiving Payments</b>	To make or receive any payments in the discharge of normal business functions,	Processing is necessary for compliance with various employment and revenue laws.	Tax reference number, bank name, bank address, BIC, IBAN, invoice payments.	<ul style="list-style-type: none"> <li>• Retain for 7 years</li> </ul>

	dispute settlement, or to carry out any other payment requirements.	Processing is necessary for the performance of a contract to which the data subject is party.		
<b>Regulatory Compliance</b>	To comply with financial regulations and any other relevant laws and regulations.	<p>Processing is necessary for compliance with a legal obligation to which the controller is subject.</p> <p>Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.</p>	Annual Financial Statements	<ul style="list-style-type: none"> <li>Retain indefinitely in original form</li> </ul>
			Management Accounts	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>
			Annual Reports and Publications	<ul style="list-style-type: none"> <li>Retain 2 copies for Oberstown records and destroy remainder once superseded</li> </ul>
			Monthly Cash Flow Reports	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>
			Audit Reports	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>
			P 35's	<ul style="list-style-type: none"> <li>Retain Indefinitely</li> </ul>
			P 60's	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>

			Cheque Payment Records	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>
			Bank Statements	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>
			Inventory	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>
			Assets Register	<ul style="list-style-type: none"> <li>Retain indefinitely in original form</li> </ul>
			Depreciation Schedules	<ul style="list-style-type: none"> <li>Retain for current year plus 6 years</li> </ul>
			Minutes of Board Meetings / Strategic Plans	<ul style="list-style-type: none"> <li>Retain indefinitely</li> </ul>
			Archiving or destruction of Records	<ul style="list-style-type: none"> <li>Retain indefinitely</li> </ul>
<b>Third Party Data Sharing</b>	To allow us to conduct and carry out functions with third party service providers that enable us to deliver our services.	Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.	Data sharing with third parties	<ul style="list-style-type: none"> <li>Retained in line with retention period</li> </ul>

<b>Back-ups</b>	To store personal data and make back-ups of that data in case of emergencies and for disaster recovery purposes.	Processing is necessary for compliance with a legal obligation to which the controller is subject.	Storing data back ups	<ul style="list-style-type: none"> <li>Retained in line with retention period</li> </ul>
<b>Evidence Submissions</b>	To gather information for dispute resolution services and legal proceedings.	Processing is necessary for compliance with a legal obligation to which the controller is subject.	To gather evidence for dispute resolution and legal proceedings	<ul style="list-style-type: none"> <li>Retained in line with retention period</li> </ul>
<b>Transfer of Information for Parties Legal Proceedings</b>	To allow parties to commence legal proceedings.	Processing is necessary for compliance with a legal obligation to which the controller is subject.	Transferring of evidence for legal proceedings	<ul style="list-style-type: none"> <li>Retained in line with retention period</li> </ul>
<b>Marketing</b>	To send invitations for seminars.	The data subject has given consent to the processing of his or her personal data for one or more specific purposes	Contact details for seminar records	<ul style="list-style-type: none"> <li>Retain for 1 year only if consent has been given.</li> <li>Do not retain contact details if consent has not been given</li> </ul>
<b>Administration</b>	To perform administrative tasks which are a standard operation at Oberstown.	Legitimate interests of Oberstown to perform its function.	Diaries (office)	<ul style="list-style-type: none"> <li>Retain for 1 year after end of calendar year to which they refer</li> </ul>

			Agendas of Meetings	<ul style="list-style-type: none"> <li>• Retain for 2 years</li> </ul>
			Minutes of Meetings	<ul style="list-style-type: none"> <li>• Retain for 10 years</li> </ul>
			Statistical Returns on Employees Report	<ul style="list-style-type: none"> <li>• Retain for the current year, plus 6 years</li> </ul>
			Oberstown Policies & Procedures	<ul style="list-style-type: none"> <li>• Retain current until superseded</li> </ul>
			Statistical Returns on Young People Report	<ul style="list-style-type: none"> <li>• Hold in perpetuity – Children Act 2001</li> </ul>
<b>Insurance Records</b>	For managing insurance policies, liabilities and employee claims	Processing is necessary for compliance with a legal obligation to which the controller is subject.	Property Insurance Policies	<ul style="list-style-type: none"> <li>• Retain indefinitely in original form</li> </ul>
			Liability Insurance Policies	<ul style="list-style-type: none"> <li>• Retain indefinitely in original form</li> </ul>
			Incident Report Form	<ul style="list-style-type: none"> <li>• Retain indefinitely in original form</li> </ul>
			Insurance Claim documents	<ul style="list-style-type: none"> <li>• Retain indefinitely in original form</li> </ul>

<b>Communications</b>	To enable communications between staff members internally and externally with third parties.	Legitimate interests of Oberstown to communicate with staff and third parties.	Emails	<ul style="list-style-type: none"> <li>• Held in perpetuity</li> </ul>
			Email Archives	<ul style="list-style-type: none"> <li>• Held in perpetuity</li> </ul>
			Instant Messaging tools	<ul style="list-style-type: none"> <li>• Period of employment + 1 week</li> </ul>
			Sharefiles	<ul style="list-style-type: none"> <li>• Held in perpetuity</li> </ul>

## 4 Who do we share information with?

We may share personal data with other parties in the course of our duties. When this is done, we adhere to the following principles:

- The transfer is based on a legal obligation, the performance of a contract, or explicit consent.
- Where data is transferred to another party, we ensure appropriate technical and organisational safeguards are used to protect your personal data.
- Where we engage a third party to provide a service to us, we ensure the provider has taken appropriate technical and organisational measures to process, store, and safeguard your personal data.
- Oberstown, as a Data Controller, will not sell your data to any third party and will take all appropriate steps to ensure the security of your data in dealings with third parties.

While the parties we engage may change occasionally, we believe it is important you are aware of the types of parties we share data with. The categories and types of third parties outlined below is a non-exhaustive list but provides an indication of the parties we share data with.

### *4.1 Other Third Bodies*

Third parties for the purposes of internal and external audits, carrying out research, general practitioners and or third parties who may improve our processes and services (such as consultants).

### *4.2 Government Departments, Bodies or Agencies*

Oberstown is legally obligated to share personal data with state actors which is outlined in the Data Protection Act 2018.

Recipients of this data include Government departments, agencies, bodies, investigatory bodies, local authorities and the Gardaí.

### *4.3 International Transfers*

On exception, where personal data is transferred outside the European Economic Area, Oberstown use safeguards, known as standard contractual clauses (SCCs).

## 5 What type of information is collected?

To fulfil our mandate and perform tasks as outlined in this statement, we need to collect various types of personal data.

While the type of personal data may change occasionally, we believe it is important you are aware of the types of data we gather and use. The following table is a non-exhaustive list and provides an indication of the categories and types of data we use to perform our tasks.

Please note that information listed under one category may be used for the performance of a task or in relation to activities under another heading or as outlined under Section 3.

Category	Type of Data
Young People	<ul style="list-style-type: none"> <li>• admission and intake information and placement plan which covers; name, address, date of birth, family details, lifestyle and social circumstances, education details, visual images (CCTV – image and audio) and identification details.</li> <li>• special data revealing racial or ethnic origin, religious beliefs, DNA and data concerning health.</li> <li>• criminal data regarding offences, convictions and warrants. This includes criminal data necessary for the execution of criminal penalties.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>• name, address, date of birth, family details, financial, pension, remuneration details, lifestyle and social circumstances, education and training details, performance, visual images (CCTV – image and audio) and identification details.</li> <li>• special data revealing racial or ethnic origin, trade union membership, and data concerning health.</li> <li>• Garda vetting.</li> </ul>
Other Stakeholders	<ul style="list-style-type: none"> <li>• name, CCTV footage (image only), visitor sign in/out, financial details and identification details, email, telephone numbers.</li> </ul>

## 6 What are your rights?

As a data subject, you will have the following rights as outlined in this section. **However, restrictions may apply in certain situations.**

### *6.1 Where do I send requests?*

Please send all your requests to the contact details provided in Section 1, with as much detail as possible about your requirements to allow us to deal with your request efficiently. To answer your request, we may ask you to provide identification for verification purposes.

### *6.2 How long will a request take?*

Upon receipt of a request, we will have 30 days to provide an answer with an extension of two further months if required. If we require more time to deal with your request, we will notify you of the delay and the reasons behind it within 30 days of the receipt of the request. If we refuse your request, we will also notify you within 30 days of the receipt of the request accompanied by the reasons for the refusal.

We will not charge a fee for any requests, provided we do not consider them to be unjustified or excessive. If we do consider these to be unjustified or excessive, we may charge a reasonable fee (also applicable for multiple copies) or refuse the request.

You are entitled to contact the Data Protection Commission if we refuse your request.

### *6.3 Right of Access*

You have a right to know what personal data we hold on you, why we hold the data, and how we are processing your personal data.

To request this information, you can download a Subject Access Request Form at <https://www.oberstown.com/privacy-policy/>

When submitting your request, please provide us with information to help verify your identity and as much detail as possible to help us understand the information you wish to access (i.e. date range, subject of the request) and email [dpo@oberstown.com](mailto:dpo@oberstown.com)

Please note that an access request is free of charge, however, where we determine a request to be unjustified or excessive, we may charge you a reasonable fee.

### *6.4 Right to Rectification*

You have a right to request that our information held on you is up to date and accurate.

Where information is inaccurate or incomplete, we encourage you to contact us to have this information rectified. Upon receipt of request, we will ensure that the personal data is rectified and as up to date as is reasonably possible.

### *6.5 Right to be Forgotten*

You have the right to seek the erasure of personal data by on you in the following circumstances:

- The personal data is no longer required for the purposes for which it was obtained.
- Where data is being processed on the basis of consent, you withdraw consent to the processing and no other lawful basis exists.

- The personal data is being unlawfully processed.
- You object to the processing of personal data and there are no overriding legitimate grounds for the processing.
- Your personal data requires deletion in line with legal requirements.

However, we will be unable to fulfil an erasure request if the processing of personal data is necessary for the following:

- Exercising the right of freedom of expression and information.
- Compliance with a legal obligation or for the performance of a task carried out in public interest.
- Reasons of public interest in the area of public health.
- Archiving or statistical purposes in the public interest.
- The establishment, exercise or defence of legal claims.

Please note that where the legal basis for our processing of personal data is on the basis of a legal obligation or public authority, some processing in relation to your data may not be subject to the right to erasure.

To determine your request for erasure, we will carry out an assessment of the justification for the retaining your personal data where a legal requirement applies and contact you if we are unable to fulfil your request.

Please be aware that in some circumstances we may need to retain some information to ensure all of your preferences are properly respected. For example, we cannot erase all information about you where you have also asked us not to send you marketing material. Otherwise, we would delete your preference not to receive marketing material.

### ***6.6 Right to Restriction***

You have the right to restrict the extent of personal data processed by the us in circumstances where:

- You believe the personal data is not accurate (restriction period will exist until we update your information).
- The processing of the personal data is unlawful, but you wish to restrict the processing of data rather than erase it.
- Where the personal data is no longer required by us, but you require retention of the information for the establishment, exercise, or defence of a legal claim.
- You have a pending objection to the processing of the personal data.

When processing is restricted, your personal data will only be processed: with your consent; for the establishment, exercise or defence of legal claims; for the protection of the rights of other people; or for reasons important to public interest.

We will contact you confirm where the request for restriction is fulfilled and will only lift the restriction after we have informed you that we are doing so.

### ***6.7 Right to Data Portability***

You have the right to the provision of all personal data held in relation to you in a structured, commonly used and machine-readable format where:

- Processing is completed on the basis a contract.
- Processing is completed based on consent by the you.
- Processing is carried out by automated means.

You may also request that we send this personal data to another data controller where technically feasible.

### ***6.8 Right to Object***

You have the right to object to the processing of your personal data. However, the processing must have been undertaken on the basis of public interest or legitimate interest by us.

If you wish to object to the processing of data, please contact us with your request. We will then stop the processing of personal data unless it is required for legal proceedings.