

Privacy Policy - Introduction to GDPR

The GDPR is legislation which the European Union has enacted and it increased the obligations on all organisations as to the standards they must meet when handling and storing personal data. The General Data Protection Regulation (GDPR) came into effect on 25 May 2018

As a registered Trade Union, ASTI is obliged to comply with this legislation. ASTI is committed to being professional, open and transparent in how we process personal data. One of the requirements under the legislation is for organisations to publish how we meet the standards required in how we collect, use and protect data. This Policy sets out the basis on which any personal data provided to the ASTI will be processed.

This Policy may be amended and updated from time to time.

ASTI – WHO WE ARE

ASTI is a registered trade union in the Republic of Ireland. The ASTI promotes the interests of second-level teachers, seeks to protect/ improve their salaries and conditions of employment, and regulates relations between members, their employers and the Department of Education and Skills. ASTI operates under the provisions of all relevant legislation and the terms of the ASTI Rules and Constitution.

In order to perform its functions, the ASTI is required to collect and process members' personal data (processing is broadly defined and includes collection, access, use, storage and deletion of data)

ASTI only processes your data where legally entitled to do so.

Legal Basis:

“**Data Protection Legislation**” is used throughout (**this policy**) to refer to the Data Protection Acts 1988 and 2003 and Directive 95/46/EC, and any other applicable law or regulation relating to the processing of personal data and to privacy (including the E-Privacy Directive), as such legislation shall be amended, revised or replaced from time to time, including by operation of the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”) (and laws implementing or supplementing the GDPR).

“**Personal data**” means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, our possession. Article 4 of GDPR defines it as “any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

This Policy sets out the basis on which any personal data ASTI collects, or that is provided to us will be processed. It applies to all of personal data irrespective of how it has been obtained. ASTI only seeks personal data that is relevant to the performance of its work. It does not seek, nor does it wish to receive, excessive levels of data that are not relevant to the legitimate activities of the union.

Consent:

The ASTI processes personal data on the basis of consent as provided for within data protection Legislation.

General

The data we collect depends on the reason(s) we need to collect it. Where a teacher applies for membership, they will be required to provide their name, address, phone number, payroll number, date of birth, email address, Teaching Council registration number, trade union history, academic qualifications, and other data of this nature. Once accepted into membership, further data may be required in the following scenarios:

- a) Where legal issues arise, we may need to share details with our solicitors and counsel.
- b) For electoral purposes, we may share contact details with ASTI endorsed candidates seeking election to Seanad Éireann and the Teaching Council (consent sought).
- c) For payroll services, we may share details with the Department of Education and Skills and the Education and Training Boards to enable a deduction at source facility in respect of ASTI subscriptions (consent sought).

For non-members, the data collected will invariably consist of routine personal information relating to contact details.

GDPR provides a general prohibition on the processing of genetic and biometric data or data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sexual orientation or information that concerns a person's sex life or his or her health.

In that context, ASTI will process such personal data only when the data subject has given explicit consent, or where the processing is authorised by law or otherwise permitted under Data Protection Legislation. These circumstances include where the processing is required for the purpose of obtaining legal advice or in connection with prospective legal proceedings, or on-going legal proceedings, and where the processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

The following is an overview of the key areas of Data collection.

General Communications: ASTI interacts with members in a variety of ways that are consistent with the normal legitimate activities of a registered Trade Union. These include organisational activities, notifications, surveys and research, publications, training activities etc.

Membership: The Rules and Constitution of ASTI impose a requirement on teachers to apply for membership of ASTI. Application forms for membership are provided in hard copy and on the ASTI website. The information provided on those forms is held, processed and disclosed by the ASTI for the purpose of performing its functions as further explained in this Policy.

Casework: The ASTI engages in casework relating to individuals and groups of members. Any personal data that is received, processed or disclosed in the context of a specific case or course of action will be retained and used for that purpose in line with the relevant policies and procedures governing such activities.

Teachers' Paymasters: The ASTI operates a paymaster interface to our membership register. This enables paymasters (e.g., the DES/ETBs, who operate teacher payrolls) to identify members for payroll purposes and assists paymasters with the operation of a deduction at source facility in respect of ASTI subscriptions.

Ballots and Elections: The ASTI also processes personal data for the purpose of performing its obligations under the ASTI Rules and Constitution regarding the holding of ballots of its members and conducting elections.

Under these provisions, an electoral roll is prepared by ASTI and detail the name, school and other details of every eligible member.

The electoral roll lists all those persons who are members of ASTI on the relevant date and who will be eligible to vote. The publication of the electoral register allows members to confirm that register is correct, and if errors or omissions exist they can apply to the ASTI for amendment on or before the applicable deadline for the election or ballot.

The ASTI will process personal data in connection with Elections and Ballots of members. For example, where the ASTI has received a mobile phone number from a member, the ASTI may send an SMS message to that member to remind him or her to vote.

ASTI Website: We collect different types of information about our users via our website as appropriate for the following reasons:

- a) to help us to monitor and improve the services we offer, including on our website. As part of this, we may use and disclose information in aggregate (so that no individuals are identified);
- b) to allow members to access the ASTI members' area of the website
- c) to carry out any legal obligations arising from your interaction with the website;
- d) to allow members to participate in interactive features of our service, when a member choose to do so; and
- e) for cookies purposes see ASTI website privacy policy <https://www.asti.ie/privacy-policy-cookies-policy/>

ASTI Social Media Platform: We may collect and process the following information from ASTI Social Media Platforms or other platforms, in order to carry out our business and legal obligations as a trade union, including:

- User's name or alias
- User's social media profile
- Social media postings /content

SOURCE	DATA COLLECTED	USE
Membership Application Form	<ul style="list-style-type: none"> Name Address Workplace address Email and phone number Qualifications Teaching Council registration number Employment details Date of birth Previous trade union membership 	<ol style="list-style-type: none"> Legitimate activities of ASTI as a Trade Union. To provide service to members. Legal obligation Communications with member
Deduction At Source Form	<ul style="list-style-type: none"> Name Workplace address Employment details Payroll number 	<ol style="list-style-type: none"> Legitimate activities of ASTI as a Trade Union. To provide service to members.
Expenses Claim Forms	<ul style="list-style-type: none"> Name Address Phone number Place of Work 	<ol style="list-style-type: none"> To facilitate process of payments Legitimate activities of ASTI as a Trade Union. To provide service to members. Legal obligation
Website	<ul style="list-style-type: none"> Cookies Member's name and membership number (Secure Area) 	<ol style="list-style-type: none"> Legitimate activities of ASTI as a Trade Union. To provide service to members. Notifications to members
Casework	<ul style="list-style-type: none"> Name Phone number Email address Employment details & history Information related to the case. 	<ol style="list-style-type: none"> Legitimate activities of ASTI as a Trade Union. To provide service to members. Legal Obligations
General Communication With Members/Targeted Groups Of Members	<ul style="list-style-type: none"> Name Phone number Email address 	<ol style="list-style-type: none"> Legitimate activities of ASTI as a Trade Union. To provide service to members. Training & Notifications
Surveys & Research	Information provided is anonymised but some initiatives may require collection of name, email address, workplace details	<ol style="list-style-type: none"> Legitimate activities of ASTI as a Trade Union. To provide service to members. Training

CCTV: Your image may be recorded via closed circuit television (CCTV), which has been installed outside the ASTI's building and in its basement garage. The system comprises a number of cameras installed and are recording video images without sound. Our basis for collecting personal data in this way is our legitimate interest (Article 6.1(f) of GDPR) in the security of our people and premises; to provide evidential material for criminal court proceedings. There is signage in place to inform people that CCTV is in operation.

Telephone Calls: The ASTI has a telephone log call system at its offices on Winetavern Street, Dublin 8. The system only logs calls received but does not record.

MEASURES IN PLACE TO PROTECT DATA.

The ASTI operates an extensive, secure IT system to store data. Access to personal data is restricted to ASTI employees, contractors and agents who need to know such personal data in order to operate in a manner that ensures we are in a position to provide our services. There is appropriate physical and technological security measures in place to protect data. When outsourcing of any processes takes place, the service provider is required to have appropriate security measures in place.

Upon receipt of data, ASTI uses strict procedures and security features to prevent unauthorised access.

Where the ASTI engages third parties to process personal data on its behalf, it ensures that such third parties are subject to a legal contract which specifies the nature and purpose of the data processing and ensures that provision is made that such contract provides for data protection security as provided for under GDPR.

Who we share your Data with:

The ASTI shares personal data relating to its members with their consent to third parties such as payroll providers who require such information in order to administer a deduction at source facility.

Data is also shared with third parties regarding the conduct of legitimate trade union activities which require engagement between the ASTI and its members or the distribution of information by the ASTI to its members. These activities include ASTI research, publications and ballot material.

ASTI - YOUR RIGHTS

The right to access:

In line with GDPR, on your request, ASTI will confirm if we are keeping your personal data and provide it to you in a transparent and easily accessible form.

Under Article 15 of GDPR application can be made for personal data held by the ASTI in both a computerised and manual form

The ASTI will process data subject access requests as follows:

- a) Applications must be in writing;
- b) the ASTI may make reasonable enquiries to satisfy itself about the identity of the person making the request to ensure they are entitled to the data requested.
- c) the requester may be asked to supply appropriate information to help locate the information required, however, no reason for the request needs to be provided; and
- d) data subject access requests will be dealt with free of charge, except where requests are either clearly unfounded or excessive. In such cases, the ASTI may either charge a reasonable fee to defray administrative costs, or refuse the request.

Data subject access requests will be complied with within one month of receipt of the request, although this period may be extended by two further months where necessary, in accordance with Article 12 GDPR.

All data subject access requests should be directed to the ASTI's Data Protection Officer, who will assess them in light of the provisions in GDPR.

Where the ASTI refuses a data subject access request, a written statement will be issued setting out the reasons for our refusal.

Some documents may need to be "redacted" to remove data that is not required to be disclosed.

Right to rectification:

GDPR provides a right for data subjects to have incorrect or incomplete data corrected. ASTI will do this within 40 days of the request being made, provided there is reasonable evidence in support of the need for rectification or erasure. The responsibility to ensure that all of the personal data provided to us is accurate and complete lies with the data subject. Where information given to ASTI changes it should be notified to us as soon as possible.

Right to object – to seek to stop the processing.

Right to restrict processing of personal data:

In accordance with Data Protection Legislation, data subjects may request ASTI to stop processing personal data temporarily in certain circumstances.

Right to erasure:

In accordance with Data Protection Legislation, Data subjects can ask that their personal data be erased.

Rights in relation to automated decision-taking:

Under Data Protection Legislation, Data Subjects have a right not to be subject to automated decision making or profiling. (Some exceptions).

Right to data portability:

In accordance with Data Protection Legislation, Data Subjects may ask for personal data that has been provided to us and which we hold electronically, or for us to provide this directly to another party.

Right to complain to the Data Protection Commissioner:

Under Data Protection Legislation, Data Subjects have a right to submit a complaint to the Data Protection Commissioner.

Information about how to do this is available on the DPC website at <https://www.dataprotection.ie>.

If you think that ASTI have not processed your personal data in accordance with this Policy or Data Protection Legislation, please contact us in the first instance.

This may be done by emailing DPO@asti.ie.

Retention of Data:

The ASTI will retain personal data as long as is necessary to pursue the legitimate activities of the union.

ASTI staff personal data will normally be retained for the period of the employment relationship and an additional seven years.

Where data is captured by CCTV on ASTI premises, the images are kept for no longer than a 30-day cycle.

REPORTING OF A BREACH BY ASTI

The GDPR requires notification to the Data Protection Commissioner regarding serious data breaches where feasible, not later than 72 hours after having become aware of same. If not notified until after 72 hours have elapsed, ASTI will record a reasoned justification for the delay.

It should be noted however that it is not necessary to notify the DPC where the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons.

DIRECT MARKETING

The ASTI will not undertake direct marketing activities. The ASTI may, however, process contact data for non-marketing purposes in the ordinary course of its activities, for example by sending renewal notices by SMS or notices by email.

POLICY CHANGES

This Policy may be updated from time to time, so you may wish to check it each time you submit personal information to us. Any material changes to this Policy will be posted on the ASTI website.

CONTACT US

As data controller (as defined in Data Protection Legislation) for your personal data collected as set out in this Privacy Policy, the Association of Secondary Teachers, Ireland is located at Thomas MacDonagh House, Winetavern Street, Dublin 8 D08 P9V6 .

If you need to contact the ASTI with regard to any of your rights as set out in this Privacy Policy, all such requests should be made in writing to Data Protection Officer, Association of Secondary Teachers, Ireland, located at Thomas MacDonagh House, Winetavern Street, Dublin 8, D08 P9V6 or by email at DPO@asti.ie .