SAFEGUARDING PRIVACY NOTICE

1. Introduction

The General Data Protection Regulation 2016 ("GDPR") requires organisations to comply with a range of laws regarding personal data. The Diocese of Limerick is obliged to give you certain information about how your data is treated and this information is contained in this Safeguarding Privacy Notice. You should read this notice carefully and raise any questions you may have with the Diocesan Safeguarding Director or Diocesan Data Protection Officer.

This Privacy Notice applies to those who contact or use the Diocesan Safeguarding Service and those who we work with to provide a service. It also applies to those about whom an allegation of abuse has been made. Further information about who this notice applies to is provided below in paragraph 3 under the heading "What Personal Data does the Safeguarding Service Process?"

2. About the Safeguarding Service

The Safeguarding Service is a service within the Diocese. The Bishop of the Diocese is the data controller for the Diocese and, therefore, he is the data controller of personal data held by the Safeguarding Service. Staff employed as part of the safeguarding team act on behalf of the controller (the Bishop). It is they who manage personal data on a day-to-day basis.

3. How does the Safeguarding Service get your information?

- Directly from you, when you contact the Safeguarding Service and provide information to us. Individuals who contact the service may also provide us with information about third party respondents regarding allegations of abuse
- From certain service providers – with your consent – such as those who provide support to survivors of abuse
- From application forms and other information, you provide to us if you volunteer with the Safeguarding Service
- From the Garda National Vetting Bureau or your vetting application, if you need to be vetted in connection with your role
- From training records
- From CCTV images when you attend our offices

4. What Personal Data does the Safeguarding Service Process

Personal data is information about a living person which reveals the identity of that person. Examples include a person's name, phone number and date of birth. The Safeguarding Service collects, retains, stores and shares information about living persons. It does so in accordance with the requirements of the Data Protection Act (2018) and the GDPR.

The Safeguarding Service holds personal data about the following individuals:

(i) Survivors of abuse, complainants of abuse and others who the Safeguarding Service provides a service to;
(ii) respondents;

(iii) family members and advisors of survivors, complainants, respondents and others who the safeguarding office provides a service to;
(iv) witnesses of allegations or instances of abuse;
(v) individuals involved in working with children and vulnerable adults in the Diocese, in parishes in the Diocese and in Diocesan agencies, including Diocesan safeguarding trainers, parish safeguarding representatives and members of the Diocesan safeguarding committee;
(vi) training attendees;
(vii) applicants for Garda vetting.

The persons about whom the Safeguarding Service holds personal data are referred to in this notice as data subjects.

The type of data which is processed by the Safeguarding Service will depend on how you interact with the service. The Safeguarding Service gathers and retains information including a person's name, date of birth, current address, email address, phone number and role with the parish or diocesan office or agency. For certain persons, additional special category data, such as information about events in their past, legal documents and medical and psychological reports are also gathered and retained. This list is not exhaustive. The Safeguarding Service may also process data relating to criminal convictions and offences.

5. The purposes for which data processed

Data is processed in order to facilitate the Safeguarding Service to discharge its functions. These are:

- The creation and maintenance of safe environments for children and vulnerable adults involved in Church activities. This involves processing data on those who work in parishes and diocesan offices and agencies, including the information processed through Garda vetting. It also involves processing data on those who cooperate with the Safeguarding Service in the discharge of this function, including diocesan safeguarding trainers, training attendees and parish safeguarding representatives.
- Case management. The Safeguarding Service gathers, retains, stores and shares information on complainants (those who disclose child or vulnerable adult abuse) and respondents (those alleged to have abused children or vulnerable adults) in accordance with national legislation (including the Children First Act, 2015) and civil and Church guidelines on the management of allegations of the abuse of children and vulnerable adults;
- Support of victims and survivors of abuse. The Safeguarding Service gathers, retains, stores and shares information about those who experienced abuse as children or as vulnerable adults and their families in order to offer them support directly and in order to refer them to other support services;
- To carry out certain canon law obligations in relation to respondent priests, as appropriate.

6. The legal basis for processing personal data

The legal bases on which the Safeguarding Service relies for processing personal data are the following:

a. Explicit consent is sought from those with whom the Safeguarding Service communicates in order to share information about news, events, activities and programmes;

b. Compliance with a legal obligation, as when those members of the team who are mandated reporters, report child protection concerns to Tusla, the Child and Family Agency in accordance with the requirements of the Children First Act, 2015;
c. In order to protect the vital interests of a person, as when it shares information with those who need to know it in order to prevent the abuse of a child or a vulnerable adult;
d. In the public interest, as when it processes personal data for the prevention of the abuse of children and vulnerable adults;
e. In the pursuit of the legitimate interest of the Diocese as it acts to create a safe environment for children and vulnerable adults.

7. Sharing of personal data

Personal data is treated as strictly confidential. It is shared, only when required, with other diocesan staff, with the civil authorities and with others in accordance with the requirements of law and national and Church child and adult protection guidelines; or as otherwise required for the protection of children and vulnerable adults; or by consent.

In certain circumstances, there may be a legal obligation on personnel in the Safeguarding Service to report certain information to An Garda Síochána, the Child and Family Agency (TUSLA) or other statutory agencies.

See Appendix 1 and Appendix 2 for further information.

Personal information is also shared with some service providers, such as those who provide support services for survivors of abuse, but only with the consent of the data subject. All processing of such data is done in compliance with current legislation.

8. Retention of personal data

Personal data is retained for as long as it is required for the discharge of the functions outlined in 5 above under the heading “The Purposes for which Data is Processed”. All data is held in accordance with the data retention policy of the Diocese which may be amended from time to time. Records relating to complaints or allegations of abuse against children or vulnerable adults are retained for 100 years in accordance with Guidance provided by the National Board for Safeguarding Children in the Catholic Church in Ireland.

9. Storage and accuracy of personal data

The Safeguarding Service is committed to ensuring information is stored securely. In order to prevent unauthorised access or disclosure, suitable physical, electronic and managerial procedures to safeguard and secure information have been put in place. The service uses technical and organisational security measures to protect data from accidental or intentional manipulation, loss, destruction or access by unauthorised persons.

The Safeguarding Service seeks to ensure that personal data is accurate and up to date. However, the data subject is responsible for informing the service of any changes to personal data and other information.

10. The rights of the data subject

The data subject (the person whose information is processed by the Safeguarding Service) has the following rights:

- To request a copy of his/her personal data held by the Safeguarding Service;
- To request that the Safeguarding Service corrects any inaccuracies in the data held;
- To have the data erased when it is no longer required for the purpose for which it was gathered;
- To request the data controller provide the data subject with his/her data and, where possible, transmit it to another data controller (this is the right to data portability and only applies when the processing is done by consent or is necessary for the performance of a contract with the data subject and the data controller processes the data by automated means);
- To object to the processing of personal data. This applies in a limited number of situations. Those that apply to the Safeguarding Service are when data is being processed to protect the vital interests of a person, data is being processed in the public interest or data is being processed in pursuit of the legitimate interest of the Diocese.

All of the above rights are subject to limited exceptions in certain specified circumstances.

11. Contact details

If you have any queries please contact the Diocesan Director of Safeguarding or the Diocesan Data Protection Officer.

Further information on data privacy rights is available on the website of the Data Protection Commissioner: www.dataprotection.ie.

Appendix 1: Information Sharing

This section sets out in more detail the position of the Safeguarding Service in relation to the sharing of information relating to the protection of children and vulnerable adults from abuse in a church context.

A1.1 The Safeguarding Service reports child and vulnerable adult protection concerns to the civil authorities and certain regulatory bodies. The Safeguarding Service is legally required to report allegations of abuse to TUSLA under the Children First Act, 2015 and such mandatory reporting is covered by GDPR Article 6 (c) *compliance with a legal obligation* and section 49 of the Data Protection Act, 2018 - *processing of special category data is necessary and proportionate for (a) the administration of justice; and (b) the performance of a function conferred on a person by or under an enactment or by the Constitution*. Mandatory reporting also applies to sharing information with An Garda Siochana about an offence committed against a child or vulnerable adult (Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012). Reporting to An Garda Síochána is also permitted under Section 41 of the Data Protection Act, 2018 which allows processing of data for the prevention, detection, investigation of prosecution of a crime.

A1.2 In certain very restricted circumstances, the Safeguarding Service shares such concerns with other church authorities, including other dioceses and/or religious orders. For example, if there is information that a member of a religious order has abused or is alleged to have abused a child or vulnerable adult, that information is shared with the provincial of the order or the order's designated liaison person (DLP) so that s/he can take whatever steps are required to prevent further abuse. This is covered by GDPR Article 6.1 (d) - *processing is necessary in order to protect the vital interests ….of another natural person* (i.e. the child/children or vulnerable adult/s at risk) and GDPR Article 9 (2) (c) - *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*.

Such sharing of data is <u>only</u> to persons who need to be aware of, and take action to mitigate, these concerns and is done with appropriate measures in place to project unauthorised disclosure of the data.

A1.3 Information is shared with others when required for the protection of children or vulnerable adults, for example, when placement of respondent priests in residential institutions is being arranged. The managers of the institutions concerned are informed that the respondent ought not to have unsupervised contact with children or vulnerable adults. This is also covered by Articles 6.1(d) and Article 9 (2) (c).

A1.4 Information is shared with families of respondent priests. Priests often have contact with children in their extended families and the Safeguarding Service has a duty to protect these children from abuse. The practice is to encourage the respondent priests themselves to talk to their families in the first instance and then follow up with family members to ensure that they have sufficient information to protect their own children and vulnerable family members. This is also covered by Article 6.1(d) and Article 9 (2) (c).

These disclosures of personal data could also be considered to be covered by GDPR Article 6.1 (f) - *processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party* and by Article 9 (2) (d) - *processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects.*[1]

A1.5 Information is shared with the civil authorities in the investigation of historic allegations of abuse.

This is covered by Section 41 of the Data Protection Act 2018: *the processing of personal data and special categories of personal data for a purpose other than the purpose for which the data has been collected shall be lawful to the extent that such processing is necessary and proportionate for the purposes—(b) of preventing, detecting, investigating or prosecuting criminal offences*.

Section 55 (1) of the Data Protection Act 2018 – elaborating on GDPR Article 10, *Processing of personal data relating to criminal convictions and offences* – also provides a legal basis for such sharing of data: *personal data referred to in Article 10 may be processed— where…*

> *(b) (iv) processing is necessary to prevent injury or other damage to the data subject or another person or loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or another person*.

Appendix 2: The Safeguarding Structure of the Diocese

This section sets out in more detail the position of the Safeguarding Service in relation to the sharing of information relating to the protection of children and vulnerable adults from abuse in a context other that a Church one. Such a situation arises, for example, when a priest learns of abuse within a family context and contacts the Safeguarding Service for advice and guidance.

The Diocese, like many organisations that provide services to children, operates a designated liaison person (DLP) system. That is, there are people designated by the Diocese to receive child protection concerns (information that a child has been abused, is being abused or is at risk of abuse) and to report them to the civil authorities. The DLP for the Diocese is John O'Reilly (087)3233564 / ds@limerickdiocese.org and the Deputy DLP is Catherine Kelly (086) 2428949 / Catherine.Kelly@limerickdiocese.org .

In order to report child protection concerns that do not relate to alleged abuse within a Church context, the Safeguarding Service is required to gather information about the children at risk and, where known, the alleged perpetrator of abuse. In addition, *Children First, National Guidance for the Protection and Welfare of Children, 2017* refers to the recording of the concern and of the actions taken in relation to it. Thus, the Safeguarding Service is required to process data on child protection concerns that do not relate to the Diocese that come to the attention of diocesan personnel in the course of their work.

The GDPR Article 6.1 (c) *legal obligation* provision applies to transmitting child protection concerns via the DLP (designated liaison person) on the grounds that the Children First Act 2015

[1] The Bishop has a legitimate interest in the activities of those who serve as priests of the Diocese and has a legitimate interest in safeguarding children and vulnerable persons.

imposes obligations on *mandated persons* who include, not only social workers and clergy, but also *a safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children*. This includes the obligation to report to TUSLA. This is also covered by section 49 of the Data Protection Act, 2018.

Mandatory reporting does not apply to concerns that relate to vulnerable adults but the considerations about following the correct reporting procedures are just as valid. The purpose of going through the DLP is to ensure correct reporting procedures are followed and this transmission is covered by GDPR Article 6.1 (d) – *processing is necessary in order to protect the vital interests ….of another natural person* (i.e. the child/children or vulnerable adult/s at risk). This is also covered by Article 9 (2) (d).