



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

Data Protection Policy

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1. Introduction

1.1 Background

The Garda Síochána Ombudsman Commission (GSOC) is responsible for receiving and dealing with complaints made by members of the public concerning the conduct of gardaí as well as referrals made by the Garda Commissioner, the Minister for Justice and Equality or the Policing Authority. We may also investigate any matter, even where no complaint has been made, where it appears that a garda may have committed an offence or behaved in a way that would justify disciplinary proceedings.

In performing our statutory functions under the Garda Síochána Act, 2005 as amended (the 2005 Act), GSOC is required to process significant amounts of personal data within the meaning of Regulation EU 2016/679, Regulation EU 2016/680 and the Data Protection Acts, 1988 to 2018 (Applicable Data Protection Legislation).

The Applicable Data Protection Legislation provides legal protections for individuals concerning the processing of their personal data by:

- giving rights to individuals in order to secure privacy and fairness in relation to their personal data;
- imposing obligations on those controlling and processing their personal data to have in place appropriate organisational and technical measures so that they can meet those obligations, and
- giving rights to individuals in relation to accessing their own personal data.

The process by which GSOC upholds these rights is dealt with in this policy and separately in our Process for Dealing with Data Subject Requests.

1.2 Policy Aim

This document sets out the Data Protection Policy of GSOC. Therefore, it governs the obtaining, storage, processing and release of personal data by GSOC. The aim of this policy is to set out our approach in relation to:

- our legal obligations regarding confidentiality and data protection and,
- how we discharge these responsibilities in practice.

1.3 Previous Policy

This Policy replaces, effective from the date of signing, all previous versions of this Policy.

1.4 Supporting Documents

Consideration should also be given to the two documents below:

- GSOC's [Website Privacy Policy](http://www.gardaombudsman.ie/privacy) (which is available at www.gardaombudsman.ie/privacy) is designed to inform members of the public who use our website about what happens to any personal data that they provide via GSOC's website ;
- GSOC's Process for Dealing with Data Subject Requests. Requests from individuals should be forwarded to GSOC's Data Protection Officer, Pauline Byrne at dataprotection@gsoc.ie.

2. What is Data Protection?

In order to understand GSOC's obligations under the Applicable Data Protection Legislation, it is necessary to set out the meanings of some of the core terms.

2.1 Data

Data means information in a form that can be processed. It includes automated data and manual data. Automated data refers to information held on or intended to be held on a computer. Manual data means information that is kept as part of, or intended to be kept as part of, a relevant filing system. Data forms part of such a system in circumstances where that system is structured, either by reference to the individual or by reference to criteria relating to the individual, in such a way that specific information relating to the individual is readily accessible.¹

For example, a GSOC case file would hold personal data in relation to the complainant and the garda about whom that complaint has been made. Such files are structured by reference to the identifiable complainant and the garda so the personal data in those files is covered by the Applicable Data Protection Legislation.

2.2 Personal Data

Personal Data means 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.²

2.3 Data Subject

Data subject means an individual who is the subject of personal data.

2.4 Data Controller

A Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.³ Therefore, GSOC is a Data Controller under the Applicable Data Protection Legislation because we control the contents and use of personal data (either alone or with others) in our possession, irrespective of where or from whom the personal data was obtained.

¹ Data Protection Acts 1988 and 2003 A Guide for Data Controllers (Data Protection Commissioner)

² Article 4 (1) of Regulation EU 2016/679

³ Article 4 (7) of Regulation EU 2016/679

2.5 Data Processor

A Data Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the Data Controller⁴, however the processing activity does not include an employee of the Data Controller who processes such data in the course of their employment. For example, the National Shared Services Office is a Data Processor of GSOC because it processes the personal data of GSOC staff.

2.6 Processing

Processing means performing an operation or set of operations on personal data, whether or not by automatic means, including:

- obtaining, recording or keeping the information;
- collecting, organising, storing, altering or adapting the information;
- retrieving, consulting or using the information;
- disclosing the information by transmitting, disseminating or otherwise making it available, or
- aligning, combining, blocking, erasing or destroying the information.⁵

2.7 Data Protection

Data protection is the means by which the privacy rights of individuals are safeguarded in relation to the processing of their personal data. The Applicable Data Protection Legislation imposes certain obligations on Data Controllers and Data Processors in respect of the personal data which it processes and also gives rights on individuals to protect their privacy. In addition, the 2005 Act and the Official Secrets Act, 1963 lay down further binding legislative obligations regarding what GSOC does with the information it processes.

⁴ Article 4 (8) of Regulation EU 2016/679

⁵ Article 4 (2) of Regulation EU 2016/679

3. Legislation

As mentioned in the previous section, there are different legal obligations GSOC must adhere to when dealing with personal data or information. These obligations are outlined in further detail below.

3.1 The Garda Síochána Act 2005, as amended (the 2005 Act)

Section 67(1) of the 2005 Act sets out the objectives of GSOC as follows:

- “(a) to ensure that its functions are performed in an efficient and effective manner and with full fairness to all persons involved in complaints and investigations (under Part 4 of the 2005 Act) concerning the conduct of members of the Garda Síochána,*
- (b) to promote and encourage the use of mediation and other informal means of resolving complaints that are unsuitable for resolution by such means, and*
- (c) to promote public confidence in the process for resolving complaints referred to in paragraph (a).”*

The statutory functions of GSOC are set out in section 67(2) of the 2005 Act, which are:

- (a) to receive complaints made by members of the public concerning the conduct of members of the Garda Síochána,*
- (b) to carry out the duties and exercise the powers assigned to it under Part 4 in relation to those complaints,*
- (c) to issue guidelines for the informal resolution under section 90 of certain categories of complaints and to make procedural rules for investigations under section 95 ,*
- (d) to report the results of its investigations under Part 4 to the Garda Commissioner and, in appropriate cases, to the Director of Public Prosecutions and, if it reports to the Director, to send him or her a copy of each investigation file,*
- (e) to conduct, in accordance with section 102 , other investigations of matters concerning the conduct of members of the Garda Síochána,*
- (f) to examine practices, policies and procedures of the Garda Síochána in accordance with section 106*

- (g) to draw up with the Garda Commissioner protocols in accordance with section 108, and**
- (h) to carry out any other duties and exercise any other powers assigned to it under this Act.**

3.1.1 Section 98 of the 2005 Act

Section 98 of the 2005 Act gives GSOC Designated Officers the same powers, immunities, privileges and duties which exist for members of the Garda Síochána. In other words, when investigating alleged criminal offences, GSOC Officers have the same policing powers as the Gardaí. Accordingly, any exceptions under the Applicable Data Protection Legislation which restrict the disclosure of data obtained by the Garda Síochána will also apply to information obtained by GSOC under section 98 of the 2005 Act whilst GSOC is conducting a criminal investigation.

3.1.2 Section 81 of the 2005 Act

Section 81 enshrines the confidentiality of information obtained by GSOC and we cannot disclose information “*if the disclosure is likely to have a harmful effect*”⁶. So, if sharing or disclosing information would impede an investigation or would result in the identification of a person subject to an investigation whose identity is not public knowledge, we are prevented from doing so.

There are certain circumstances where we can disclose personal information. Section 81 (4) of the 2005 Act allows GSOC to disclose information in certain limited circumstances, subject to any legal considerations which may arise. For example, we can disclose information to the Garda Commissioner, the Director of Public Prosecutions, the Comptroller and Auditor General, to members of the Houses of the Oireachtas or to a court. This part of the Act also allows for disclosures to be made if that disclosure is authorised by law. For example, under the Children First Act, 2015 we can disclose information to Tusla, the Child and Family Agency if we have reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected⁷.

3.1.3 Section 103

This Policy is without prejudice to the rights of interested parties to be kept informed of the progress and results of an investigation pursuant to section 103 of the 2005 Act.

Interested parties may be provided information under section 103 through the relevant GSOC Officer.

⁶ Section 81 (1) of the 2005 Act

⁷ Section 14 of Children First Act 2015

3.2 The Official Secrets Act, 1963

In addition, the Official Secrets Act, 1963 imposes further obligations of non-disclosure on GSOC with regard to “official information”. Under the Official Secrets Act, 1963 official information is defined as:

“any secret official code word or password, and any sketch, plan, model, article, note, document or information which is secret or confidential or is expressed to be either and which is or has been in the possession, custody or control of a holder of a public office, or to which he has or had access, by virtue of his office, and includes information recorded by film or magnetic tape or by any other recording medium”.

Any disclosure by GSOC which is contrary to the above requirement constitutes a criminal offence. GSOC may justify the disclosure of information if such disclosure is duly authorised by a Minister of Government or State authority or if it is in the interest of the State to communicate it.

3.3 The Freedom of Information Act, 2014

The Freedom of Information Act, 2014 (FOI Act) provides that every person has the following legal rights:

- the right to access official records held by Government Departments or other public bodies as defined by the FOI Act;
- the right to have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading, and
- the right to be given reasons for decisions taken by public bodies that affect them.

Any official information held by public bodies can be sought under the FOI Act but in our case, any information concerning any of our investigations is not covered by the FOI Act. This means that administrative records, statistical information or any other information not directly concerning a GSOC investigation or examination may be released.

3.3.1 Access

Access to personal information relating to other people (i.e. people other than the person making the request) is generally prohibited under Applicable Data Protection Legislation but is provided for in certain circumstances under the FOI Act. For example:

- where the public interest in disclosure outweighs the individual’s right to privacy;
- where the person to whom the information relates has consented to the release;
- access in certain circumstances to a parent/guardian of personal information relating to a minor or a person with a disability which renders them incapable of exercising their rights under the FOI Act;
- access in certain circumstances of personal information relating to a deceased person and,
- where disclosure would benefit the person to whom the information relates.

It is important to remember in GSOC's case, that the above circumstances only apply to information which is subject to the FOI Act i.e. not to information contained in case files or investigation files.

The nature of the restrictions and prohibitions reflect, in part, the difference in focus between the FOI Act and the Applicable Data Protection Legislation. The purpose of the FOI Act is to enable members of the public to obtain access to records held by FOI bodies to the greatest extent possible consistent with the public interest and the right of privacy. However, under Applicable Data Protection Legislation, protection of an individual's privacy is paramount and there is no general "public interest" test which could override this right by permitting release of an individual's information to anyone other than that individual except where consent to such release has been given.

It should be noted that while the FOI Act defines personal information as information about an identifiable individual whether living or deceased, the Applicable Data Protection Legislation only applies to data relating to living individuals.

3.4 Balance of Legal Obligations

There are serious criminal implications of GSOC breaching section 81 of the 2005 Act or the Official Secrets Act 1963, so every individual within GSOC who processes personal data and is considering disclosure, must act with particular caution. GSOC recognises that individuals have the right to access their personal data and, in each case, we will balance the obligations placed on us under the above legislation and the rights of individuals under the Applicable Data Protection Legislation to ensure we are compliant with both, where possible.

4. GSOC – Data Controller

4.1 Data Controller

As already outlined, a Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. In GSOC's case, this means we are the Data Controller for all types of personal data that is processed by us and our staff.

4.1.1 Obligations

As a Data Controller, GSOC must ensure that our staff comply with the data protection requirements imposed by the Applicable Data Protection Legislation. We have key responsibilities in relation to the information which we keep about individuals. These responsibilities are outlined in Article 5 of the GDPR and are listed below. GSOC shall abide by these principles at all times and we must be able to show compliance with them. These principles are:

1. **Lawfulness, Fairness and Transparency**
2. **Purpose Limitation**
3. **Data Minimisation**
4. **Accuracy**
5. **Storage Limitation**
6. **Integrity and Confidentiality**

The ways in which GSOC will adhere to each of these principles is explained further in section 6 of this Policy.

4.2 Data Processor

As already outlined a data processor is a person, public authority or other body who processes personal data on behalf of a data controller but does not include an employee of a data controller who processes such data in the course of their employment. GSOC engages data processors to perform certain functions or processes on our behalf e.g. confidential shredding, payroll and pension administration, translation and interpretation services.

When GSOC engages third parties to process personal data on our behalf, we will comply with the provisions relating to the engagement of third-party processors as set out in the Applicable Data Protection Legislation.

5. Types of Personal Data Processed by GSOC

In line with our functions under section 67 (2) of the 2005 Act (see section 3.1 of this Policy), GSOC processes many types of personal data. Please see the descriptions below of the different types of data we deal with during the course of our business. These are laid out in terms of the different groups of people that come into contact with us. Some of this data is categorised as special category data and is outlined in section 5.6 below.

5.1 Complainants/Witnesses

Name, address, email address, gender, date of birth, occupation, phone numbers, images, vehicle registrations, call recordings, images, financial information, identification documents, criminal convictions, medical information, racial or ethnic origin, data concerning health, sex life or sexual orientation.

5.2 Gardaí

All of the above at section 5.1 and garda rank, district number, registration number, epaulette number, station details, physical attributes, educational and training qualifications.

5.3 Members of the Public (e.g. legal advisers, complainants' next of kin, visitors to the GSOC premises)

All of the above at section 5.1 may be provided directly by a complainant (whether on the GSOC1 form or otherwise) or may be otherwise received or collected by GSOC in the course of investigating complaints, referrals or through other investigative routes as provided for under the 2005 Act.

5.4 Staff

The above types of data are also processed by GSOC in relation to our staff and former staff. In addition, GSOC may also process information relating to educational and training qualifications, exam results, disability status and trade union membership. This information is normally provided directly by the employees in question and is retained securely by GSOC's Human Resources Unit solely for the purposes of personnel administration.

Processing of this information may be conducted solely by GSOC or in conjunction with or solely by the National Shared Services Office and other relevant Government organisations and databases (including HRMS) on GSOC's behalf.

5.5 Contractors and Suppliers

All of the above data at sections 5.1 and 5.4 which GSOC processes in the course of the corporate management of our operations e.g. security of our premises, building maintenance services, professional services etc.

5.6 Special Category Personal Data

Some personal data processed by GSOC comes within the definition of special category personal data in the Applicable Data Protection Legislation. For example, GSOC routinely processes data relating to the injuries sustained by a complainant alleging assault. This data will usually be disclosed to us by the complainant and be in the form of a report from their doctor or medical professional or where the complainant has consented for us to obtain the records directly from their GP practice or hospital.

In line with GSOC's obligations under the Applicable Data Protection Legislation, GSOC processes this special category personal data only for the performance of the statutory functions conferred under the 2005 Act (including the administration, staffing and resourcing of the organisation).

5.7 CCTV

GSOC operates a CCTV system in the environs of its offices. The objectives of the CCTV, which form the lawful basis for the processing of personal data, are to:

- ensure the security of the GSOC premises, and
- ensure the health and safety of GSOC staff and visitors to the premises.

In line with guidance issued by the Data Protection Commissioner, the use of CCTV cameras is prominently sign-posted and an information leaflet is available at GSOC Reception. CCTV recordings are periodically deleted every 28 to 90 days unless an alleged incident has occurred which justifies retention for a longer period. Copies of CCTV footage will be shared with the Garda Síochána where necessary to investigate actual or reported incidents.

6. Principles of Data Protection

The six principles of the Applicable Data Protection Legislation require that personal data is:

- 1. Processed in a way that is lawful, fair and transparent;**
(Lawfulness, Fairness and Transparency Principle)
- 2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;**
(Purpose Limitation Principle)
- 3. Adequate, relevant and is limited to what is necessary;**
(Data Minimisation Principle)
- 4. Accurate and kept up to date;**
(Accuracy Principle)
- 5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed, and**
(Storage Limitation Principle)
- 6. Processed in a manner that ensures appropriate security of the data.**
(Integrity and Confidentiality Principle)

The Applicable Data Protection Legislation requires GSOC to “*be responsible for, and be able to demonstrate, compliance with the principles*”⁸. GSOC’s policies and procedures are designed to ensure compliance with these principles.

6.1 Lawfulness, Fairness and Transparency

GSOC is obliged to process data on lawful grounds. The Applicable Data Protection Legislation sets out the grounds on which personal data processing is lawful. These grounds include where processing is necessary for compliance with a legal obligation or the performance of a task carried out in the public interest or the performance of a function of a controller conferred by or under an enactment or by the Constitution.

Personal data processed by GSOC is carried out for the performance of GSOC’s functions under section 67 of the 2005 Act (see section 3.1 of this policy).

⁸ Article 5 of the GDPR

In addition, personal data is processed by GSOC for compliance with certain legal obligations to which GSOC is subject (e.g. Ethics in Public Office Act, 2005, Children First Act, 2015).

GSOC will be fully transparent regarding how we collect and use personal data, in particular ensuring that the data is not used in a way that the individual would not expect. When we collect data or at our earliest available opportunity, we will provide information regarding how we use personal data to the individual in plain and clear language. We will also provide that information on our website to ensure it is easily accessible.

6.1.1 Direct marketing and surveys

GSOC does not engage in any direct marketing activity but we do conduct anonymous surveys from time to time. For certain surveys, e.g. our bi-annual public attitudes survey, the information received and processed is anonymous and cannot be traced back or used to identify an individual in any way. Such data will not be 'Personal Data' as defined in the Applicable Data Protection Legislation.

Sometimes GSOC may offer individuals the option of providing us with certain voluntary additional information to assist us in assessing statistically important information regarding complaints and complainants. Where GSOC seeks this information, we will make the purposes of our request clear, that participation with us is voluntary and will not affect how we deal with you or how we make decisions concerning you.

Individuals who decide to provide additional information as described above may withdraw their consent at any time. You can contact GSOC's Data Protection Officer, Ms Pauline Byrne at dataprotection@gsoc.ie or at 0818 600 800 for further information on how to withdraw consent in this circumstance.

6.2 Purpose Limitation

GSOC processes personal data only for the purposes for which it is collected. Usually these purposes are to fulfil our functions under the 2005 Act (as may be amended from time to time) including the administration, staffing and resourcing of the organisation.

Please see Table 1 below which describes some of the relevant sections of the 2005 Act under which GSOC processes personal data as part of its core function as a police complaints body:

Table 1: Sections of the 2005 Act

Section	Description of GSOC Activity
Section 81	Authorised sharing of information obtained by GSOC and maintaining confidentiality
Section 87	Deciding if a complaint will be admitted
Section 94	Disciplinary investigations conducted by the Garda Síochána on GSOC's behalf
Section 95	Disciplinary investigations conducted by GSOC

Section	Description of GSOC Activity
Section 98	Criminal investigations conducted by GSOC
Section 103	Keeping people informed about the progress and results of GSOC investigations

GSOC has other statutory obligations under legislation such as the Protected Disclosures Act 2014, the Ethics in Public Office Act 1995 or the Standards in Public Office Act, 2001.

GSOC, in our role as an employer, also processes the personal data provided to us by staff or by third parties such as the National Shared Services Office.

GSOC will not use or disclose personal data for purposes otherwise than in compliance with, and in discharge of, our functions.

GSOC will not disclose personal data to third parties unless the data subject has consented to this disclosure or unless the disclosure to the third party is necessary for the performance of GSOC's functions or is otherwise authorised or mandated by law.

6.2.1 Examples

Examples of legitimate disclosures necessary to discharge GSOC's functions would include the provision of personal information to parties involved in an investigation e.g. in a disciplinary investigation under section 95 of the 2005 Act. In such a process, GSOC may provide gardaí who are being investigated for an alleged disciplinary breach with operationally appropriate information from the complainant's statement, any witness statements that are relevant to the allegations made and any other documentation gathered by GSOC during the course of the investigation. A similar level of information may, where necessary, also be provided to the complainant(s) to ensure that they can engage meaningfully in the complaint process.

Other potential recipients of personal data from GSOC are the Garda Commissioner and/or staff of the Garda Commissioner or the Office of the Director of Public Prosecutions.

Under the 2005 Act, GSOC is obliged to keep interested parties informed of the progress and results of an investigation.

Personal data regarding GSOC's staff will be used in the administration, staffing and resourcing of the organisation and may be shared with other Government organisations including, but not limited to, the National Shared Services Office, the Public Appointments Service, the Revenue Commissioners etc.

6.2.2 Transfers abroad

GSOC will not normally transfer personal data outside of the European Economic Area. However, if it does so, it will ensure that the transfer is permitted by one of the means set out in the Applicable Data Protection Legislation.

6.2.3 Voluntary discovery

GSOC will disclose personal data to third parties if we are required to disclose it in order to comply with any applicable law, a summons, a search warrant, a court or regulatory order or other statutory requirement. Third party disclosure may arise in the context of criminal trials being conducted, by or on behalf of the Director of Public Prosecutions, on foot of a garda investigation.

However, given the restrictions provided in the 2005 Act and the Applicable Data Protection Legislation on the disclosure of information held by GSOC, GSOC will not normally provide personal data if it is requested to do so on a voluntary basis by third parties in the context of any third-party litigation. Any exception to this general principle (for example in the case of providing information to potential litigants in the context of a road traffic collision being investigated by GSOC) will be made in accordance with an authorisation as per section 81 of the 2005 Act.

6.3 Data Minimisation

GSOC will only process personal data that is adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

In order to investigate any complaint properly, GSOC must seek to obtain all of the facts to enable it to make an assessment regarding what information is relevant and what is not relevant. GSOC only retains personal data which is necessary or relevant to the performance of its duties under the 2005 Act including the administration, staffing and resourcing of the organisation. It does not seek, nor does it wish to receive, excessive levels of data which are not relevant to these duties.

6.4 Accuracy

GSOC will ensure that the personal data we process is accurate and, where necessary, kept up to date. Accordingly, GSOC will consider any data rectification requests received under the Applicable Data Protection Legislation (see the GSOC Process for Dealing with Data Subject Requests).

Individuals providing personal information to GSOC in the course of an investigation or when making a complaint are made aware that in accordance with section 110 of the 2005 Act, a person who knowingly provides false or misleading information to GSOC in relation to a complaint or investigation of a complaint is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,500 or imprisonment for a term not exceeding 6 months or both.

6.4.1 Updating, Verifying and Deleting Personal Data

Individuals may inform GSOC of any changes in their personal data, and in accordance with GSOC's obligations under the Applicable Data Protection Legislation we will, where appropriate, rectify, update or delete the personal data accordingly. This entitlement extends to information that is **factually incorrect**.

Subject to certain limitations at law, individuals are entitled to find out what personal data GSOC holds on them or to have their personal data rectified, updated, amended or removed from GSOC's databases and/or files. To make such a request, the individuals should write to:

**Data Protection Officer,
Garda Síochána Ombudsman Commission,
150 Upper Abbey Street,
Dublin 1
or email: dataprotection@gsoc.ie**

Any such data rectification/deletion requests may be subject to verification requirements.

6.5 Storage Limitation

GSOC will retain personal data in accordance with GSOC's Data Retention Policy.

6.5.1 Retention Periods

The retention periods for different types of personal data are set out in the GSOC Data Retention Schedules (please see our website for further details). For example, GSOC case files are ordinarily retained for a period of 40 years from the conclusion of GSOC's involvement in the file. Telephone recordings of some GSOC calls will also normally be held for 6 months. In some cases, longer retention periods may be justified and these will be assessed on a case by case basis.

GSOC will retain statistical factual information about cases indefinitely, but such data is anonymised and is not "Personal Data" as defined in the Applicable Data Protection Legislation.

6.5.2 Archive

In line with GSOC's statutory obligations, and so as to ensure an appropriate audit trail, GSOC may retain a record of what was contained in files prior to the files themselves being destroyed.

6.6 Integrity and Confidentiality

Given the sensitivity of the information available to GSOC staff, security measures are in place to ensure that the confidentiality of GSOC files is maintained. Staff are required to adhere to GSOC's security policies and procedures whether working within GSOC's offices or remotely.

In addition, the use of GSOC's ICT (computer, telephone and other office facilities) is subject to GSOC's ICT Acceptable Usage Policy. The ICT Acceptable Usage Policy for the use of computers permits the monitoring of workplace communications to ensure that GSOC's standards and policies are being adhered to (including standards in relation to employee conduct, confidentiality, security, virus control, time-wasting, distribution and viewing of inappropriate content, etc.).

6.6.1 Case Management System

GSOC uses a customised Case Management System (CMS) with restricted access to ensure that only those who have a need to access personal data may do so. GSOC endeavours at all times to ensure that manual (hard copy) data, in its possession, is stored securely. Access to the CMS is by authorised personnel with password restricted entry to the system.

GSOC has established appropriate security provisions to ensure that:

- access to GSOC's computers and information is restricted to GSOC authorised staff;
- GSOC's systems are password protected;
- GSOC has comprehensive back up procedures in operation;
- all waste papers, printouts, etc. are disposed of securely;
- back-up data is held specifically for the purpose of recreating a file in the event of the current data being destroyed. In accordance with our security obligations under the Applicable Data Protection Legislation, GSOC's electronic file management system is regularly backed-up so as to avoid the loss of data; and
- access to the server room is restricted to GSOC's ICT and Corporate Services authorised personnel by magnetic lock and swipe and pin cards.

6.7 Data Subject Rights

GSOC will uphold the rights of data subjects as set out in the Applicable Data Protection Legislation. Those data subject rights are:

- a right of access to their personal data;
- a qualified right to erasure of their data (the 'right to be forgotten');
- a right of rectification (to have any inaccuracies corrected);
- a right to 'data portability' (personal data must be stored in such a way that it is readily identifiable and capable of being transferred to another organisation if requested by the data subject);
- a right to object to their data being processed, and
- a right to restrict their data being processed.

The process by which GSOC upholds these rights is dealt with separately in our Process for Dealing with Data Subject Requests.

7. Data Protection Officer

GSOC's Data Protection Officer is:

Pauline Byrne
Garda Síochána Ombudsman Commission,
150 Upper Abbey Street,
Dublin 1
Phone: 0818 600 800
or email: dataprotection@gsoc.ie

Any queries about the content of this Policy, about how to access personal data or about GSOC's processing activities can be made to our Data Protection Officer.

8. Data Breaches

GSOC will comply with the Applicable Data Protection Legislation by maintaining a register of any data breaches, and reporting data breaches to the Data Protection Commission where we are mandatorily obliged to do so under the Applicable Data Protection Legislation.

9. Complaints

A data subject is entitled to make a complaint to the Data Protection Commission in relation to GSOC's management of its personal data. If such a complaint is made, the GSOC Data Protection Officer, and our legal team will co-operate fully with the Commission's investigation.

10. Communication, Monitoring and Review

The Data Protection Officer in consultation with the Ombudsman Commission is responsible for the review and the operation of this policy.

GSOC will communicate the contents of this policy to all staff as part of a dedicated training module on data protection. This policy will also be published on our website and any changes or updates will be posted there.

This policy will be subject to regular monitoring and review in consultation with staff and their representatives. This will happen at a minimum, once every two years. This policy may be updated from time to time in the light of operational experience.

Document Control

Document Details	
Document Authors	Louise O’Meara, Policy & Secretariat Manager Roland Gowran, Higher Executive Officer, Policy & Secretariat
Document Owner	Louise O’Meara, Policy & Secretariat Manager
Document Approval	Ombudsman Commission
Maintenance	Policy Unit
Distribution	This Document will be published in the Policy Library on ORION and on the GSOC website.

Revision Details			
Revision No.	Revision Summary	Date	Revised by
0.1	Draft version	11/06/2017	RG
0.2	Draft	21/08/2017	LOM
0.3	Draft with Comments and obs from Legal Advisors	24/04/2018	External Legal Advisors
0.4	Draft with comments and obs from Roland	30/05/2018	RG
0.5	Final draft for submission to Commission	12/06/2018	LOM
0.6	Inclusion of Commission Obs	29/06/2018	MER, KF
0.7	Inclusion of Legal Services Obs	23/07/2018	SH
0.8	Final draft	24/07/2018	LOM
1.0	Final version		Ombudsman Commission
1.1	Review and update	19/01/2023	PB, KF

Approval

This policy has been agreed and approved by the Director of Administration. It will be subject to monitoring and review by the Data Protection Officer in conjunction with the Director of Administration. Any future changes will be reflected in the Revision Details above and approved by the Director of Administration with effect from the date of agreement below.

Agreed on 13 March 2024 by

Director of Administration