

[PRINT ON COMPANY HEADED PAPER]

[INSERT COMPANY HEADER]

[NAME OF COMPANY]
EMPLOYMENT PRIVACY NOTICE (Template)

Who are we?

[COMPANY NAME] is an [Irish] registered company with a registered address of [INSERT ADDRESS] (the “Company”). You can contact the Company at [INSERT ADDRESS] by post or by email at [INSERT EMAIL ADDRESS].

For the purposes of GDPR the data controller is the Company. This means that the Company is responsible for determining how personal data relating to you is used, stored and shared.

What is the purpose of this notice?

The Company is committed to protecting the privacy and security of your personal information. This privacy notice describes how the Company collects and uses personal data (“Data”) about you during and after your working relationship with the Company, in accordance with the General Data Protection Regulations (“GDPR”) and the Data Protection Acts 1988 – 2018 (as amended) (the “Data Protection Act”) (together “Data Protection Laws”). It applies to all employees, workers, and contractors of the Company.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

If you have any queries relating to this notice or if you wish to exercise any of your data protection rights, please contact our Data Protection Officer.

Who is the Data Protection Officer?¹

[INSERT INDIVIDUALS NAME] is the Data Protection Officer for the Company and may be contacted by [INSERT CONTACT DETAILS] (the “DPO”).]

What are the Data Protection Principles under GDPR?

The Company will comply with GDPR and under article 5 of GDPR the key principles are set out as follows:

- i. Data must be processed in a lawful, fair, and transparent manner.
 - ii. Data must only be collected for a legitimate purpose and must not be used for any way that is incompatible with the legitimate purpose.
 - iii. Data held must be accurate and kept up to date.
 - iv. Data must only be held for as long as is necessary for the legitimate purpose for which it is processed.
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¹ Note: to be included only where a DPO has been appointed.

- v. Data must be processed in a secure and confidential manner.
- vi. Data must be adequate, relevant and limited to what is necessary in relation to the legitimate purpose for which it is processed.

How will your Data be collected?

The Company collects Data through job applications, CV's and during the recruitment process, either directly from candidates or through recruiters, as well as pension trustees and other parties as necessary throughout your working relationship with the Company. Additional information may also be collected from third parties including former employers, credit reference agencies, or other background check agencies.

What kind of Data does the Company hold about you?²

In line with article 5 of GDPR, the Company will only collect and hold Data necessary for your relationship with the Company.

The Company will collect, store, and use the following Data:

- **Contact** (including name, title, address, phone number, email address).
- **Identity** (including PPS Number, username or similar identifier, job title/position, date of birth, height and gender, passport issue country, passport issue city, date, and state date of birth).
- **Marital status and dependents.**
- **Next of kin and emergency contact information.**
- **Financial** (including bank account details, payroll records, and tax status information).
- **Employment Records** (including salary, annual leave, pension, training records, disciplinary and grievance information, CV, work contact details (corporate email address and telephone number), identification number, photograph, details regarding the job function, primary work location, working hours, employment status, your terms and conditions of employment or engagement, contract of employment, signed confidentiality agreement, immigration status, work permit/visa details, job description, history and details of current position, performance information).
- **Professional** (including job title and role, employment history, educational background, professional qualifications, references from previous employers, record of interview/interview notes, selection and verification records, professional and/or academic transcripts, special skills including (driver) licenses, language skills, memberships of committees or other bodies).
- **Technical** (including geolocation, internet protocol (IP) address, device identifier, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system).
- **Compensation history** (including benefit details, bonus, compensation type, long term incentives, pension scheme, PRSA, health insurance scheme (and any third-party beneficiaries), company credit card data, salary reviews, employee expenses).
- **Premises and IT Access** (including information about your use of the Company's IT systems, information required to access company systems and applications such as email account and system passwords, login and access records, download and print records, call recordings, records of email and internet usage in accordance with our email and internet policy, CCTV images

² **Note:** To be amended based on actual Data collected. Any information not collected to be deleted and any additional information included.

captured through the legitimate use of CCTV within the Company, IP Addresses and URLs websites visited by an employee, other information obtained through electronic means (e.g., swipe cards)).

- **Leave** (including documentation provided in connection with any statutory leave, sick leave (but not including health related Data), holiday and family related leave records, garden leave, and any other type of leave such as unpaid leave and study leave).
- **Performance Management** (including performance assessments/meetings (including probationary assessments), colleague and manager feedback, appraisals, outputs from talent programs and formal and informal performance management processes, data relating to training and development needs or training received).
- **Disciplinary** (including any Data contained in records of allegations, investigation and proceeding records and outcomes data relating to grievance and/or disciplinary processes, misconduct or performance issues, data arising in connection with litigation and complaints, involvement in incident reporting and disclosures).
- **Termination** (including dates and reason for leaving, termination agreements and payments, exit interviews and references).

Unless required by law, we will not, without your explicit consent, collect the following sensitive personal information under Article 9 GDPR (known as “**Special Category Data**”):³

- Race and/or ethnicity.
- Sexual orientation.
- Trade union membership.
- Health information (i.e., medical conditions, health and sickness records, etc.).
- Details of any absences from work including time on statutory parental leave and sick leave.
- Genetic information and/or biometric data.
- Information about criminal convictions and offences.

The Company will only process Special Category Data in limited circumstances and in accordance with Data Protection Laws. These circumstances will usually be related to human resources administration and would include the exercising of rights and performance of obligations under employment or social welfare legislation, or for the assessment of your capability and any accommodation required to facilitate you working with the Company.

The Company will only process data relating to your criminal convictions or involvement in criminal proceedings when permitted by law, or where provided voluntarily by you.

How will the Company process your Data?

The Company has set out a description of all the ways it plans to process your Data and which of the legal bases it will rely on to do so in a table format in an Annex to this privacy notice. The Company will only process your Data in accordance with applicable laws (including Data Protection Laws). The Company will use your Data:

³**Note:** To be amended to include specific details of any special category data processing. There are other criteria explicitly listed in Article 9 GDPR for which special category data can be processed (e.g. for healthcare or the vital interests of data subjects) and which may be applicable depending on the circumstances.

1. **Performance of a Contract:** Where it is necessary in order to perform the contract (or engagement) the Company has entered with you.
2. **Legal Obligation:** To comply with a legal obligation to which the Company is subject - the Company processes your Data to discharge a relevant EU or EU Member State legal or regulatory obligation to which we are subject, including in order to comply with obligations arising under specific legislation.
3. **Legitimate Interests:** Where necessary, the Company processes Data on the basis of its legitimate interests, the Company does so in a fair, transparent and accountable manner and take appropriate steps to prevent such activity having any unwarranted impact on you. The Company does not process your Data where such legitimate interests are overridden by your interests, fundamental rights or freedoms.
4. **Consent:** In principle, the Company does not rely on your consent for data use. The Company may, however, from time to time, (i) ask for your consent to use your Data for a specific purpose; and/or (ii) process your Data (including Special Category Data) in order to protect your vital interests or the interests of another. If the Company does so, it will provide you with full details of the data that it would like and the reason it needs it. The Company will also inform you about the fact that you can revoke your consent at any time and how you should do that. You should be aware that withholding your consent will never have an impact on your employment with us or otherwise negatively affect you.

Change of purpose

The Company will only use the Data for the legitimate purpose for which the Company collected it, unless it is reasonably considered that the Company needs to use it for another reason and that reasonable remains compatible with the original legitimate purpose.

What happens if you fail to provide the Data?

The provision of your Data is a contractual requirement. If you fail to provide the Data, the Company may not be able to perform the contract entered with you (e.g., payment of salary, pensions, etc.), or may be prevented from complying with its legal and statutory obligations (such as health and safety or keeping proper records of payment to employees).

How long will your Data be retained by the Company?⁴

The Company will only retain your Data as long as necessary to fulfil the legitimate purpose the Company collected it for including for the purpose of satisfying any legal, accounting, or reporting.

To determine the appropriate retention period for Data, the Company considers the amount, nature, and sensitivity of the Data, the potential risk of harm from unauthorised use or disclosure of your Data, the purposes for which the Company processes your Data and whether it can achieve those purposes through other means, and the applicable legal requirements. The Company or our duly authorised delegates may retain your Data for a period as set out in the table below.⁵

⁴ **Note:** See appended table of retention periods that would be expected in respect of employee data.

⁵ **Note:** This should be consistent with any other document retention policies.

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Thereafter, the Company will refrain from collecting any further Data on you and shall take appropriate steps to dispose of, delete or anonymise any records containing your Data, to the extent this is operationally feasible and proportionate. Where your Data has been anonymised, the Company may retain this information indefinitely.

Will your Data be shared with any third-party?

We will share your Data with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

“Third parties” includes any third-party service providers. The following activities may be carried out by third party service providers: payroll, pension administration, and IT services.

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with this privacy notice. We only permit third party service providers to process your Data for the specified purposes and in accordance with our instructions.

The following third-party services providers currently process your Data:

1. []⁶

Will your Data be transferred outside the EEA?⁷

The Company may transfer, store and process your Data outside the country you live in where required by law or where it is necessary to administer the working relationship with you or where the Company have another legitimate interest in doing so. Your Data is also processed by staff and third-party service providers and partners in these countries.

In the event the Company transfers Data relating to [INSERT SPECIFIC ACTIVITY] to [SERVICE PROVIDER] located in [Andorra, Argentina, Canada, Faroe Islands, Guernsey, Israel, Isle of Man, Japan, Jersey, New Zealand, Republic of Korea, Switzerland, the United Kingdom, or Uruguay]⁸, the Company relies on Article 45 of the GDPR (Transfers on the basis of an adequacy decision). More information regarding adequacy decisions can be found [here](#).

In the event the Company transfers Data to a country in respect of which the European Commission has not adopted an adequacy decision and we transfer this Data on the basis of Article 46 of the Data Protection Legislation (Transfers subject to appropriate safeguards). The Data safeguards we have put in place for this transfer is to include in the agreement with [SERVICE PROVIDER], European Commission approved standard contractual clauses.

Please contact [INSERT EMAIL ADDRESS] if you want further information on the specific mechanism used by us when transferring your Data out of the European Economic Area.

Your rights in relation to your Data

⁶ **Note:** Details of any third parties to be included with details of why they’re processing the Data.

⁷ **Note:** To be repeated for each of the transfers to third countries, i.e., any country outside of the EEA.

⁸ **Note:** delete as appropriate.

[PRINT ON COMPANY HEADED PAPER]

Under the Data Protection Act, you have the following rights in respect of your Data:

1. **Right to be informed:** This requires the Company to keep you informed of the use and/or erasure of your Data throughout your relationship with the Company.
2. **Right of access:** This enables you to request a copy of the Data the Company holds about you and to check it is being lawfully processed.
3. **Right to rectification:** This enables you to ask the Company to have any incomplete or inaccurate Data held about you corrected.
4. **Right to erasure (right to be forgotten):** This enables you to have any Data held about you removed or deleted from the Company's files where there is no good reason for the Company to continue processing the Data. You also have the right to ask the Company to delete or remove your Data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where the Company is required to erase your Data to comply with local law. Note, however, that the Company may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
5. **Right to restriction of processing:** This enables you to request that the Company no longer processes your Data for a particular purpose or to object to the Company's processing of your Data for particular purpose in the following scenarios:
 - If you want the Company to establish the Data's accuracy.
 - Where the Company's use of the Data is unlawful but you do not want the Company to erase it.
 - Where you need the Company to hold the Data even if it no longer requires it as you need it to establish, exercise or defend legal claims.
 - You have objected to the Company use of your Data but it needs to verify whether the Company has overriding legitimate grounds to use it.
6. **Right to object:** This enables you to stop or prevent the Company from using your Data, where it is relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your Data for direct marketing purposes. In some cases, the Company may demonstrate that it has compelling legitimate grounds to process your information which override your rights and freedoms.
7. **The Right to Data portability:** In some circumstances, you may be entitled to obtain your personal data from a data controller in a format that makes it easier to reuse your information in another context, and to transmit this data to another controller of your choosing without hindrance.

If and to the extent that the Company processes your Data based on your consent, which you may withdraw at any time. This removal of consent will not affect the lawfulness of the processing which has previously taken place. To exercise any of the above-mentioned rights, please contact the Data Protection Officer whose contact information is listed above.

Changes to this notice

The Company reserves the right to update this notice at any time and will provide you with a new privacy notice when the Company makes any substantial updates. The Company may also notify you from time to time regarding the processing of your Data.

Automated decision-making and profiling

[The Company does not conduct any automated decision-making or profiling activities whilst processing your Data.

OR

If a decision is taken by automated means, you have the right to object to this and ask us to reconsider the service you have asked the Company to provide. Automated decisions that the Company undertakes include [insert automated decisions].⁹

Security of Personal Data

The Company securely stores your personal data in a centralised database, with controlled access to such database. Access to Data (including Special Category Data) in both electronic and paper form is restricted to members of the HR department and employees who have a legitimate and justifiable reason to view such data.

What if there is a Security or Data Breach?

GDPR obliges the Company to notify the Data Protection Commission and affected data subjects in the case of certain types of personal data security breaches. The Company will manage a data breach in accordance with their personal data security breach procedure and Data Protection Law. If you become aware of or suspect that a breach has taken place you are required to immediately notify the DPO.

Complaints Procedure

If you have any questions about this privacy notice or if you are unhappy with how the Company is processing your Data, please contact the Data Protection Officer whose contact information is listed above.

You may lodge a complaint with the Irish supervisory authority in respect of anything included in this notice. The Irish supervisory authority is the Data Protection Commission and its details are set out below:

Data Protection Commission
21 Fitzwilliam Square South
Dublin 2
D02 RD28
info@dataprotection.ie

⁹**Note:** To be confirmed by the Company. To the extent automated decision making takes place, meaningful information about the logic used and the significance and envisaged consequences of such processing to the data subject must be included.

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I, [INSERT EMPLOYEE/WORKER/CONTRACTOR NAME], acknowledge that on _____, I received a copy of [COMPANY NAME]'s Privacy Notice for and that I have read and understood it.

Signature

.....

Name

.....¹⁰

¹⁰ **Note:** this statement is an acknowledgment-only. It may be used in standard practice but should not be a requirement in order for data to be processed pursuant to an individual's employment.

ANNEX¹¹

Purpose/Activity	Processing Operations	Data	Lawful basis
<p>Recruitment: To consider any job applications.</p>	<p>Collection recording organising storing retrieving consulting using restricting</p>	<p>(a) Identity (b) Contact (c) Employment Records (d) Professional</p>	<p>Necessary for the Company's legitimate interests of hiring employees who satisfy its professional requirements and are aligned with company values.</p>
<p>Employee Relationship Management: Managing our relationship with you by:</p> <p>(a) providing you with building and IT access; (b) carrying out payroll and finance including payment salary, reimbursing expenses and other payments; (c) keeping attendance and working time records; (d) keeping performance appraisals and management of performance; (e) administering employment termination; (f) providing third party stock and benefit plans administration services and assist HR and the business</p>	<p>Collection recording organising structuring storing retrieving consulting using disclosing aligning or combining restricting</p>	<p>(a) Identity (b) Contact (c) Employment Records (d) Professional (e) Financial (f) Premises and IT Access (g) Performance (h) Leave (i) Disciplinary (j) Termination</p>	<p>This processing of your data is necessary for the Company's legitimate business interest¹² in managing the effective operation of its employees from a legal, personnel, administrative and management perspective.</p>

¹¹ **Note:** To be reviewed and confirmation of the extent to which the above processing is applicable to it.

¹² **Note:** Legitimate interest assessment to be carried out for all processing that identifies legitimate interests as its legal basis.

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<p>in discharging essential functions regarding its equity compensation and benefit plans;</p> <p>(g) monitoring and promoting equal opportunities, including the review of gender breakdown and progression;</p> <p>(h) monitoring use of IT and communications in accordance with the Employee Handbook;</p> <p>(i) provision of references; and</p> <p>(j) other activities necessary for the maintenance of our employment relationship with you.</p>		<p>(k) Marital status and dependents</p> <p>(l) Next of kin and emergency contact information</p> <p>(m) Technical</p> <p>(n) Compensation history</p> <p>(o) Performance Management</p>	
<p>Managing our Business:</p> <p>(a) Monitoring the correct functioning and ensuring the security of the Group's computer systems and preventing misuse and outside attaches or threats;</p> <p>(b) archiving and storing information;</p> <p>(c) preventing theft and unauthorised disclosure of the Group's intellectual property or confidential information;</p> <p>(d) detecting excessive personal use of Group computer system resources;</p> <p>(e) investigating and responding to complaints from employees, clients, business partners, regulators; and</p> <p>(f) maintaining emergency contact details.</p>	<p>Collection recording organising structuring storing retrieving consulting using disclosing aligning or combining restricting</p>	<p>(a) Identity</p> <p>(b) Contact</p> <p>(c) Employment Records</p> <p>(d) Professional</p> <p>(e) Financial</p> <p>(f) Premises and IT Access</p> <p>(g) Performance</p> <p>(h) Leave</p> <p>(i) Disciplinary</p> <p>(j) Termination</p> <p>(k) Next of kin and emergency contact information</p>	<p>This processing of your data is necessary for the Company's legitimate business interest in (i) maintaining the integrity of its IT and network security and safety of our staff, customers; (ii) preventing and address fraud, violations of our policies, or other harmful or illegal activity, and (iii) for the prevention and detection of crime, provided its interest is not overridden by your interest.</p>

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		(l) Technical (o) Performance Management	
EU and EU Member State Laws: To comply with obligations arising under EU or EU member state law.	Collection recording organising retrieving consulting using disclosing	(a) Identity (b) Contact (c) Employment Records (d) Professional (e) Financial (f) Premises and IT Access (g) Performance (h) Leave (i) Disciplinary (j) Termination (k) Marital status and dependents	Necessary to comply with the Company's taxation and health and safety obligations arising under EU and EU Member State such as under (i) the Taxes Consolidation Act 1997 and (ii) the Safety, Health and Welfare at Work Act 2005. Please contact [INSERT EMAIL ADDRESS] if you want further information on the specific legal obligations which it is necessary for the Company to process your Data in connection with.