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# Consent to Disclose and Share Disability Information - Staff

Trinity College Dublin, the University of Dublin, is an equal opportunities employer and is committed to the continued development of employment policies, practices and procedures which reflect our inclusive ethos and traditions, and which ensure that we do not discriminate on the grounds of disability. As an educational establishment, Trinity has a duty to anticipate the needs of students and staff with disabilities. Trinity has a Code of Practice applying to the Employment of People with Disabilities and a guide for staff with disabilities and managers [click here](https://www.tcd.ie/disability/assets/doc/pdf/Code%20of%20Practice%20applying%20to%20the%20Employment%20of%20People%20with%20Disabilities_Board%20Aprd%20June%202018.pdf).

Employees may disclose their disability either at the recruitment stage or once in employment. The process for dealing with interviews with prospective incoming staff is the responsibility of HR.

Reasonable accommodations will be provided where necessary to ensure that both new and current staff with disabilities are facilitated to perform effectively in the posts that they hold. To ascertain those reasonable accommodations, an assessment will be carried out by the Disability Services in accordance with the Code of Practice. This assessment is solely to assess the accommodations required to allow an employee who has disclosed a disability to perform effectively in the posts that they hold.

Trinity encourages staff with disabilities to disclose information on their disability to the Disability Service. Such disclosure is encouraged so that Trinity can work with the staff member in ensuring that any reasonable accommodation required is identified and facilitated in consultation with the manager.

An electronic record of your contact with us is held securely in accordance with the Data Protection Act (1998-2003) and General Data Protection Regulation, and information provided to the Disability Service is regarded as ‘sensitive personal data’. The information may also be used for statistical and monitoring purposes without your identity being revealed.

Any documentation or information presented in disclosing a disability is held by the Disability Service, and specific medical or other documentation will not be disclosed to any third party, except where necessary to provide reasonable accommodations.

Where a staff member requests and is granted any form of reasonable accommodation, the Disability Service will, in consultation with the staff member, disclose relevant information to the individuals responsible for providing or facilitating the staff member in accessing such accommodations. In such instances, only information relevant to the particular situation will be disclosed. Where managers contact the Disability Service for advice regarding an individual staff member, they will be informed that it is necessary to obtain the permission of the staff member before doing so.

Trinity has a duty under the Equality Status Act 2000 (as amended) to make “reasonable accommodations” for disabled staff with disabilities as outlined in the Trinity Reasonable Accommodation Policy.

For the purposes of all Trinity policies relating to staff with a disability, reasonable accommodations are determined through a needs assessment process taking into account the nature of the disability, employment requirements and individual differences. The most common forms of reasonable accommodations are available on the Disability Service website: https://www.tcd.ie/disability/services/

Why we hold your data:

In order to assess whether it is appropriate to make these reasonable accommodations and/or the nature of the accommodations to be made, the Disability Service may:

1. Collect and process the following types of data:

a. Personal/identification details (such as name and Trinity Staff number

b. employment details

c. Information you supply about your disability/medical condition (medical evidence, disability evidence or the Trinity Evidence of disability form - Staff

2. Share some information\* about your disability, on a need-to-know basis, with:

a. Relevant University staff (line manager, departments) usually via a Staff with disability Needs Assessment Report )

b. Health Service or other recommended providers (e.g. referral for these supports)

c. Estates & Facilities (e.g. Access to enabled parking, universal toilets, respite)

d. We may seek your written permission to liaise with other named external professionals involved in your disability-related care and support.

\*The information shared is minimised where possible and listed below. More detailed information about the nature of your disability is shared only where necessary for specialist reasonable accommodation to be made.

3. Store your data securely, as follows:

a. Paper records/documents – the Disability Service does not hold any paper documents and will give paper records back to staff member once scanned. Paper records posted to the Disability Service will be scanned and shredded.

b. Electronic records: all disability documentation you provide is stored on stand-alone hard drive and are only available to the Disability Officer.

c. Retain your data for 7 years following graduation, in accordance with the University’s Record Management policy. It will then be securely destroyed.

d. Statistical information gathered to monitor and evaluate the Disability Service will be anonymous.

4. Occasionally contact you to make you aware of disability-related activities or opportunities linked to Trinity that may be of interest to you; if you would prefer not to receive this information please inform a member of staff at the Disability Service.

5. Feedback and research: The contribution of staff members who use the Disability Service is vital so that the service can develop in response to evidence-based research. By registering with the Disability Service, you understand that you may be asked to participate in surveys or other forms of research, but that non-participation will not in any way prejudice the supports or accommodations you may be entitled to.

Other staff: The University will not disclose details of your disability to other staff; it is your choice whether to tell others that you have a disability or that you are accessing / receiving support.

Partner/family members: Due to General Data Protection Regulations (GDPR), information about your disability and your support requirements/arrangements will not be shared or discussed with your partner/family members without your written consent. Please note that even if such consent is provided to share or discuss, partner/family members cannot act, or request changes, on your behalf and that you retain responsibility for engaging with the Disability Service.

Your rights: You may at any time request restrictions to the processing or sharing of your data by the Disability Service. However, such restrictions may adversely affect the level of support or reasonable accommodation that the University or placement providers can offer. If you have any concerns about this or would like to discuss the consequences of disclosing or withholding information, speak to a Disability Officer.

You have the right to request access to the records held by the University relating to you. See the University’s Data Protection Policy for further information, or contact the Disability Service to ask how to make a request for your data.

Reporting data breaches: Under the GDPR, a breach which is reportable to the Data Protection Commissioner must be reported not later than 72 hours after awareness is made of it. All breaches or suspected breaches should therefore be reported to the Data Protection Officer without delay for assessment.

Disclosures in exceptional circumstances: The University may, in exceptional circumstances, share some data about your disability/condition with third parties without your consent. These circumstances are provided for, in full, under the Data Protection Act and include:

a) Emergencies, e.g., if you are unwell / injured; or at risk of injury to yourself / others.

b) To protect the vital interests of any person, including yourself.

c) Fitness to practice issues or a duty to report to a professional body (such as CORU).

d) Complaints/appeals to the University

e) Legal situations, e.g., legal disputes/advice/proceedings, or where required by a Court of Law.

f) To law enforcement agencies, for the prevention/detection of crime or the apprehension/prosecution of an offender.

Please contact the Disability Service immediately if there is a change in the circumstances concerning your disability that you feel the university should be aware of.

**Terms of Reference for the Reasonable Accomodation Needs Assessment**

**Terms of Reference**

Reasonable accommodations will be provided where necessary to ensure that both new and current staff with disabilities are facilitated to perform effectively in the posts that they hold. In order to ascertain those reasonable accommodations an assessment will be carried out by the Disability Service in accordance with the Code of Practice. This assessment is solely to assess the reasonable accommodations required to allow an employee who has disclosed a disability to perform effectively in the posts that they hold.

This assessment does not deal with workplace issues or interpersonal difficulties employees may be experiencing. Such matters should be dealt with through the management structure and advice on this should be obtained from Human Resources.

Signed Employee: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed Manager: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_