



# Disability Service Privacy Notice

## Introduction

This is a statement of the practices of the Disability Service, Trinity College Dublin, The University of Dublin (the "University") of College Green, Dublin 2, Ireland in connection with the capture of personal data on the [Disability Service online application](#) webpage and the steps taken by the University to respect your privacy.

The University fully respects your right to privacy and actively seeks to preserve the privacy rights of those who share information with the University. Any personal information which you volunteer to the University will be treated with the highest standards of security and confidentiality, in accordance with Irish and European Data Protection legislation. From 25 May 2018, we shall process your personal data in accordance with the General Data Protection Regulation (EU) 2016/679.

The privacy notice explains the following

- How we collect and use your personal data
- The purpose and legal basis for collecting your personal data
- How we store and secure personal data
- Details of third parties with whom we share personal data
- What are your rights

## How we collect and use your personal data

The personal data we collect from you will only be used by the University for lawful purposes outlined in this privacy notice.

Personal data will be collected in the following way:

Electronic format – when students apply for supports with the Disability Service, they are required to upload their evidence of disability directly to their individual secure student portal at [my.tcd.ie](http://my.tcd.ie)

Personal data will only be disclosed to other members of University staff when it is necessary for them to implement, improve, or review your support and this is what you are asked to consent to when applying for supports. Personal data is held to assess whether it is appropriate to make reasonable accommodations and/or the nature of the reasonable accommodations to be made.

## **The purpose and legal basis for collecting personal data**

The personal data we collect will be used to provide students who apply to the Disability Service the reasonable accommodations identified at the needs assessment process, as this is the only way for students to receive reasonable accommodations in Trinity.

### **Purpose:**

The personal data we collect will be used to ensure the reasonable accommodations contained in the Learning Educational Needs Summary (LENS) report will be implemented.

### **Legal Basis:**

The legal basis for collecting personal data is to comply with our duties under the General Data Protection Regulation (GDPR), the Disability Acts 2005, Equality Status Act 2000 (as amended) and the Employment Equality Act 1998 (as amended).

The University will ensure that personal data is processed fairly and lawfully in keeping with the principles of data protection. For the purposes outlined in this privacy notice, personal data will be processed on the basis of your informed consent. When you apply for supports with the Disability Service, you are provided with detailed information on the personal data we collect and how it will be used, as per the [Trinity Consent to Disclose and Share Disability Information form](#).

### **Consent:**

You may withdraw your consent to disclose your information at any time. To withdraw your consent, we require you to advise us in writing that you are withdrawing your consent, this can be done via [askds@tcd.ie](mailto:askds@tcd.ie)

In order to apply to the Disability Service, you are required to access the disability online applications system, via your my.tcd.ie using your unique user name and password.

Full information regarding the collection and use of your data is provided to you when you apply for supports and during your needs assessment. You are required to read the 'Trinity Consent to Disclose Disability Information form'.

If you require reasonable accommodations in Trinity you are required to confirm that you have read the 'Trinity Consent to Disclose Disability Information form' and consent to the information by clicking 'Yes'.

You will also be informed that if you do not agree to the points outlined within the 'Trinity Consent to Disclose Disability Information form', then you will be unable to receive reasonable accommodations. Should you have any queries about the 'Trinity Consent to Disclose Disability Information form', you are requested to contact a member of the Disability Service staff for more information.

### How we store and secure personal data

Any personal data we collect will be stored confidentially and securely as required by the University Information Security Policy. The University is committed to ensuring all accesses to, uses of, and processing of University data is performed in a secure manner.

In keeping with the data protection principles, we will only store personal data for as long as is necessary.

For the purposes described here we will 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 the student 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 your student portal my.tcd.ie and are only available to the student and the Disability Service. Notes on all interactions are stored on the Disability Service database, with access limited to authorised Disability Service staff.
- 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.
- e. ESF/FSD information will be retained for a minimum of 7 years and up to 16 years depending on requirements of the European Social Fund.

When we store your personal data on our systems the data will be stored either on the University premises or on secure IT platforms within the EEA, which are also subject to European data protection requirements.

### Details of third parties with whom we share personal data

The Disability Service in Trinity will share your data with third parties (internal and external) where necessary for purposes of the processing outlined here. The University will share your data with the following third parties:

Academic Registry (including Examinations)	To ensure students receive the reasonable accommodations identified for them in University Examinations
Residential Accommodation Services	Recommendation for rooms if you apply to stay in Trinity Residence on disability grounds
ESF FSD /DSA/International Office	Application for financial support on behalf of the student
Library	To enable the student avail of additional borrowing privileges
Placement Supervisor	To ensure the student receives the appropriate levels of reasonable accommodations identified in the Needs Assessment

	Where external placements as in the case of students on Professional courses, where placement is an integral part of the course, a student may give consent to share their Placement Learning Educational Needs summary (PLENS) report
Print Credit Supplier (Datapac)	Email & student number to provide students with access to print credit
Safety Officer	Personal Emergency Evacuation Plan to ensure students' needs are supported in the event of an emergency evacuation
School and Department staff	School and Department Staff are provided with the students Learning Educational Needs Summary – LENS to ensure agreed reasonable accommodations are provided to the student
Sports Centre - Respite	Name, student number – to ensure students receive access to respite facilities
Trinity Counselling and Health Service	Name, student number, ESF FSD eligibility To ensure students receive appropriate support when referred for these supports
Superintendent - Locker	To ensure students receive locker facilities as identified in their LENS
Trinity Tutor	To ensure students receive the reasonable accommodations identified in the needs assessment process and reported in their Learning Educational Needs Summary (LENS) report
External Professionals e.g. GPs', Educational Psychologists, Community Mental Health Team	In order to provide or receive additional information or advice on the supports required.
Family Members	You may wish for us to talk to family or other professionals who have played a part in your support in the past and we have asked you to indicate the names and contact details of these individuals to us. Please note that we cannot disclose your personal data or support needs at university unless you <b>consent to disclose</b> and have named them to us on the Trinity consent to disclose Disability Information form.

When we share your personal data with the third parties outlined here the University will ensure that the data is only processed according to our specific instructions and that the same standards of confidentiality and security are maintained. Once the processing of personal data is complete any third parties with whom data was shared will be required to return the data to the University, save where they are required to retain it by law.

### What are your rights

You have the following rights over the way we process your personal data.

### **Right of Access**

You have the right to request a copy of the personal data we are processing about you and to exercise that right easily and at reasonable intervals.

### **Consent**

You have the right to withdraw your consent where that is the legal basis of our processing.

### **Rectification**

You have the right to have inaccuracies in personal data that we hold about you rectified.

### **Erasure**

You have the right to have your personal data deleted where we no longer have any justification for retaining it subject to exemptions such as the use of pseudonymised data for scientific research.

### **Object**

You have the right to object to processing your personal data if:

- We have processed your data based on a legitimate interest or for the exercise of the public tasks of the University if you believe the processing to be disproportionate or unfair to you.
- The personal data was processed for the purposes of direct marketing or profiling related to direct marketing.
- We have processed the personal data for scientific or historical research purposes or statistical purposes unless the processing is necessary for the performance of a task carried out for reasons of public interest.

### **Restriction**

You have the right to restrict the processing of your personal data if:

- You are contesting the accuracy of the personal data;
- The personal data was processed unlawfully;
- You need to prevent the erasure of the personal data in order to comply with legal obligations;
- You have objected to the processing of the personal data and wish to restrict the processing until a legal basis for continued processing has been verified.

### **Portability**

You have the right to have a readily accessible machine-readable copy of your data transferred or moved to another data controller where we are processing your data based on your consent.

### **Data Breach**

Under the GDPR a breach which is reportable to the Data Protection Commission must be reported not later than 72 hours after having become aware of it. All breaches or suspected breaches should therefore be reported to the Data Protection Officer without delay for assessment.

### **Disclosures in exceptional circumstances**

Trinity 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 the Teaching Council)
- d) Complaints/appeals to Trinity
- 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.

## Contact

If you have any queries relating to the processing of your personal data for the purposes outlined above or you wish to make a request in relation to your rights you can contact any member of the Disability Service staff via [askds@tcd.ie](mailto:askds@tcd.ie)

If you wish to make a complaint or escalate an issue relating to your rights you can contact the Data Protection Officer at [dataprotection@tcd.ie](mailto:dataprotection@tcd.ie).

Finally, if you are not satisfied with the information we have provided to you in relation to the processing of your data you can also make a complaint to the Data Protection Commissioner via the link in their website [Making a Complaint to the DPC](#).

## Glossary

**The following terms used throughout this Privacy Notice have specific legal meanings under the GDPR. In order to understand your rights fully, please read the following glossary of key terms.**

**Personal data**

The term “personal data” means any information relating to a living person who is identified or identifiable (such a person is referred to as a “data subject”).

A person is identifiable if they can be identified directly or indirectly using an “identifier”. The GDPR gives examples of identifiers, including names, identification numbers, and location data. A person may also be identifiable by reference to factors which are specific to their identity, such as physical, genetic or cultural factors.

### Processing

The term “processing” refers to any operation or set of operations performed on personal data. Processing includes storing, collecting, retrieving, using, combining, erasing and destroying personal data, and can involve automated or manual operations.

### Data Protection Commission

The “Data Protection Commission” (‘Commission’) is the body established under Data Protection Act 2018. The Commission will be a supervisory authority i.e. an independent public authority, established under the GDPR, with responsibility for monitoring the application of the GDPR.

### Data Controller

A “data controller” refers to a person, company, or other body which determines the purposes and means of processing of personal data.

### Data Processor

A “data processor” refers to a person, company, or other body which processes personal data on behalf of a data controller.

## **Consent**

Some types of processing are carried out on the basis that you have given your consent. Under the GDPR, consent to processing must be freely given, specific, and informed. You cannot be forced to give your consent, you must be told what purpose(s) your data will be used for and you should show your consent through a 'statement or as a clear affirmative action' (e.g. ticking a box).

Consent is not the only lawful basis on which your personal data can be processed. Article 6 of the GDPR sets out a complete list of lawful<sup>1</sup> purposes for processing personal data.

## **Profiling**

Profiling is any kind of automated processing of personal data that involves analysing or predicting your behaviour, habits or interests.

## **Special categories of personal data**

Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as "special categories" of personal data. The special categories are: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as genetic data, biometric data processed for the purpose of uniquely identifying a natural person, data concerning health, and data concerning a natural person's sex life or sexual orientation. Processing of these special categories is prohibited, except in limited circumstances set out in Article 9.

<sup>1</sup> Lawful basis for processing personal data: In order to process personal data, organisations must have a lawful basis to do so. The lawful grounds for processing personal data are set out in Article 6 of the GDPR. These are: with the consent of the individual; in the performance of a contract; in compliance with a legal obligation; where necessary to protect the vital interests of a person; where necessary for the performance of a task carried out in the public interest; or in the legitimate interests of company/organisation (except where those interests are overridden by the interests or rights and freedoms of the data subject).