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Data Protection Policy

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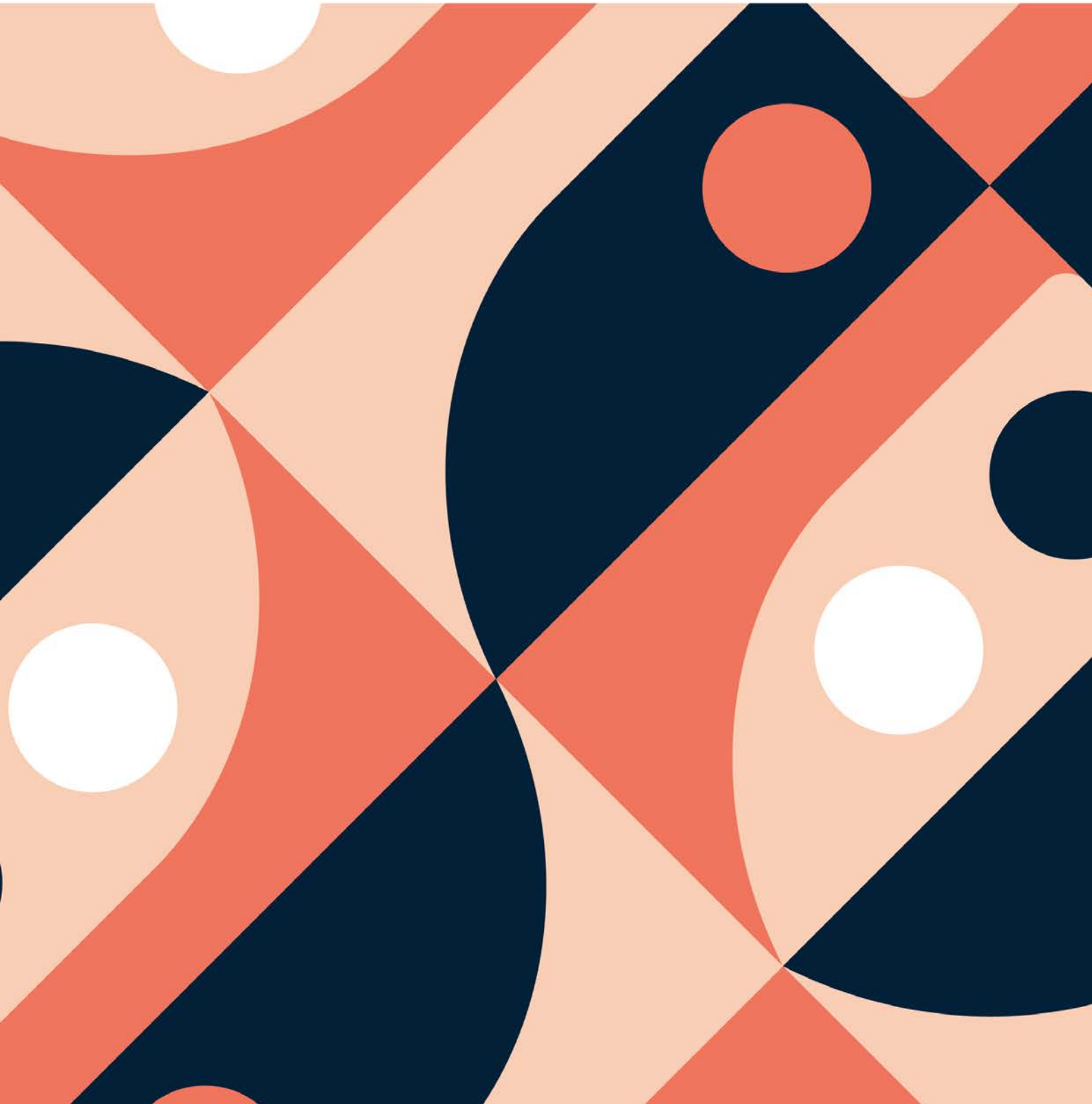

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1. Overview

IOB (also referred to as the Institute of Banking), as a provider of Professional Education, CPD (Continuing Professional Development) and Membership Services to the financial services sector in Ireland and beyond, processes personal data for a variety of purposes relating to its members, employees, service providers and other third-parties involved with the organisation. IOB is therefore a data controller, and in some cases a data processor, and is subject to data protection legislation and regulation.

This policy sets out data protection requirements which must be complied with by anyone who processes personal data for or on behalf of IOB.

2. Purpose

The purpose of this document is to provide a policy statement regarding the Data Protection obligations of IOB. This includes obligations in dealing with personal data, in order to ensure that IOB complies with the requirements of the relevant and applicable Data Protection Law (including the General Data Protection Regulation (EU Regulation 679/2016) (GDPR), Data Protection Act 2018).

3. Policy Objectives

The objectives of this policy are:

- to ensure IOB meets its statutory obligations under the GDPR and other relevant Data Protection Law;
- to inform data subjects (including members of IOB and other individuals whose personal data is being processed by IOB) as to how IOB manages their personal data and to

inform them of their associated data protection rights under the GDPR and other relevant Data Protection Law;

- to ensure third-party service providers are aware of their legal obligations and responsibilities under the GDPR and other relevant Data Protection Law;
- to outline IOB requirements for arrangements with Joint Data Controllers and Independent Data Controllers.
- to advise any IOB member and/or student and/or designate who may process personal data in the course of their membership and/or studies, for administrative, research or any other purpose, of their obligations, under the GDPR and other relevant Data Protection Law;

4. Scope & Definitions

This Data Protection Policy applies to IOB and "third parties" (a natural person or legal entity other than IOB - but not the data subject) who process personal data for, on behalf-of, or in conjunction with IOB. The Institute of Banking, and its associated subsidiaries, are also referred to throughout this document as "IOB", "we", "us", "our" and "ours".

This policy is concerned with personal data (including Special Category data) as defined by the GDPR.

Personal Data means any information relating to an identified or identifiable natural person, usually referred to as a '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.

Natural Person is a person (in legal meaning, i.e., one who has its own legal personality) that is an individual human being, as opposed to a legal person, which may be a private (i.e., business entity or non-governmental organisation) or public (i.e., government) organisation.

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Note: Please refer to Appendix 1 - Glossary of Terms for common terms and definitions relating to data protection.

5. Data Protection Principles

The GDPR states that the protection of natural persons in relation to the processing of their personal data is a fundamental right. The principles of data protection apply to any personal data concerning an identified or identifiable natural person. Legislation requires that IOB or any third-party processing personal data for or on behalf of IOB must comply with these principles.

The principles relating to processing of personal data are outlined below.

1. Personal data shall be:

   (a) processed lawfully, fairly and in a transparent manner in relation to the data subject (**'lawfulness, fairness and transparency'**)

   (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (**'purpose limitation'**);

   (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (**'data minimisation'**)

   (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (**'accuracy'**)

   (e) 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 (**'storage limitation'**)

   (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures (**'integrity and confidentiality'**)

2. IOB or any third-party processing personal data for or on behalf of IOB is responsible for, and must be able to demonstrate, compliance with the principles as set out above (**'accountability'**)

5.1 Lawfulness

5.1.1 Legal bases for personal data processing

The principle of lawfulness requires IOB to determine the legal basis for processing personal data ***prior*** to processing it.

Personal data may only be processed if and to the extent that ***at least*** one of the following applies:

a) processing is necessary for the **performance of a contract** to which the data subject is party or to take steps at the request of the data subject prior to entering into a contract, e.g. performance of membership contract, performance of education contract, performance of designation contract;

b) the data subject has given **consent** to the processing of their personal data for one or more specific purposes;

c) processing is necessary for **compliance with a legal obligation** to which IOB is subject;

d) processing is necessary to **protect the vital interests of the data subject or the vital interests of another natural person**;

e) processing is necessary for the performance of a task carried out in the **public interest** or in the exercise of an official authority vested in IOB;

f) processing is necessary for the purposes of the **legitimate interests** pursued by IOB or by a third-party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child (below the age of 16 years).

The processing of personal data for purposes other than those for which the personal data were initially collected must only be undertaken where the processing is compatible with the purposes for which the personal data were initially collected. The basis for processing is stated in Data Protection Notices and recorded in Records of Processing Activities.

5.1.2 Consent

Where consent is required in order to process personal data, the consent must be sought and given by a clear, verifiable and affirmative action establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to them, such as by a written statement, including by electronic means, or an oral statement (if recorded). Note that silence, pre-ticked boxes or inactivity do not constitute consent.

5.1.3 Special Category Data

Personal data which are, by their nature, particularly sensitive in relation to fundamental rights and freedoms of individuals, merit specific protection as the context of their processing could create significant risks to an individual's fundamental rights and freedoms.

Special category data include personal data relating to a natural person's:

- racial or ethnic origin,
- political opinions,
- religious or philosophical beliefs,
- trade union membership,
- genetics,
- biometrics,
- health,
- sex life or sexual orientation.

Personal data falling under these categories can be processed only under specific conditions.

Special category personal data must not be processed unless;

- the data subject has given explicit consent to the processing of those personal data for one or more specified purposes;

- processing is necessary for the purposes of carrying out the obligations and exercising specific rights of IOB or of the data subject in the field of employment and social security and social protection law;
- 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;
- processing relates to personal data which are manifestly made public by the data subject;
- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- processing is necessary for reasons of substantial public interest;
- processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services or pursuant to contract with a health professional;
- processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices;
- processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

Suitable and specific measures, including security measures, must be applied in respect of processing special category data.

5.1.4 Cookies

Cookies are small items of code placed on a user's computer by a website and are vital to the functioning of modern internet sites. Cookies allow website operators to determine how users browse their sites and are a technical pre-requisite for some applications.

Data protection legislation/regulation applies to the use of cookies and other similar technologies where it involves the processing of personal data. The 'ePrivacy Regulation' (S.I. 336/2011) is also applicable to certain types of data processing, including the use of cookies and similar technologies.

Consent of the data subject must be obtained to use cookies. Data subjects must be provided with certain easily accessible, 'clear and comprehensive' information on the technology being used and the purpose(s) for which it is used.

5.2 Fairness and Transparency

The principles of fairness and transparency require IOB to provide the data subject with information necessary to ensure fair and transparent processing, taking into account the specific circumstances and context in which the personal data are processed.

IOB or any third-party processing personal data for or on behalf of IOB, will treat the data subject fairly by using their personal data for purposes and in a way they would reasonably expect and will ensure that their personal data is not used for a different purpose other than that which the individual agreed to or would reasonably expect.

IOB will advise the data subject of the identity of IOB, the existence of the personal data processing operation, the purpose of processing, and of their rights as a data subject. IOB commits to use personal data only for the purposes for which it was collected. The communication relating to the processing of personal data will be easily accessible and easy to understand, and the language used will be clear and plain.

In this regard, IOB will provide the data subject with a **Data Protection Notice**. This is a notification that provides the data subject with a detailed and clear explanation of how IOB will manage their personal data, at the point of data collection, including electronic or hard copy

forms, and including collection through information technology systems. For further detail on Data Protection Notices, please refer to Appendix 2.

Where personal data is obtained from another source, a Data Protection Notice will be provided:

- within one month after obtaining the personal data;
- if personal data is to be used to communicate with the data subject, at the latest at the time of the first communication with the data subjects;
- if disclosure to another recipient is envisaged, at the latest when personal data is first disclosed.

Note that the data subject will be informed of the existence and consequences of profiling, i.e. any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, e.g. personal preferences, interests, reliability, behaviour.

5.3 Purpose Limitation

The principle of purpose limitation requires IOB to collect personal data only for a specified, explicit, and legitimate purpose and to not further process the data in a manner that is incompatible with those purposes. IOB will determine the specific purposes for which personal data are processed which will be explicit and legitimate and determined prior to the collection of the personal data.

5.4 Data Minimisation

The principle of data minimisation requires IOB to ensure that personal data is adequate, relevant and limited to what is necessary for the purposes for which they are processed. IOB or any third-party processing personal data for or on behalf of IOB will not collect personal data that is not

strictly necessary for the purpose for which it is collected. Processing activities must be managed to ensure that personal data continues to be adequate, relevant, and not excessive. Personal data must be processed only if the purpose of the processing could not reasonably be fulfilled by other means.

Data Minimisation requires that the period for which the personal data are stored is limited to a strict minimum (see also the principle of 'Storage Limitation' below).

5.5 Accuracy

The principle of accuracy requires IOB to ensure that personal data are accurate and, where necessary, kept up to date; taking every reasonable step to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

A data subject will be asked to confirm the accuracy at the point of collection of personal data and also to notify IOB of any changes in personal data to enable IOB to update records accordingly.

5.6 Storage Limitation

The principle of storage limitation requires that IOB store personal data only in a form which permits identification of data subjects for as long as is necessary for the purposes for which the personal data are processed. It also requires that the period for which personal data are stored is limited to a strict minimum.

In order to ensure that the personal data are not retained longer than necessary, IOB will establish and manage retention periods for storage of personal data, i.e. specific time limits, e.g. 5 years, or if that is not possible the criteria used to determine the retention period.

IOB may retain personal data for longer periods if the data will be processed solely for archiving purposes in the public interest, historical research purposes or statistical purposes, subject to the implementation of appropriate technical and organisational measures to safeguard the rights and freedoms of the data subject.

5.7 Integrity and Confidentiality (Data Security)

The principle of integrity and confidentiality requires IOB or any third-party processing personal data for or on behalf of IOB, to process personal data in a manner that ensures its integrity and confidentiality. This must encompass the availability and security of personal data, including preventing unauthorised access to or use of personal data and also to protect against unauthorised alteration, destruction, damage or loss, using appropriate technical or organisational measures.

IOB, or any third-party processing personal data for or on behalf of IOB, must evaluate the risks inherent in the processing and implement measures to mitigate those risks, such as encryption. Consideration must be given to the risks that are presented by personal data processing, such as accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed which may in particular lead to physical, material or non-material damage.

Taking into account the state of the art, (e.g. technological developments) the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, all parties to an arrangement/agreement/contract must implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, including:

(a) anonymisation* where possible;
(b) the pseudonymisation* and encryption of personal data;

(c) the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services;

(d) the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;

(e) a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of the processing.

* For further information on anonymisation and pseudonymisation, refer to Appendix 3.

5.8 Accountability

IOB, or any third-party processing personal data for or on behalf of IOB, is responsible for and must be able to demonstrate compliance with the of principles of data protection to stakeholders, in particular to Supervisory Authorities, i.e. the independent public bodies charged with responsibility for data protection in each member state of the EU. The Supervisory Authority in Ireland is the Data Protection Commission.

In order to demonstrate compliance, IOB, or any third-party processing personal data for or on behalf of IOB, must have appropriate technical and organisational measures in place. Such measures include policies and procedures; records of processing activities (RPAs); data protection notices; 'privacy by design' and 'privacy by default' assessments, legitimate interest assessments (LIAs) and data protection impact assessments (DPIAs); appropriate technical and organisations controls.

IOB, or any third-party processing personal data for or on behalf of IOB is obliged to cooperate with the Supervisory Authority and to make Records of Processing Activities available to it on request.

5.8.1 Records of Processing Activities (RPAs) and the Personal Data Inventory (PDI)

IOB, or any third-party processing personal data for or on behalf of IOB, must maintain records of processing activities (RPAs) to demonstrate accountability for compliance with data protection legislation/regulation.

The RPAs are used to compile a central register of processing activities, known as the "***Personal Data Inventory***" (PDI).

The PDI must document at minimum:

- the name and contact details of the controller, i.e. IOB, and, where applicable, any joint controllers, and the Data Protection Officer;
- the purposes of the processing, e.g. student enrolment to a programme;
- a description of the categories of data subjects e.g. students,
- a description of the categories of personal data, e.g. contact details, academic qualifications;
- the categories of recipients to whom the personal data have been or will be disclosed including recipients outside the EEA or to international organisations, e.g. Associate Faculty, education partners and organisations.
- where applicable, transfers of personal data outside the EEA or to an international organisation, including the identification of that country or international organisation and, in such cases the relevant safeguards applied, e.g. standard contractual clauses when transferring personal data to India, US etc.;
- the envisaged time limits for erasure of the different categories of data;
- a general description of the technical and organisational security measures, e.g. encryption of personal data.

IOB, or any third-party processing personal data for or on behalf of IOB, must maintain RPAs for activities where it/they act/s as a data processor. The records must, at a minimum, contain the following information:

- the name and contact details of each data controller on behalf of whom the data processor is acting, and where applicable, the controller's representation or DPO;
- the categories of processing carried out on behalf of each data controller;
- where applicable, transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation and, in such cases the relevant safeguards applied;
- a general description of the technical and organisational security measures.

5.8.2 Training and Awareness

IOB provides data protection training to ensure employees are aware of their respective obligations under data protection legislation/regulation which covers the key requirements of data protection legislation/regulation, e.g. data protection principles, data subject rights, sharing/transferring of personal data, data breach management, and security of personal data.

6. Data Subjects' Rights & Complaints

6.1 Subject Rights

Data protection legislation/regulations confer the following rights on data subjects:

1. Right to access
2. Right to rectification
3. Right to erasure ("right to be forgotten")
4. Right to restriction of processing
5. Right to data portability
6. Right to object (to processing)
7. Rights in relation to automated decision-making, including profiling.

6.1.1 Right to Access

A data subject(s) has the right of access to their personal data processed by IOB, or any third-party processing personal data for or on behalf of IOB, and to exercise that right easily and at reasonable intervals, in order to be aware of, and verify, the lawfulness of the processing.

6.1.2 Right to Rectification

A data subject has the right to obtain from IOB, or any third-party processing personal data for or on behalf of IOB, without undue delay the rectification of inaccurate personal data concerning them. Taking into account the purposes of the processing, the data subject has the right to have incomplete personal data completed, including by means of providing a supplementary statement.

6.1.3 Right to Erasure (also known as the Right to be forgotten)

A data subject has the right to obtain from IOB, or any third-party processing personal data for or on behalf of IOB, the erasure of personal data concerning them without undue delay where one of the following grounds applies:

a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;
b) the data subject withdraws consent on which the processing is based, and where there are no other legal grounds for the processing;
c) the data subject objects to the processing (and that processing is based on the performance of a task carried out in the public interest or processing is based on legitimate interest) and there are no other overriding legitimate grounds for the processing, or the data subject objects to the processing for direct marketing purposes, including profiling (refer the Right to Object also);
d) the personal data have been unlawfully processed;
e) the personal data have to be erased for compliance with a legal obligation in EU or Member State law to which the controller is subject;
f) the personal data have been collected in relation to the offer of information society services to the data subject as a child.

IOB, or any third-party processing personal data for or on behalf of IOB, must anonymise and/or pseudonymise personal data where possible rather than erase if:

- erasure is prohibited by legislation/regulation;
- erasure would impair the legitimate interests of the data subject;
- erasure is not possible without disproportionate effort due to the specific type of storage; or
- where the data subject has disputed the accuracy of the personal data, and IOB disagrees with that assertion and resolution has not been reached.

6.1.4 Right to Restriction (of processing)

A data subject(s) has the right to obtain from IOB, or any third-party processing personal data for or on behalf of IOB, restriction of processing where one or more of the following applies:

1. the accuracy of the personal data is contested by the data subject, for a period enabling IOB, or any third-party processing personal data for or on behalf of IOB, to verify the accuracy of the personal data;
2. the processing is unlawful, and the data subject opposes the erasure of the personal data and requests the restriction of their use instead;
3. IOB, or any third-party processing personal data for or on behalf of IOB, no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims;
4. the data subject has objected to processing pending the verification of whether the legitimate grounds of IOB, or any third-party processing personal data for or on behalf of IOB, override those of the data subject.

Where processing has been restricted, the personal data must, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the EU or a Member State.

6.1.5 Right to Portability

A data subject has a right to receive personal data concerning them which they have provided to IOB, or any third-party processing personal data for or on behalf of IOB, in a structured, commonly used, machine-readable format, and has the right to transmit those data to another controller without hinderance from IOB, or any third-party processing personal data for or on behalf of IOB, where:

1. the processing is based on consent or the performance of a contract; and
2. the processing is carried out by automated means.

The data subject has the right to have the personal data transmitted directly from one controller to another, where technically feasible.

6.1.6 Right to Object

The data subject has the right to object at any time, to processing of personal data concerning them which is based on legitimate interest or performance of a task in the public interest/exercise of official authority, including profiling based on those provisions.

IOB must inform individuals of their right to object "at the point of first communication" and in the IOB Data Protection Notice(s). This must be explicitly brought to the attention of the data subject and presented clearly and separately from any other information.

IOB, or any third-party processing personal data for or on behalf of IOB, will no longer process the personal data unless it can demonstrate compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

Where personal data are processed for direct marketing purposes, the data subject has the right to object at any time to processing of personal data concerning them for such marketing, which includes profiling, to the extent that it is related to such direct marketing. Where the data subject objects to such processing, the personal data must no longer be processed for such purposes.

Where personal data are processed for historical research purposes or statistical purposes, the data subject, on grounds relating to their particular situation, has the right to object to processing of personal data concerning them, unless the processing is necessary for the performance of a task carried out for reasons of public interest.

Note where processing is based on consent, and there is no other justification for processing, e.g. performance of contract or legal obligation, the request should be upheld. However, before excluding the data subject's personal data from processing, it must be confirmed that consent is indeed the only basis for the processing.

6.1.7 Rights in relation to automated decision-making, including profiling

The data subject(s) has the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning them or similarly significantly affects them.

This right does not apply if the decision:

1. is necessary for entering into, or performance of, a contract between the data subject and a data controller;
2. is authorised by EU or Member State law to which IOB is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
3. is based on the data subject's explicit consent.

In cases 1 and 3 above, IOB will implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of IOB, to express their point of view, and to contest the decision. Note that additional consideration is required if the data is special category data.

Processing which involves automated decision-making, including profiling, must cease immediately upon receipt of an objection to such processing, unless there are "compelling" legitimate grounds for the processing, i.e. necessary for performance of a contract, or if processing is for the establishment, exercise or defence of legal claims.

6.2 Data Protection Complaints

Any questions about how personal data is processed and/or complaints about the use of personal information should be addressed to the IOB Data Protection Officer at dataprotection@iob.ie or by writing to the IOB Data Protection Officer at IOB, 1 North Wall Quay, Dublin 1.

If the issue cannot be resolved satisfactorily through consultation between the Data Subject and IOB, then the Data Subject may refer the complaint to the Supervisory Authority.

Note on Academic Freedom and Freedom of Expression Information

While IOB will take all appropriate and reasonable measures to respect and facilitate the protection rights of the individual whose personal data it processes, it should be noted that data protection is not an absolute right and must be balanced against certain other rights and principles.

Data Protection legislation/regulations recognise that in certain circumstances it may be necessary to limit data protection rights in the interests of freedom of expression and the freedom to receive information. The Universities Act 1997 also recognises the principle of academic freedom.

In meeting its statutory and public interest obligations, it is the policy of IOB to endeavour to protect the freedom of expression and the freedom to receive information in a manner that least impacts on the data protection rights of individuals.

7. Data Protection - Technical and Organisational Methods

7.1 Data Protection by Design

IOB applies appropriate technical and organisational methods, e.g. pseudonymisation, which are designed to comply with the data protection principles, such as data minimisation, and integrate the necessary safeguards into processing activities in order to meet the requirements of data protection legislation/regulation, and to protect the rights of data subjects. This is done *by design* both at time of determination of the means of processing and throughout the processing operation.

"*Data Protection by Design*" requires that IOB consider data protection requirements when considering any action which involves the processing of personal data e.g. product/service development/promotion/ delivery, internal projects, IT systems and/or software development, etc.

In practice, this means that IOB will ensure that data protection is taken into consideration for all business processes and systems which involve personal data processing activities from the design/inception stage right through the lifecycle of such processes and systems.

Note that data protection by design does not just refer to the design of systems, products and services, it also refers to organisational policies and processes, and business practices which have data protection implications**.**

7.2 Data Protection by Default

IOB implements appropriate technical and organisational measures to ensure that *by default*, only personal data necessary for each specific processing purpose is processed. This applies to:

- the amount of data collected;
- the extent of the processing;
- the period of storage;
- accessibility.

In particular, the measures need to ensure that *by default*, the data is not made accessible to an indefinite number of people without the intervention of the data subject.

"*Data Protection by Default*" requires that once a product or service has been released, the strictest data protection settings should apply by default, without any manual input from the end user. In addition, any personal data provided by a user to enable optimal use of a product or service should only be kept for the amount of time necessary to provide the product or service.

IOB will ensure appropriate technical and organisational measures are implemented *by design and by default*, providing a level of protection appropriate to the risk, taking account of the state of the art (e.g. technological developments relating to IT security), the costs of implementation, and the nature, scope, context and purposes of processing, as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons.

Note an approved certification mechanism may be used as an element to demonstrate compliance with the requirements.

Data Protection by Design and by Default essentially mean that IOB will integrate or "bake in" data protection into processing activities and business practices from the design stage right through the lifecycle as a legal/regulatory requirement. This involves assessing and considering each processing activity on a case-by-case basis.

7.3 *Data Protection Impact Assessment (DPIA)*

IOB will, prior to processing personal data, carry out a *Data Protection Impact Assessment (DPIA)* of the envisaged processing activity, where the type of processing, in particular processing using new technologies, and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons.

A DPIA is a process to help identify and minimise the data protection risks of a new project or changes to existing processes (operational or technical) which may introduce, or increase, significant risk to the security of the personal data to be processed. A single assessment may address a set of similar processing operations that present similar risks.

A DPIA must be undertaken in the case of:

- processing personal data on a large scale;
- innovative use or application of technological or organisation solutions, e.g. face recognition for access;
- a systematic and extensive evaluation of personal aspects relating to natural persons which is based on automated processing, including profiling, and on which decisions are based that produce legal effects concerning the natural person or similarly significantly affect the natural person;
- processing of special category data, or of personal data relating to criminal convictions and offences;
- personal data sets which have been matched or combined, e.g. when IOB data combines personal data with personal data held by an educational partner;
- personal data concerning vulnerable data subjects e.g. personal data of children;
- a systematic monitoring of a publicly accessible area on a large scale, e.g. CCTV;
- data sharing/transfer across borders outside the EU;

- when processing in itself "prevents data subjects from exercising a right or using a service or a contract" e.g. where customers are screened against a credit data base for loan approval.

A DPIA must contain at minimum:

- a systematic description of the envisaged processing activity and the purposes of the processing, including, where applicable, the legitimate interest pursued by IOB;
- an assessment of the necessity and proportionality of the processing activity in relation to the purposes;
- an assessment of the risks to the rights and freedoms of data subjects; and
- the measures envisaged to address the risks, including safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance legislation/regulation taking into account the rights and legitimate interests of data subjects and other persons concerned.

Appropriate controls must be selected and applied to reduce the level of risk associated with processing individual personal data to an acceptable level, by reference to the requirements of data protection legislation/regulations.

Note that compliance with approved codes of conduct may be considered when assessing the impact of the processing operation undertaken by IOB for the purposes of the DPIA.

The DPO must be engaged when undertaking a DPIA.

If the conclusion of the DPIA is that, despite mitigants to reduce the risks to individuals, a high residual risk remains, the Supervisory Authority must be consulted for approval to proceed before implementing the process.

8. Personal Data Sharing/Transfer

IOB shares data, i.e. makes data available and receives data, including personal data, to support the proper functioning of the organisation in compliance with applicable legislation and regulations. Data may be shared with third parties including, but not limited to, Associate Faculty, service providers, IT system/service providers, partner and associate organisations, corporate members and other employer organisations. Note that the sharing of personal data must only be undertaken where no other means are available to achieve the required outcome.

The process of sharing data will require the transfer of data, i.e. the transmission of data or otherwise from one location to another location. It may also include the publication of data, e.g. making data accessible on a shared portal or website.

A key objective when sharing data is to maintain its confidentiality and integrity, and to minimise the risk of unauthorised or unlawful processing, accidental loss, unauthorised disclosure, damage or destruction.

Where sharing of personal data is deemed necessary, an assessment of the process and relevant procedures must be undertaken to confirm the nature of any third-party relationships and the relevant arrangements/agreements/contracts.

A third-party with whom IOB intends to share data, will be identified as either:

1. a **third-party processor**, e.g. Associate Faculty, IT service providers;
2. a **data controller**:
   - 2.1. a **joint data controller**, e.g. certain partners and associate organisations;
   - 2.2. an **independent or separate data controller**, e.g. an employer engaging with IOB in relation to employee/member data.

A formal written and signed arrangement/agreement/contract, depending on the nature of the relationship, setting out each party's obligations for compliance with data protection legislation/regulation, and containing the appropriate data protection clauses, will be in place prior to sharing any personal data with a third-party processor or a joint data controller.

The requirements for a formal written arrangement with independent data controllers will be assessed on a case-by-case basis. The requirements will be based on the nature, volume and frequency of data to be shared.

All parties to a data sharing arrangement/agreement/contract must take appropriate steps to ensure that any natural person acting under their authority who has access to personal data does not process them except on their instructions, unless he or she is independently required to do so by EU or Member State law.

IOB will only engage with a third-party who can provide 'sufficient guarantees' to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of data protection legislation/regulation and ensure the protection of the rights of the data subject(s). Adherence to an approved code of conduct or an approved certification mechanism, e.g. ISO 27001, by a third-party may be used by IOB as an element by which to demonstrate sufficient guarantees.

9. Third-Party Risk Management

9.1 Third-Party Processors

A third-party service provider is any individual or organisation contracted by IOB to provide goods and/or services, e.g. Associate Faculty, I.T. systems/services, project management, records storage. Third-party service providers who process data including personal data on behalf of IOB are "third-party processors".

All processing by a third-party processor on behalf of IOB must be governed by a clear and comprehensive contract under EU or Member State law, that is binding on the processor with regard to IOB, and that sets out the subject-matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subjects, and the obligations and rights of IOB.

The contract must stipulate, in particular, that the processor:

a. will process the personal data only on the documented instructions of IOB, including with regard to transfers of personal data to a third country or an international organisation, unless required to do so by EU or Member State law to which the processor is subject; in such a case, the processor must inform IOB of that legal requirement before processing, unless that law prohibits such information on important grounds of public interest;
b. ensures that persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality;
c. takes all measures required pursuant to GDPR Article 32 relating to security of processing;
d. respects conditions referred to under GDPR Article 28 for engaging another processor;

e. taking into account the nature of the processing, assists IOB by appropriate technical and organisational measures, insofar as this is possible, for the fulfilment of IOB's obligation to respond to requests for exercising the data subject's rights;
f. assists IOB in ensuring compliance with the obligations pursuant to Articles 32 to 36, taking into account the nature of processing and the information available to the processor;
g. at the choice of IOB, deletes or returns all the personal data to IOB after the end of the provision of services relating to processing, and deletes existing copies unless EU or Member State law requires storage of the personal data;
h. makes available to IOB, as controller, all information necessary to demonstrate compliance with data protection obligations and allow for and contribute to audits, including inspections, conducted by IOB or an auditor mandated by IOB;
i. must notify IOB immediately after becoming aware of any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed and provide IOB with such co-operation and assistance as may be required to mitigate against the effects of, and comply with any reporting obligations which may apply in respect of, any such breach.

With regard to point (h) above, the processor must immediately inform IOB if, in its opinion, an instruction infringes data protection legislation/regulation or other EU or Member State data protection provisions.

In all circumstances, where the processing of personal data is contracted to a third-party processor including, for example to a 'cloud computing' service provider, the third-party processor must protect personal data through sufficient technical and organisational security measures and take all reasonable compliance steps to ensure the security of the data.

IOB as the data controller is responsible for defining each party's obligations for compliance with data protection legislation/regulation. All contracts relating to data processing will be reviewed to ensure IOB can meet all of the requirements of the contract and that IOB is only accepting the appropriate level of liability.

Processors are legally obliged not to engage another processor, i.e. a sub-processor, without prior specific written authorisation of IOB, and to inform IOB of any intended changes concerning the addition or replacement of other processors, thereby giving IOB the opportunity to object to such changes if deemed necessary.

Where a processor engages a sub-processor to carry out specific processing activities on behalf of IOB, the same data protection obligations as set out in the contract between IOB and the processor must be imposed on the sub-processor by way of a contract under EU or Member State law, in particular providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of data protection legislation/regulation. Where the sub-processor fails to fulfil its data protection obligations, the initial processor must remain fully liable to IOB for the performance of the sub-processor's obligations.

Note the processor, and any person acting under the authority of IOB or the processor, who has access to personal data, must not process those data, except on instructions from IOB as controller, unless required to do so by EU or Member State law.

If a processor determines the purposes and means of processing, the processor may then be considered to be a controller in respect of that processing.

IOB may also act as a third-party processor in some circumstances. When acting as a processor, IOB will comply with relevant data protection legislation/regulations in this regard. These include ensuring that the data processed by IOB on behalf of the relevant data controller is subject to appropriate technical and organisational measures to ensure a level of security appropriate to

the risk, and ensuring the processing is governed by a contract which includes the appropriate provisions of data protection legislation/regulation.

9.2 Data Controllers

A Data Controller means the natural or legal person, public authority, agency or other body which, alone (independent controller) or jointly with others (joint controllers), determines the purposes and means of the processing of personal data. Where two or more controllers jointly determine the purposes and means of processing, they are deemed to be joint controllers. All controllers (independent or joint) must comply with Data Protection legislation/regulation in their own right.

9.2.1 Joint Controllers

IOB acts as a joint controller of personal data where IOB together with other entities determine the purposes and means of the relevant processing. In such circumstances "the essence" (Article 26, GDPR) of the arrangement between IOB and the other joint controller(s) must be made known to the data subject in a transparent manner, e.g. through the Data Protection Notice(s).

IOB, along with the other joint controllers with whom IOB shares personal data, must determine and document (in the arrangement), the respective roles and responsibilities of each party for compliance with data protection legislation/regulations, and in particular, regarding the rights of the data subject and their respective duties relating to data collection.

All arrangements must designate a point-of-contact of the lead controller for data subjects. Note that, irrespective of any arrangement between joint controllers, a data subject may exercise their rights in respect of and against any or all of the controllers.

All arrangements relating to data processing will be reviewed to ensure the requirements of the arrangement can be met and that IOB is only accepting an appropriate level of liability.

9.2.2 Independent/Separate Data Controllers

Where information is intended to be shared between two parties, and each party is acting as an independent data controller in their own right, i.e. there is neither a processor nor joint controller relationship, then depending on the nature and context of the information to be transferred, appropriate controls must be put in place to protect the rights of the data subject.

Where personal data is to be shared between two independent controllers and sharing is taking place using legitimate interest as the legal basis, a legitimate interest assessment will be undertaken prior to the sharing of any personal data to ensure the fundamental rights and freedoms of the data subjects are protected.

Where the data is to be shared between the two independent controllers on a legitimate interest basis, an appropriate data transfer agreement will be put in place which specifies the obligations of both parties.

The data transfer agreement should include the following clauses with each party agreeing that:

- it will comply with its obligations under data protection legislation/regulations in relation to any transferred personal data;
- each will act as a separate controller in respect of shared personal data and that neither will process such personal data on behalf of the other;
- it will take all steps necessary to be able to provide relevant personal data to the other party in compliance with its obligations under data protection legislation/regulations, including but not limited to ensuring that it has provided such information to and, to the extent necessary, obtained such consents from, the relevant data subjects as is necessary under data protection legislation/regulations to enable lawful transfer of personal data to the other party;

- it will notify the other party promptly upon becoming aware of any data subject request or complaint or any correspondence or action by any competent data protection authority in respect of the provision of any personal data to the other party or receipt of any personal data from the other party and will provide the other party with such cooperation and assistance as may be reasonably required for the other party to comply with its obligations under data protection legislation/regulations in respect of any such request, complaint, correspondence or action;
- it will notify IOB immediately after becoming aware of any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed and provide IOB with such co-operation and assistance as may be required to mitigate against the effects of, and comply with any reporting obligations which may apply in respect of, any such breach.
- it will provide the other party with such cooperation and assistance as may be reasonably required for the other party to comply with the other party's notification obligations as a controller under data protection legislation/regulations in respect of obtaining any personal data, including by delivering any notice provided to it by the other party to the relevant data subjects of such personal data;
- where the transfer of any personal data between the parties involves a transfer of such personal data to a territory outside the European Economic Area that has not been recognised by the European Commission as ensuring an adequate level of protection pursuant to Data Protection Law, the parties must ensure that the transfer is conducted in compliance with applicable requirements under data protection legislation/regulations which may include by entering into standard contractual clauses (controller to controller) approved for this purpose by the European Commission (refer also section on International Data Transfers below).

10. International Data Transfers

Data protection legislation/regulations impose restrictions on the transfer of personal data, or making personal data available to another third-party, outside the European Economic Area (EEA - European Union countries and Norway, Iceland and Liechtenstein), unless the rights of the individuals in respect of their personal data is protected in another way, or one of a limited number of exceptions. Any country outside the EEA is referred to as a "third country".
Restrictions are in place to ensure that the level of protection of individuals afforded by EU data protection legislation and regulations is not undermined.

Personal data cannot be transferred to a third country without one of the following provisions:

10.1 Transfers based on an "Adequacy Decision":

The first thing to consider when transferring personal data to a third country is if there is an "adequacy decision". An adequacy decision means that the European Commission has decided that a third country or an international organisation ensures an adequate level of data protection. The effect of such a decision is that personal data can flow from the EEA to that third country without any further safeguard being necessary. In other words, the transfer is the same as if was carried out within the EU. Refer to Appendix 4 for more details on third countries with whom adequacy decisions are in place (or partially in place).

10.2 Transfers subject to "Appropriate Safeguards"

In the absence of an adequacy decision, a transfer may be made if the controller or processor has provided "appropriate safeguards". These safeguards may include:

- Standard Contractual Clauses: These are model data protection clauses that have been approved by the European Commission and enable the free flow of personal data when

embedded in an arrangement/agreement/contract. The clauses contain contractual obligations on the "data exporter" and the "data importer" and rights for the individuals whose personal data is transferred. Individuals can directly enforce their rights against the data exporter and the data importer. There are two sets of standard contractual clauses for restricted transfers between a controller and controller, and one set between a controller and processor.

- Binding corporate rules (BCRs): BCRs form a legally binding internal code of conduct operating within a multinational group, which transfers personal data from the group's EEA entities to the group's non-EEA entities.
- Approved codes of conduct: Under specific circumstances, codes of conduct may be considered an appropriate safeguard. Codes are voluntary and set out specific data protection rules for categories of controllers and processors.
- Approved certification mechanisms: Certification is defined by the ISO as "the provision by an independent body of written assurance, e.g. a certificate, that the product, service or system in question meets specific requirements". Certification mechanisms may be developed to demonstrate the existence of appropriate safeguards provided by controllers and processors in third countries.

10.3 Derogations for specific situations:

Derogations are exemptions from the general principle that personal data may only be transferred to a third country if an adequate level of protection is provided for in that third country. A data exporter should first endeavour to frame transfers with one of the mechanisms guaranteeing adequate safeguards listed above, and only in their absence use the derogations as outlined below:

1) the data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards.

2) the transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request;
3) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person;
4) the transfer is necessary for important reasons of public interest;
5) the transfer is necessary for the establishment, exercise or defence of legal claims;
6) the transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent;
7) the transfer is made from a register which according to EU or Member State law is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down by EU or Member State law for consultation are fulfilled in the particular case.

Note that the public interest referred to in point 4 must be recognised in Union law or in the law of the Member State to which the controller is subject. A transfer pursuant to point 7 above must not involve the entirety of the personal data or entire categories of the personal data contained in the register. Where the register is intended for consultation by persons having a legitimate interest, the transfer must be made only at the request of those persons or if they are to be the recipients.

Where a transfer could not be based on a provision in a) adequacy decisions or b) appropriate safeguards, including the provisions on binding corporate rules, and c) none of the derogations for a specific situation referred to above is applicable, a transfer to a third-country or an international organisation may take place only if the transfer is not repetitive, concerns only a limited number of data subjects, is necessary for the purposes of compelling legitimate interests

pursued by the controller which are not overridden by the interests or rights and freedoms of the data subject, and the controller has assessed all the circumstances surrounding the data transfer and has on the basis of that assessment provided suitable safeguards with regard to the protection of personal data. The controller must inform the supervisory authority of the transfer. The controller must inform the data subject of the transfer and of the compelling legitimate interests pursued. The controller or processor must document the assessment as well as the suitable safeguards.

IOB will not transfer personal data outside of the EEA unless:

- the transfer country/territory is recognised by the EU as having adequate level of data subject legal protection relating to personal data processing;
- the transfer mechanism is recognised by the EU as providing adequate protection when made to countries/territories lacking adequate legal protection;
- the original personal data consent explicitly allows third-party transfer or transfer is authorised by law;
- all reasonable, appropriate and necessary steps have been taken to maintain the required level of personal data protection; or
- IOB has received legal advice that necessary contractual provisions support the transfer.

11. Personal Data Breach Management

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored, or otherwise processed.

IOB has procedures for managing any personal data breach to ensure that the rights and freedoms of data subjects are upheld. The agreed procedures for managing data breaches will be followed in all instances to ensure compliance with legislation/regulation.

The procedures incorporate the following policy requirements:

- Any known or suspected breach of personal data must be reported by IOB employees to the IOB Data Protection Officer.
- Joint-Controllers/Third-Party Processors (including Associate Faculty) must notify IOB immediately after becoming aware of any breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed and provide IOB with such co-operation and assistance as may be required to mitigate against the effects of, and comply with any reporting obligations which may apply in respect of, any such breach.
- IOB will notify data subject(s) of a personal data breach without undue delay, where the breach is likely to result in a high risk to the rights and freedoms of the natural person, in order to allow the data subject(s) to take the necessary precautions.
- IOB will notify the appropriate Supervisory Authority of a personal data breach without undue delay and, where feasible, not later than 72 hours after having become aware of it, unless IOB is able to demonstrate, in accordance with the accountability principle, that the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the notification to the Supervisory Authority is not made within 72 hours, the reasons for the delay will be explained when reporting.

12. Responsibilities

12.1 Employees

All IOB employees must comply with IOB's Data Protection Policy and associated policies when processing personal data. All employees must undertake mandatory data protection training as required by IOB.

Failure to comply with this policy may result in an individual being subject to disciplinary action, up to and including dismissal or termination of contract, as applicable.

12.2 Directors/Heads of Department or Function

Directors and Heads of Department or Function are responsible for compliance with IOB's Data Protection Policy and associated policies and the implementation, management and monitoring of related procedures for their respective areas of responsibility.

12.3 Data Protection Officer (DPO)

IOB has appointed a Data Protection Officer (DPO). It is the responsibility of the DPO:

- to inform and advise IOB and the employees who carry out processing of their obligations pursuant to the GDPR and to Irish data protection provisions;
- to monitor compliance with the GDPR, with Irish data protection provisions and with the policies of IOB in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;
- to provide advice where requested as regards the data protection impact assessment and monitor its performance pursuant to Article 35 (GDPR);
- to cooperate with the supervisory authority;

- to act as the contact point for the supervisory authority on issues relating to processing, including the prior consultation referred to in Article 36 (GDPR), and to consult, where appropriate, with regard to any other matter.

12.4 Third-party Processors

Third-party Processors are responsible for ensuring compliance with Data Protection legislation/regulation when processing personal data and also with this Data Protection Policy. Non-compliance may lead to the withdrawal of IOB data from that third-party and/or the cancellation of any contract between IOB and the third-party processor.

12.5 Joint-Controllers/Independent Controllers

Joint Data Controllers and Independent Data Controllers are responsible for ensuring compliance with Data Protection legislation/regulation when processing personal data. Non-compliance may lead to the cancellation of any arrangement/agreement/contract between IOB and the Joint Controller/Independent Controller.

12.6 Members and/or Students and/or Designates

Members and/or students of IOB who may process personal data in the course of their membership and/or studies, for administrative, research or any other purpose, are obliged to comply with the GDPR and other relevant Data Protection Law;

13. Policy Governance

Policy prepared by: Data Protection Officer
Reviewed by: Members of the Data Protection Business Working Group
Approved by: Deputy CEO and Data Protection Officer

Approval date: 09.09.2020
Operational date: 15.09.2020
Next review date: 31.08.2021 (on or before)

IOB reserves the right to monitor compliance with this policy and to up-date this policy on the provision of reasonable notice.

This Data Protection Policy is not an exhaustive statement of IOB's data protection practices. The manner in which IOB process data will evolve over time and policy will be updated from time to time to reflect changing practices. In addition, IOB operate a number of other policies and procedures which inter-relate with this policy.

In addition, in order to meet its transparency obligations under Data Protection Law, IOB may incorporate this Data Protection Policy by reference into notices used at various points of data capture when collecting personal data (e.g. application forms, website forms etc.).

NOTE: This is a CONTROLLED Document.
The current version of this document will be maintained and available electronically on the IOB's web site. Any documents appearing in paper form are not externally controlled.

Version Control

Version	Date	Detail	Approval
1.0	09.09.2020	Policy approved by Data Protection Business Working Group.	Data Protection Business Working Group

Appendix 1: Glossary of terms

1.1 Definitions used by the organisation (drawn from the GDPR)

Material scope (Article 2 GDPR) – the GDPR applies to the processing of personal data wholly or partly by automated means (i.e. by computer) and to the processing other than by automated means of personal data (i.e. paper records) that form part of a filing system or are intended to form part of a filing system.

Territorial scope (Article 3 GDPR) – the GDPR will apply to all controllers that are established in the EU (European Union) who process the personal data of data subjects, in the context of that establishment. It will also apply to controllers outside of the EU that process personal data in order to offer goods and services, or monitor the behaviour of data subjects who are resident in the EU.

1.2 Article 4 (GDPR) definitions

Child – the GDPR defines a child as anyone under the age of 16 years old, although this may be lowered to 13 by Member State law. The processing of personal data of a child is only lawful if parental or custodian consent has been obtained. The controller shall make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child.

Data controller – 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; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data subject – any living individual who is the subject of personal data held by an organisation.

Data subject consent - means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data.

Establishment – the main establishment of the controller in the EU will be the place in which the controller makes the main decisions as to the purpose and means of its data processing activities. The main establishment of a processor in the EU will be its administrative centre. If a controller is based outside the EU, it will have to appoint a representative in the jurisdiction in

which the controller operates to act on behalf of the controller and deal with supervisory authorities.

Filing system – any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis.

Processing – any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Personal data – 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.

Personal data breach – a breach of security leading to the accidental, or unlawful, destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Profiling – is any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person, or to analyse or predict that person's performance at work, economic situation, location, health, personal preferences, reliability, or behavior. This definition is linked to the right of the data subject to object to profiling and a right to be informed about the existence of profiling, of measures based on profiling and the envisaged effects of profiling on the individual.

Special categories of personal data – personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Third-party – a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data.

Appendix 2: Transparency and Data Protection Notices

In summary, a Data Protection Notice should include (at minimum) specific information (set out in data protection/ legislation) which informs data subjects of:

- who is collecting the data;
- why it is being collected;
- what legal basis is being relied upon to process the data;
- how it will be processed;
- how long it will be kept for;
- who it will be disclosed to;
- their rights in relation to their personal data.

Specially, the information that must be provided to the data subject as a minimum include:

1. the identify and contact details of IOB and, if applicable IOB's representative;
2. the contact details of the Data Protection Officer;
3. the categories of personal data concerned;
4. the purposes of the processing for which the personal data are intended and the legal basis for the processing;
5. notice of whether the data subject is obliged to provide the personal data and the consequences of not providing the personal data;
6. notice of any statuary or contractual requirements underpinning the request to provide personal data;

7. if processing involves automatic decision making or profiling then the notice should provide meaningful information about the automatic decision making logic and consequences of the processing for the data subject;
8. the period for which the personal data will be stored;
9. the existence of the rights to request access, rectification, erasure or to object to the processing, and the conditions (or lack of) relating to exercising these rights, such as whether the lawfulness of the previous processing will be affected;
10. notice of the right to lodge a complaint with IOB and the relevant supervisory authority
11. the identities/categories of all natural/legal persons to whom IOB could or may transfer personal data;
12. the recipients or categories of recipients of the personal data, where applicable;
13. where applicable, that IOB intends to transfer personal data to a recipient in a third country or international organisation and if so, the legal of protection afforded to the data;
14. the transfer terms, i.e. pursuant to a contract including model contractual clauses (SCCs), or other legally approved mechanism;
15. any further information necessary to guarantee "fair and transparent processing" as deemed necessary in consultation with to the DPO.

The disclosures should be made in a manner calculated to draw attention to them.

Wherever possible, Data Protection Notices must be made available at the first point of contact with the data Subject or, if it is not possible on collection, as soon as reasonably practicable thereafter.

Appendix 3: 'Pseudonymisation' and 'Anonymisation'

Pseudonymisation of data means replacing the identifying characteristics of data with a pseudonym, e.g. replacing the name of an IOB member with an IOB membership number or a value which does not allow the direct identification of the individual. It allows for the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately, and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.

Although pseudonymisation has many uses, it should be distinguished from anonymisation, as it only provides a limited protection for the identity of data subjects in many cases as it still allows identification using indirect means. Where a pseudonym is used, it is often possible to identify the data subject by analysing the underlying or related data. Pseudonymised data must therefore continue to be managed as personal data.

Anonymisation is the process of turning data into a form which does not identify individuals and where identification is not likely to take place. Anonymisation means irreversibly preventing the identification of the individual to whom it related. Data that has been anonymised therefore ceases to be personal data.

Appendix 4: 'Adequacy Decisions'

An up to date list of the countries which have an 'adequacy decision' can be found on the European Commission's Data Protection Website.

You should check regularly for any changes.

As of September 2020 the Commission has made an 'adequacy decision' about the following countries and territories:

- Andorra, Argentina, Faroe Islands, Guernsey, Isle of Man, Israel, Jersey, New Zealand, Switzerland, and Uruguay.

The Commission has made partial findings of adequacy about:

- Japan*, Canada** and the USA***.

* The adequacy finding for Japan only covers private sector organisations.

** The adequacy finding for Canada only covers data that is subject to Canada's Personal Information Protection and Electronic Documents Act (PIPEDA). Not all data is subject to PIPEDA. Refer to up-to-date guidance if considering a transfer to Canada.

*** The EU-US Privacy Shield framework was declared invalid on July 16th 2020 by the CJEU.