



Privacy Policy

**Policy
Document**

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Related policies/standards	Date
Social Media Policy	
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IPS Privacy Policy

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The Irish Prison Service (hereinafter referred to as “**IPS**”, “**we**”, “**us**” or “**our**”) operates as an executive office within the Department of Justice and Equality, and is tasked with providing safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities in the Republic of Ireland. Your privacy is of paramount importance to us, and this privacy and cookies policy (“**Privacy Policy**”) applies to all Personal Data collected, processed and stored by the Prison Service in respect of all individuals (ie staff, visitors, prisoners and service providers) by whatever means, including paper and electronic records.

In this Privacy Policy, the term “**Personal Data**” means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, our possession, and includes personal data as described in Data Protection Legislation (as defined below).

Please read the following carefully. Accepting the terms of this Privacy Policy indicates that you have reviewed this Privacy Policy and have agreed to be bound by it.

1. Aim of this policy

1.1 This Privacy Policy sets out the legal basis on which any Personal Data which we collect from you, or that you provide to us, will be processed by us; namely (as outlined in Article 6 of GDPR and Part 5 of the Data Protection Act, 2018) where such processing is necessary:- to comply with legal and regulatory obligations; for the performance of a contract which you have entered or wish to enter into with us; for the performance of a task carried out in the public interest; in the exercise of official authority; for the purposes of safeguarding against, and the prevention of, threats to public security; and/or where you have given us your express consent.

2. Purpose of this policy

2.1 We will handle your Personal Data in accordance with Data Protection Legislation. “**Data Protection Legislation**” means the Irish Data Protection Acts 1988 to 2018, any other applicable law or regulation relating to the processing of personal data and to privacy (including the E-Privacy Directive and the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (“**E-Privacy Regulations**”), as such legislation shall be supplemented, amended, revised or replaced from time to time, including by operation of the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”) (and laws implementing or supplementing the GDPR, and laws amending or supplementing the E-Privacy Regulations).

3. Scope of this policy

- 3.1** We fully respect your right to privacy in relation to your interactions with us and endeavour to be transparent in our dealings with you as to what information we will collect and how we will use your information. Also, we only collect and use individual's information where we are legally entitled to do so. Information in relation to Personal Data collected by Irish entities is available on www.dataprotection.ie, the website of the Irish Data Protection Commissioner ("DPC").
- 3.2** We may collect Personal Data from you in the course of our business, including through your use of our Website, when you contact or request information from us, when you enter in a contract with us for the provision of services or where you are arranging a visit to one of our facilities. The information that we process includes: (i) basic information, such as your name (including name prefix or title), the company you work for, your title or position and your relationship to a person; (ii) contact information, such as your postal address, email address and phone number(s); (iii) financial information, such as payment-related information; (iv) technical information, such as information from your visits to our Website or applications or in relation to materials and communications we send to you electronically; (v) identification and background information provided by you; or (vi) any other information relating to you which you may provide to us. Any Personal Data that we collect from you for these purposes is hereinafter referred to together as "**Your Data**"). The Irish Prison Service is a Data Controller (as defined in Data Protection Legislation) in respect of the Your Data.
- 3.3** We endeavour to keep Your Data accurate and up-to-date. As such, you must tell us about any changes to such information that you are aware of as soon as possible.

4. Related Policies/Documents

The Data Protection Acts 1988 -2018,

General Data Protection Regulation (GDPR) (EU) 2016/679.

Social Media Policy

5. Why we collect/have access to your data

- 5.1** We collect information from you as necessary in the course of fulfilling our legal mandate as the agency entrusted with administering Irish prisons. We may collect your personal information while monitoring our technology tools and services, including CCTV in our prison facilities, and our website and email communications sent to and from us. We gather information about you when you provide it to us, or interact with us directly. We may collect or receive information about you from other sources, such as keeping the contact details we already hold for you accurate and up to date using publically available sources.
- 5.2** We use that information for a number of reasons: (i) to engage service providers as required for continued operation of prisons in Ireland; (ii) to enable you to visit your family member or friend in prison; (iii) to provide information requested by you; (iv) to send you update, publications and details of events; (v) to manage and administer our relationship with you; and or (vi) to fulfil our legal, regulatory and risk management obligations.
- 5.3** Where we wish to use Your Data in any other way, we will ensure that we notify you and get your consent first. You will be given the opportunity to withhold or withdraw your consent for the use of Your Data for purposes other than those listed in this Privacy Policy. The only exception to this is where Your Data has been collected in order to safeguard against threats to public security, in which case any such processing for a purpose other than listed above will be necessary and proportionate to said purpose.

6. Cookies and IP addresses

- 6.1** We collect IP addresses from visitors to our Website (an IP address is a number that can uniquely identify a specific computer or other network device on the internet). This allows us to identify the location of users, to block disruptive use and to establish the number of visits from different countries. We analyse this data for trend and statistics reasons, such as which parts of our Website users are visiting and how long they spend there.
- 6.2** A cookie is a small text file that is placed on your device by a web server which enables a website to recognise repeat users, facilitate the user's ongoing access to and use of a website and allows the website to track usage behaviour and compile aggregate data that will allow content improvements. We collate information in relation to the service we provide that is represented in aggregate format through cookies. They help us to improve our service to you and to deliver many of the functions that make your browser experience more user-friendly.
- 6.3** By using our Website and accepting the terms of this Privacy Policy you are consenting to the

use of cookies as described in this Privacy Policy (i.e. you are agreeing to the placement of cookies on your device unless you specifically choose not to receive cookies). You will be given the opportunity to object to the use of cookies on the website by way of a 'pop-up'.

6.4 The 'Help Menu' on the menu bar of most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you receive a new cookie and how to disable cookies altogether. You can also disable or delete similar data used by browser add-ons, such as flash cookies, by changing the add-on's settings or visiting the website of its manufacturer.

6.5 For more information about cookies and managing them including how to turn them off, please visit www.cookiecentral.com. However, because cookies allow you to take advantage of some of our website's essential features, we recommend you leave them turned on as otherwise you may not be able to fully experience the interactive features of our website or other related websites which you visit.

6.6 We may use third parties such as Google Analytics to collect user information, including through the use of cookies (flash and non-flash) and web beacons. They help us to improve our website and to deliver many of the functions that make your browser experience more user friendly.

6.7 You should also be aware that there are cookies which are found in other companies' internet tools which we may use to enhance the website. You may see 'social buttons' during your use of the website, including but not limited to Twitter and Facebook, which enable you to share or bookmark certain web pages. These websites have their own cookies, which are controlled by them.

7. Where we may use your information to contact you

7.1 We may contact you:

- for commercial purpose (such as where you have been engaged by us as a service provider, or have expressed interest in being so engaged);
- for administration reasons (e.g. to notify you that a particular service, activity or online content has been suspended for maintenance, or in response to a question that you ask us); and
- to invite you to participate in surveys relating to our role or the Civil Service in general (participation is always voluntary).

8. Your Rights

8.1 As a data subject, you have the following rights under Data Protection Legislation and we, as Data Controller in respect of Your Data, will comply with such rights in respect of Your Data:

- the right of access to Personal Data relating to you;
- the right to correct any mistakes in your Personal Data;
- rights in relation to automated decision taking;
- the right to restrict or prevent your Personal Data being processed;
- the right to have your Personal Data ported to another data controller;
- the right to erasure; and
- the right to complain to the DPC if you believe we have not handled your Personal Data in accordance with Data Protection Legislation.

8.2 These rights are explained in more detail below, but if you have any comments, concerns or complaints about our use of your Personal Data, please contact us (see 'How To Contact Us' below). We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex or cumbersome, in which case we will respond within three months (we will inform you within the first month if it will take longer than one month for us to respond). Where a response is required from us within a particular time period pursuant to Data Protection Legislation, we will respond within that time period.

Right of access to Personal Data relating to you

8.3 You may ask to see what Personal Data we hold about you and be provided with:

- a summary of such Personal Data and the categories of Personal Data held (see Sections 1 and 2 above);
- details of the purpose for which it is being or is to be processed (see Section 2 above);
- details of the recipients or classes of recipients to whom it is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers (see Section 7 below);
- details of the period for which it is held or the criteria we use to determine how long it is held (see Section 12 below);
- details of your rights, including the rights to rectification, erasure, restriction or objection to the processing (set out in this Section 5);
- any information available about the source of that data (see Section 1 above);
- whether we carry out automated decision-making, or profiling, and where we do, information about the logic involved and the envisaged outcome or consequences of that

decision making or profiling (please note that we do not currently carry out any profiling – we will notify you if this changes); and

- where your Personal Data are transferred out of the EEA, what safeguards are in place (see Section 7 below).

8.4 Details in respect of the above points are all set out in this Privacy Policy; however, if you need further clarification, please contact us (see 'How To Contact Us' below).

8.5 Requests for your Personal Data must be made to us (see 'How To Contact Us' below) specifying what Personal Data you need access to, and a copy of such request may be kept by us for our legitimate purposes in managing this service and our website. To help us find the information easily, please give us as much information as possible about the type of information you would like to see. If, to comply with your request, we would have to disclose information relating to or identifying another person, we may need to obtain the consent of that person, if possible. If we cannot obtain consent, we may need to withhold that information or edit the data to remove the identity of that person, if possible.

8.6 There are certain types of data which we are not obliged to disclose to you, which include Personal Data which records our intentions in relation to any negotiations with you where disclosure would be likely to prejudice those negotiations. We are also entitled to refuse a data access request from you where (i) such request is manifestly unfounded or excessive, in particular because of its repetitive character (in this case, if we decide to provide you with the Personal Data requested, we may charge you a reasonable fee to account for administrative costs of doing so), or (ii) we are entitled to do so pursuant to Data Protection Legislation.

Right to update your Personal Data or correct any mistakes in your Personal Data

8.7 You can require us to correct any mistakes in your Personal Data which we hold free of charge. If you would like to do this, please:

- email or write to us (see 'How can you contact us' below);
- let us have enough information to identify you (e.g. name, registration details); and
- let us know the information that is incorrect and what it should be replaced with.

8.8 If we are required to update your Personal Data, we will inform recipients to whom that Personal Data have been disclosed (if any), unless this proves impossible or has a disproportionate effort.

8.9 It is your responsibility that all of the Personal Data provided to us is accurate and complete. If any information you have given us changes, please let us know as soon as possible (see 'How To Contact Us' below).

Right to restrict or prevent processing of Personal Data

8.10 In accordance with Data Processing Legislation, you may request that we stop processing your Personal Data temporarily if:

- you do not think that your Personal Data is accurate (but we will start processing again once we have checked and confirmed that it is accurate);
- the processing is unlawful but you do not want us to erase your Personal Data;
- we no longer need the Personal Data for our processing; or
- you have objected to processing because you believe that your interests should override the basis upon which we process your Personal Data.

8.11 If you exercise your right to restrict us from processing your Personal Data, we will continue to process the Personal Data if:

- you consent to such processing;
- the processing is necessary for the exercise or defence of legal claims;
- the processing is necessary for the protection of the rights of other individuals or legal persons; or
- the processing is necessary for public interest reasons.

Right to data portability

8.12 In accordance with Data Protection Legislation, you may ask for an electronic copy of your Personal Data that you have provided to us and which we hold electronically, or for us to provide this directly to another party. This right only applies to Personal Data that you have provided to us – it does not extend to data generated by us. In addition, the right to data portability also only applies where:

- the processing is based on your consent or for the performance of a contract; and
- the processing is carried out by automated means.

Right to erasure

8.13 In accordance with Data Protection Legislation, you can ask us (please see 'How To Contact Us' below) to erase your Personal Data where:

- you do not believe that we need your Personal Data in order to process it for the purposes set out in this Privacy Policy;
- if you had given us consent to process your Personal Data, you withdraw that consent and we cannot otherwise legally process your Personal Data;

- you object to our processing and we do not have any legal basis for continuing to process your Personal Data;
- your Personal Data has been processed unlawfully or have not been erased when it should have been; or
- the Personal Data have to be erased to comply with law.

8.14 We may continue to process your Personal Data in certain circumstances in accordance with Data Protection Legislation (i.e. where we have a legal justification to continue to hold such Personal Data, such as it being within our legitimate business interest to do so (e.g. retaining evidence of billing information etc)). Where you have requested the erasure of your Personal Data, we will inform recipients to whom that Personal Data have been disclosed, unless this proves impossible or involves disproportionate effort. We will also inform you about those recipients if you request it. Please also note that the Department of Justice and Equality, of which the Prison Service is a part, has limited control in relation to record destruction due to obligations arising under the National Archives Act, 1986 and the Freedom of Information Act, 2014. The right may also not apply where the Personal Data is necessary for the performance of a function carried out in the public interest or for reasons of compliance with a legal obligation.

Right to complain to the DPC

8.15 If you do not think that we have processed your Personal Data in accordance with this Privacy Policy, please contact us in the first instance. If you are not satisfied, you can complain to the DPC or exercise any of your other rights pursuant to Data Protection Legislation. Information about how to do this is available on the DPC website at <https://www.dataprotection.ie>.

9. Withdrawal of consent

9.1 If you no longer consent to our processing of Your Data (in respect of any matter referred to in this Privacy Policy as requiring your consent), you may request that we cease such processing by contacting us via the 'How to Contact Us' facility referred to below. Please note that if you withdraw your consent to such processing, for example in respect of the use of cookies, it may not be possible for us to process your requests or perform our contractual obligations.

10. Who we share your information with

- 10.1** The Irish Prison Service will not share Your Data without your consent or unless required by law (except as set out in this Privacy Policy). On an ongoing basis, the IPS utilises appropriate contracts/memoranda of understanding/bilateral agreements with third parties where personal data is shared. These agreements specify the purpose of sharing Your Data, the requirements for security of Your Data and the requirements for termination of the agreement in question and the return/deletion of Your Data. Please also note that in any event Your Data will not be transferred to any third party unless there are adequate safeguards in place with the recipient in respect of the security of Your Data.
- 10.2** We restrict access to personal information to employees, contractors, and agents who need to know that information in order to operate, develop, or improve our services/website. These individuals are bound by confidentiality obligations and may be subject to discipline, including termination, civil litigation and/or criminal prosecution, if they fail to meet these obligations.
- 10.3** Your Data may be transferred to, stored at, or accessed from a destination outside the European Economic Area (“EEA”) for the purposes of us fulfilling our mandate of administering Irish prisons. It may also be processed by staff operating outside the EEA who work for us or any of our suppliers. By submitting Your Data, you explicitly consent to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that Your Data is treated securely and in accordance with this Privacy Policy. The safeguards in place with regard to the transfer of Your Data outside of the EEA to third parties are the entry by us into appropriate contracts with all transferees of such data.
- 10.4** All information you provide to us is stored on our (or contracted third party) secure servers. Where we have given you (or where you have chosen) a password which enables you to access any part of our website, you are responsible for keeping this password confidential. We ask you not to share a password with any person not authorised to use the service for which it has been provided.

11. Third Party Websites

- 11.1** This Privacy Policy applies to websites and services that are owned and operated by the Irish Prison Service. We do not exercise control over the sites/applications that may be linked from our website. These other sites/applications may place their own cookies or other files on your computer, collect data or solicit personal information from you. You acknowledge that the Service that we provide and our website may enable or assist you to

access the website content of, correspond with, and purchase products and services from, third parties via third-party websites and that you do so solely at your own risk. We make no representation or commitment and shall have no liability or obligation whatsoever in relation to the content or use of, or correspondence with, any such third-party website, or any transactions completed, and any contract entered into by you, with any such third party and the use by any such third-party of your Personal Data. We do not endorse or approve any third-party website nor the content of any of the third-party website made available via the Service or our website. We encourage you to carefully familiarize yourself with the terms of use and privacy policies applicable to any websites and/or services operated by third parties. Please be aware that we are not responsible for the privacy practices of any third parties.

12. Offensive Content

- 12.1** Where we reasonably believe that you are or may be in breach of any applicable laws, for example on hate speech, we may disclose your personal information to relevant third parties, including to law enforcement agencies or your internet provider. We would only do so in circumstances where such disclosure is permitted under applicable laws, including Data Protection Legislation.

13. How do we protect your personal information

- 13.1** We do our utmost to protect user privacy through the appropriate use of security technology. We restrict access to Your Data to employees, contractors and agents who need to know Your Data in order to operate, develop or improve the services that we provide. We ensure that we have appropriate physical and technological security measures to protect your information; and we ensure that when we outsource any processes that the service provider has appropriate security measures in place. However, our website may contain hyperlinks to websites owned and operated by third parties. These third party websites have their own privacy policies, including cookies. We do not accept any responsibility or liability for the privacy practices of such third party websites and your use of such websites is at your own risk.
- 13.2** We will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks that are presented by the processing of Your Data. In particular, we will consider the risks presented by accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Your Data transmitted, stored or otherwise processed.

13.3 Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect Your Data, we cannot guarantee the security of any data transmitted us and any such transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. To the extent permitted by law, we are not responsible for any delays, delivery failures, or any other loss or damage resulting from (i) the transfer of data over communications networks and facilities, including the internet, or (ii) any delay or delivery failure on the part of any other service provider not contracted by us, and you acknowledge that our website may be subject to limitations, delays and other problems inherent in the use of such communications facilities. You will appreciate that we cannot guarantee the absolute prevention of cyber-attacks such as hacking, spyware and viruses. Accordingly, you will not hold us liable for any unauthorized disclosure, loss or destruction of Your Data arising from such risks.

14. Breach Reporting

14.1 We will notify serious data breaches in respect of Your Data to the DPC without undue delay, and where feasible, not later than 72 hours after having become aware of same. If notification is not made after 72 hours, we will record a reasoned justification for the delay; however, it is not necessary to notify the DPC where the Personal Data breach is unlikely to result in a risk to the rights and freedoms of natural persons. A Personal Data breach in this context 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.

14.2 We will keep a record of any data breaches, including their effects and the remedial action taken, and will notify you of any data breach affecting your Personal Data (which poses a high risk to you) when we are required to do so under Data Protection Legislation. We will not be required to notify you of a data breach where:

- we have implemented appropriate technical and organisational measures that render the Personal Data unintelligible to anyone not authorised to access it, such as encryption; or
- we have taken subsequent measures which ensure that the high risk to data subjects is not likely to materialise; or
- it would involve disproportionate effort, in which case we may make a public communication instead.

15. Retention of Personal Data

15.1 Your Data will be kept and stored for such period of time as we deem necessary, in line with our Data retention policy, taking into account the purpose for which it was collected in the first instance. This may include retaining Your Data as necessary to comply with our legal obligations, to resolve disputes, to enforce our agreements, and to ensure the smooth running of our operations. See also 'The Right to Erasure' in Section 5 above.

16. Amendments to privacy policy

16.1 We may change our Privacy Policy from time to time and at our sole discretion. The date of the most recent revisions will appear on the homepage of our Website. If material changes are made to the Privacy Policy, we will notify you by placing a prominent notice on our website or by sending you a notification in relation to this. We will not process Your Data in a manner not contemplated by this Privacy Policy without your consent.

17. How to contact us

17.1 If you need to contact us with regard to any of your rights as set out in this Policy, all such requests should be made in writing by email to datarequest@irishprisons.ie.

This document is the property of the Irish Prison Service and is intended for use within the Irish Prison Service estate only. Any review or dissemination or other use outside of the Irish Prison Service is prohibited. All actions carried out with reference to this document should be done so in compliance with the Data Protection Act 2018 and GDPR. Failure to do so is against the law.