

GDPR

Wills Bros Ltd Inductions and Data Protection

CIVIL ENGINEERING CONTRACTORS



Rights of Individuals under the General Data Protection Regulation

1. Data protection is a fundamental right set out in Article 8 of the EU Charter of Fundamental Rights, which states: Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law.
3. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
4. Compliance with these rules shall be subject to control by an independent authority.
5. This means that every individual is entitled to have their personal information protected, used in a fair and legal way, and made available to them when they ask for a copy. If an individual's personal information is incorrect, they are entitled to ask for that information to be corrected.
6. In order to process personal data, organisations must have a lawful reason. The lawful reasons for processing personal data are set out in Article 6 of the GDPR.

The six lawful reasons for processing personal data are:

1. Consent.
2. To carry out a contract.
3. In order for an organisation to meet a legal obligation.
4. Where processing the personal data is necessary to protect the vital interests of a person.
5. Where processing the personal data is necessary for the performance of a task carried out in the public interest.
6. In the legitimate interests of a company/organisation (except where those interests contradict or harm the interests or rights and freedoms of the individual)*.

Any one of the six reasons given above can, generally speaking, provide a legal reason for processing personal data.

*It is important to note that Article 6(1)(f) provides that the "legitimate interests" reason is not available to public authorities where the processing is being conducted in the exercise of their functions.



Principles of Data Protection(article 5 GDPR)

1. **Lawfulness, fairness, and transparency:** Any processing of personal data should be lawful and fair. It should be transparent to individuals that personal data concerning them are collected, used, consulted, or otherwise processed and to what extent the personal data are or will be processed. The principle of transparency requires that any information and communication relating to the processing of those personal data be easily accessible and easy to understand, and that clear and plain language be used.
2. **Purpose Limitation:** Personal data should only be collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes. In particular, the specific purposes for which personal data are processed should be explicit and legitimate and determined at the time of the collection of the personal data. However, further processing for archiving purposes in the public interest, scientific, or historical research purposes or statistical purposes (in accordance with Article 89(1) GDPR) is not considered to be incompatible with the initial purposes.
3. **Data Minimisation:** Processing of personal data must be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed. Personal data should be processed only if the purpose of the processing could not reasonably be fulfilled by other means. This requires, in particular, ensuring that the period for which the personal data are stored is limited to a strict minimum (see also the principle of 'Storage Limitation' below).



Principles of Data Protection continued

4. **Accuracy**: Controllers must 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. In particular, controllers should accurately record information they collect or receive and the source of that information.
5. **Storage Limitation**: Personal data should only be kept 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. In order to ensure that the personal data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review.
6. **Integrity and Confidentiality**: Personal data should be processed in a manner that ensures appropriate security and confidentiality of the personal data, including protection against unauthorised or unlawful access to or use of personal data and the equipment used for the processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
7. **Accountability**: Finally, the controller is responsible for, and must be able to demonstrate, their compliance with all of the above-named Principles of Data Protection. Controllers must take responsibility for their processing of personal data and how they comply with the GDPR, and be able to demonstrate (through appropriate records and measures) their compliance, in particular to the DPC

Definition of Key Terms

1. **Personal data**:- The term 'personal data' means any information concerning or relating to an living person who is either identified or identifiable (such a person is referred to as a 'data subject'). An individual could be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier (such as an IP address) or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.
2. **Processing**:- The term "processing" refers to any operation or set of operations performed on personal data. Processing includes storing, collecting, retrieving, using, combining, erasing and destroying personal data, and can involve automated or manual operations.
3. **Data Protection Commission**:- The "Data Protection Commission" was established by the Data Protection Acts 1988 to 2018 ('the Data Protection Acts'). Under the GDPR and the Data Protection Acts, the Commission is responsible for monitoring the application of the GDPR in order to protect the rights and freedoms of individuals in relation to processing. The tasks of the Commission include promoting public awareness and understanding of the risks, rules, safeguards and rights in relation to processing; handling complaints lodged by data subjects; and cooperating with (which includes sharing information with) other data protection authorities in other EU member states.
4. **Data Controller**:- A "data controller" refers to a person, company, or other body which decides the purposes and methods of processing personal data.
5. **Data Processor**:- A "data processor" refers to a person, company, or other body which processes personal data on behalf of a data controller.

Definition of Key Terms

6. **Consent**:- Some types of processing are carried out on the basis that you have given your consent. Under the GDPR, consent to processing must be freely given, specific, and informed. You cannot be forced to give your consent, you must be told what purpose(s) your data will be used for, and you should show your consent through a 'statement or as a clear affirmative action' (e.g. ticking a box). Consent is not the only lawful basis on which your personal data can be processed.
7. **Profiling**:- Profiling is any kind of automated processing of personal data that involves analysing or predicting your behaviour, habits or interests.
8. **Special categories of personal data**: - Certain types of sensitive personal data are subject to additional protection under the GDPR. These are listed under Article 9 of the GDPR as "special categories" of personal data. The special categories are:
 1. Personal data revealing racial or ethnic origin.
 2. Political opinions.
 3. Religious or philosophical beliefs.
 4. Trade union membership.
 5. Genetic data and biometric data processed for the purpose of uniquely identifying a natural person.
 6. Data concerning health.
 7. Data concerning a natural person's sex life or sexual orientation.Processing of these special categories is prohibited, except in limited circumstances set out in Article 9 of the GDPR.
9. **Data Protection Officer (DPO)**:- The GDPR requires data controllers and data processors to appoint a Data Protection Officer (DPO) in certain circumstances. A data controller can also voluntarily decide to appoint a DPO.

Ten reasons to process special category data

1. The data subject has given **explicit consent** to the processing of those personal data for one or more specified purposes.
2. Processing is necessary for the purposes of **carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law** in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
3. 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;
4. Processing is carried out in the course of its **legitimate activities** with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
5. Processing **relates to personal data which are manifestly made public by the data subject**;



Ten reasons to process special category data

6. Processing is necessary for the establishment, exercise or **defence of legal claims** or whenever courts are acting in their judicial capacity;
7. Processing is necessary for reasons of **substantial public interest**, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
8. 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 on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;
9. 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, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
10. Processing is necessary for archiving purposes in the public interest, **scientific or historical research purposes or statistical purposes** in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Wills Bros Induction Program Data Protection Policy

1. What we will not do with your data.
2. We will not sell your data.
3. We will not give your data to marketers.
4. We will not market your data to you.

To continue you must agree to the following:

This data is being collected by Wills Bros, <http://www.willsbros.com/index.html> and by Wills Bros Induction Program.

Our Site Induction Program is the controller of your data. Wills Bros is a processor.

We are collecting and storing all of the data in the registration form that you submit.

Why are we collecting your data?

This data is being collected for the following reasons:

1. To verify that you are qualified to work on a Construction site.
2. For the legitimate interests of our Induction Program and to demonstrate that Wills Bros is conducting its business in a responsible, efficient and commercially prudent manner.

We will store this data, and will use it for a number of purposes:

1. To verify your identity
2. To verify your suitability to work on our construction site with this Induction Program.
3. We will also carry out automated processing. This will make a decision on whether you have submitted all the data that is requested, fulfilled any tasks requested (such as taken a course) and kept everything up to date. This decision may then be used to allow or deny you access to a site or the ability to work with Wills Bros on our construction site with this Induction Program.
4. Your data may be processed by sub-processors: Microsoft
5. And your data may be processed in the following countries or jurisdictions: EU
6. Your data will be protected in the EU in accordance with the requirements of data protection law, including the GDPR.



How long will we keep your data?

1. We will keep this data for as long as you are registered with our system. Once you un-register we will hold the data for a limited amount of time, which you can check in your profile, and during submission.
2. What else do I need to know?
3. Wills Bros may contact you occasionally with updates about our software and our online platform, but only if we believe the update could affect you.

You have the following rights:

1. The right to access your personal data;
2. The right to request that your personal data is corrected or erased;
3. The right to restrict the use of your personal data;
4. The right to object to the processing of your personal data;
5. The right to receive your personal data in a commonly used format or to request that we transfer it to another controller where that's possible
6. You have the right to lodge a complaint regarding our use of your data. Please contact Wills Bros Induction Program, we will do our best to address your concerns. If we fail in this, you can address any complaint to the Irish Data Protection Commissioner, contact details are at www.dataprotection.ie .



Important remarks- Accept/Reject

1. There may be some exceptions to these rights, please contact us to find out more. Alternatively, for any of the above, please contact Wills Bros Induction Program or your direct Site Supervisor or Wills Bros liaison on site, details provided at induction.
2. More information
3. If you wish to find out more about how your personal data is used by Wills Bros and Site Induction Program, please visit <http://www.willsbros.com/policies/Standard Terms and Conditions.html> to see our full privacy policy.
4. If you do not wish to have your data processed, please click reject below. If you do not accept, you may not be able to work on our construction site with this Induction Program. This agreement is subject to change, you can see the text of this agreement in "My Settings"
5. I have read and understand these terms.



QUIZ 1

Which of the following is personal data

- a. name,
- b. an identification number,
- c. location data,
- d. an online identifier (such as an IP address)
- e. All of the above

Answer = e. All of the above

QUIZ 2

Who will not address my complaint regarding Wills Bros use of my data?

1. My workplace Supervisor
2. Wills Bros Induction Program contact
3. An Garda Siochana
4. Irish Data Protection Commissioner, contact details are at www.dataprotection.ie.

Answer =3. An Garda Siochana