

Data Protection Policy

The purpose of the policy document is to provide concise information regarding the Data Protection obligations of the National Library of Ireland (NLI). The NLI fully respects the individual's right to privacy and actively seeks to preserve the privacy rights of those who share information with the Library.

Data protection laws ensure that individuals have sufficient control over their personal data (information). It is not new, the right to privacy is enshrined in the Irish constitution and also in Irish Data Protection laws. However, the EU General Data Protection Regulation (GDPR) enhanced the rights of the data subjects (living individuals) in relation to their personal data and increase the obligations of the data controllers (organisations). The National Library is a data controller.

The NLI is committed to adhering to the regulations as required by GDPR and other relevant legislation that governs obtaining, storing and disposing of personal data as defined by European and Irish legislation.

The NLI makes no distinction between its employees and those who are not and acknowledges all rights of data subjects and entities and commits to treating all equally under this policy.

What is Personal Data?

There are broadly two types of personal data:

- 1 Personal data is any information, in any format that can directly or indirectly identify a natural person. For example name, address, PPS number, email address, photos, IP address, online behaviour (cookies).
2. Sensitive personal data which is given additional protection, includes race, religion, political opinions, trade union membership, sexual orientation, health information. Biometric data and genetic data have been added as part of GDPR.

What personal data does the NLI collect?

We process personal data for many of our functions. For example:

- Works in our collections may contain personal data
- We process some personal data when you register as a Library user
- We process personal data when you purchase copies of photographs from us
- We process some personal data when you register to attend an event with us
- We process personal data when you apply for a job with the NLI

Legal basis for processing data

We must have a lawful basis for processing your personal data, as set out in the GDPR. There are six available lawful bases for processing, at least one of which must apply.

- **Consent:** you have given clear consent for us to process your personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract you have with us, or you have asked us to take steps before entering into a contract
- **Legal obligation:** the processing is necessary for us to comply with the law.
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public task:** the processing is necessary for us to perform a task in the public interest or for our official functions.
- **Legitimate interests:** the processing is necessary for our legitimate interests

The NLI collects personal data under the following Data Protection Principles

Personal data collected by the NLI is :

- Processed lawfully, fairly and transparently
- Collected only for specific, legitimate purposes
- Adequate, relevant and limited to what is necessary
- Accurate and kept up to date
- Stored for no longer than required
- Secure both operationally and technically
- Accountable, so that the NLI has responsibility for and is able to demonstrate compliance

How does the NLI demonstrate compliance

In relation to the personal data that the National Library holds, the following questions must be asked:

- Why is it being held?
- How was it obtained?
- Why was it originally collected?
- How long will it be retained?
- How secure is it?
- Is it ever shared with the third parties?

In order to demonstrate compliance with data protection principles the Library is adopting the following practices:

- Embed data privacy into our operational processes.
- Maintain records of how data is acquired by us and is processed.
- Provide the relevant records and policies to the supervisory authority on request.
- Demonstrate that consent was requested, received and correctly recorded.
- Maintain records of measures taken to address non-compliance by us and any third-party data processor contracted to NLI.
- Review NLI data protection policies on a regular basis to ensure that they clearly demonstrate compliance.

Use of third party processors by the NLI

Third party data processors are used by the NLI but are strictly controlled by the contracts of agreement for the processing of data obtained on our behalf. The data processors face new restrictions and obligations under GDPR. Third party processors used by the NLI are obliged to follow the conditions outlined below:

- Any contract must describe the types of personal data held by the processor on behalf of the NLI, including the purposes and duration of the processing.
- A contract should stipulate that the processor will follow the NLI's (as controller) documented instructions.
- The processor must provide confidentiality commitments, and they must secure the data.
- The use of a sub-contractor will not be made without authorisation by the NLI
- The processor will assist the NLI to facilitate data subjects to exercise their rights
- The processor will at the NLI's choice return or delete all personal data on termination of the contract
- The processor shall provide necessary information to demonstrate compliance and co-operate with audits and inspections

Governance – roles and responsibilities

As part of the NLI's commitment to ongoing compliance in data protection clear governance structures are in place. This commitment is demonstrated through the following roles and responsibilities:

NLI Board has ultimate responsibility for overseeing the implementation and management of the NLI's Data Protection Policy through regular reviews, audits and reports. The Director will present regular reports for the Board which will confirm that the necessary policies and procedures are in place.

NLI Director is responsible for ensuring that all departments within the NLI are adhering to the Data Protection Policy through policy implementation, internal audits and regular updates with a view to ongoing compliancy, including all requests for data access, which will be overseen by the DPO.

Data Protection Officer is responsible for the development and implementation of the NLI Data Protection Policy, overseeing compliancy, completing internal audits and data access requests as required by GDPR

Human Resources Department will ensure that the requirements of the Data Protection Policy are communicated to all new staff as part of the induction process.

Heads of Departments are responsible for ensuring compliance with the NLI Data Protection Policy within their departments. As data controllers that are responsible for ensuring the collection, use, retention and disposal of data within their area of responsibility is secure and used in compliance with GDPR.

Staff have a personal responsibility for ensuring compliancy with all the principles as laid out in the Data Protection Policy and other associated policy documents including the Clean Desk Policy

Your personal data rights

These rights can be split into two categories; three core rights of **access, rectification and restrict processing** which normally apply to all processing activities, and four additional rights which only apply in specific circumstances depending on the lawful basis for us processing your data.

Right	Explanation
Access	You can ask whether we are processing any of your personal data. If we are, you have the right to access the data and certain information, such as why we are processing the data
Rectification	You can have any inaccuracies in your personal data corrected
Restriction of processing	You can object to our processing of your personal data and we are normally obliged to stop processing it
Withdraw consent	You have the right to withdraw your consent for us to process your personal data. This right only applies if the processing of your personal data is based on your explicit consent.
Erasure	You may have the right to ensure that we erase your personal data.
Portability	You have the right to receive personal data that you provide to us in a structured, commonly used and machine-readable format.
Object	You may have the right to object to our processing of your personal data, this relates to profiling, direct marketing as well as for research in some cases.

How do you access your personal data

- You are entitled to find out, free of charge, if the (NLI) holds information about you by making a Subject Access Request (*attached*)
- You also have a right to be given a description of the information and to be told the purpose(s) for holding the information.
- The information that you request must be sent within 30 days of receipt of the request. This information is provided free of charge
- A Subject Access Request must be made in writing and should include a reasonable level of appropriate information to help us to locate the information required, but no reason for the request needs to be provided.
- The NLI has created a Data Subject Access Request Form, (*attached*) which we ask that you would complete.

- It is necessary for you as the individual making the request to provide appropriate proof of identity as the NLI will need to ensure it is not disclosing personal data to a person(s) who is not entitled to it.
- If we receive a very general Subject Access Request, e.g. “please give me everything you have on me”, the Data Protection Acts allow us to seek more detailed information on the nature of the request, such as the approximate date of a particular incident, or the timeframe for the material requested.
- There is no charge for making a Subject Access Request.

For more details please see our Subject Access Request Policy ([link](#))

The NLI response to your request

- We will acknowledge your request as soon as we receive it
- We will respond without delay, the deadline is 30 days. If we need to take longer we will keep you updated as to the reasons for the delay and the progress we are making.
- We will respond to your request in either electronic or hardcopy format, please let us know if you have a preference.
- The Information will be provided without charge

NLI Contact details

You can contact the NLI Data Protection Officer by writing to:

NLI Data Protection Officer: Orla Sweeney

Address: National Library of Ireland
4Kildare Street
Dublin 2
D02 A322

Or by emailing: dataprotection@nli.ie

Complaints

Should you be unhappy with our response you may make a complaint by emailing feedback@nli.ie to make a complaint about data protection or by contacting the NLI DPO.

You have the right to make the a compliant directly to the

Data Protection Commissioner, which is the data protection supervisory authority in Ireland.

Please note that if you wish you do not need to make a complaint with us before making a complaint to the DPC, you may instead make an initial complaint directly with the authority.

Address: Office of the Data Protection Commissioner,
Canal House,
Station Road,
Portarlinton,
Co. Laois,
R32 AP23

Email: info@dataprotection.ie

Website www.dataprotection.ie