



# Child Safeguarding & Protection Service

## DATA PRIVACY NOTICE

(January 2022)

### 1. Personal data

The Child Safeguarding and Protection Service (CSPS) of the Archdiocese of Dublin processes personal data. Personal data is information about a living person which reveals the identity of that person. Examples include a person's name, phone number and date of birth. It is personal data if the person can be identified from the information or if, when the information is put together with other easily acquired or available information, the person's identity is revealed. CSPS collects, retains, stores and shares information about living persons. It does so in accordance with the requirements of the Data Protection Act (2018) and the General Data Protection Regulation (the GDPR).

The persons about whom CSPS holds personal data are those to whom CSPS offers a service and those with whom CSPS works in order to provide a service (see 3, below). The persons about whom CSPS holds personal data are referred to in this Notice as data subjects.

### 2. Data processing in CSPS

The Archbishop of Dublin is the data controller for the Diocese and CSPS is a diocesan office. The Archbishop has responsibility for determining for what purpose personal data is processed by CSPS and how it is done. Staff employed as part of the CSPS team act on behalf of the controller (the Archbishop).

The CSPS complies with its obligations under the Data Protection Laws by keeping personal data up to date, by storing it securely, by not collecting or retaining excessive amounts of data (more than is needed for the purposes for which it was gathered), by protecting it from loss, misuse, unauthorised access and disclosure, by ensuring that appropriate technical measures are in place to protect it and by destroying personal data safely when it is no longer required for the purpose for which it was gathered.

### 3. The purposes for which data processed

Data is processed in order to facilitate CSPS to discharge its functions. These are:

- Case management. CSPS gathers, retains, stores and shares information on complainants (those who disclose child abuse) and respondents (those alleged to have abused children) in accordance with national legislation [the Children First Act, 2015]; civil guidelines [Children First: National Guidance for the Protection and Welfare of Children, 2017] and Church guidelines [Safeguarding Children, 2016] on the management of allegations of the abuse of children. CSPS gathers, retains, stores and shares information on complainants and respondents in relation to abuse of vulnerable adults in accordance with civil guidelines [HSE

Adult Safeguarding Policy, 2019] and diocesan policy [Safeguarding Vulnerable Adults: Policy of the Archdiocese of Dublin, 2019] ;

- Support of victims and survivors of abuse. CSPA gathers, retains, stores and shares information about those who experienced abuse as children or as vulnerable adults and their families in order to offer them support directly and in order to refer them to other support services;
- The creation and maintenance of safe environments for children and vulnerable adults involved in Church activities. This involves processing data on those who work/volunteer in parishes and diocesan offices and agencies, including the information processed through Garda vetting. It also involves processing data on those who cooperate with CSPA in the discharge of this function, including diocesan safeguarding trainers and parish safeguarding representatives.

#### **4. The data processed**

CSPA gathers and retains information including a person's name, date of birth, current address, email address, phone number and role with the parish or diocesan office or agency. For certain persons, additional data such as information about events in their past, legal documents, and medical and psychological reports are also gathered and retained. This list is not exhaustive.

#### **5. The legal basis for processing personal data**

The legal bases on which CSPA relies for processing personal data are the following:

- a. Explicit consent is sought from those with whom CSPA communicates in order to share information about news, events, activities and programmes;
- b. Compliance with a legal obligation, as when those members of the CSPA team who are mandated reporters, report child protection concerns to Tusla, the Child and Family Agency in accordance with the requirements of the Children First Act, 2015;
- c. In order to protect the vital interests of a person, as when CSPA shares information with those who need to know it in order to prevent the abuse of a child or a vulnerable adult;
- d. In the public interest, as when CSPA processes personal data for the prevention of the abuse of children and vulnerable adults;
- e. In the pursuit of the legitimate interest of the Archdiocese of Dublin as it acts to create a safe environment for children and vulnerable adults in order to spread the Word of God among the lay faithful.

#### **6. Sharing of personal data**

Personal data is treated as strictly confidential. It is shared, only when required, with authorised diocesan staff, with the civil authorities and with others in accordance with the requirements of law and national and Church child and adult protection guidelines; or as otherwise required for the protection of children and vulnerable adults; or by consent (see also Appendix 1 and Appendix 2).

Personal data is shared with some service providers, such as those who provide support services for survivors of abuse, but only with the consent of the data subject. All processing of such data is done in compliance with current legislation.

## **7. Retention of personal data**

Personal data is retained for as long as it is required for the discharge of the functions outlined in 3 above. The data retention policy is set out in Appendix 3.

## **8. Storage and accuracy of personal data**

CSPS is committed to ensuring information is stored securely. In order to prevent unauthorised access or disclosure suitable physical, electronic and managerial procedures to safeguard and secure information have been put in place. CSPS uses technical and organisational security measures to protect data from accidental or intentional manipulation, loss, destruction or access by unauthorised persons. The security measures are continuously adapted in line with technological developments.

CSPS seeks to ensure that personal data is accurate and up to date. However, the data subject is responsible for informing CSPS of any changes to personal data and other information. Unfortunately, the transmission of information via the internet is not completely secure. Although every effort is made to protect personal data, any transmission via the CSPS website is ultimately at the data subject's own risk. Once CSPS has received personal information, strict procedures and security features are in place to prevent unauthorised access to or unlawful processing or disclosure of such data.

## **9. The rights of the data subject**

The data subject (the person whose data is processed by CSPS) has various rights under the GDPR including the right to:

- To request a copy of his/her personal data held by CSPS;
- To request that CSPS corrects any inaccuracies in the data held;
- To have the data erased when it is no longer required for the purpose for which it was gathered

For information on all the rights of the Data Subject see Articles 15-23 of the GDPR (2018).

## **10. Further processing**

If CSPS needs to process personal data for a purpose not covered by this Data Privacy Notice a new notice will be issued prior to commencing the processing setting out the relevant purposes and processing conditions. Where and whenever necessary, CSPS will seek the prior consent of the data subject/s to the new processing.

## **11. Contact details**

If you have any queries or complaints please contact the Director of the Child Safeguarding and Protection Service at Holy Cross Diocesan Centre, Clonliffe Road, Dublin DO3 P2E7; phone 01 8360314; or email: [cps@dublindiocese.ie](mailto:cps@dublindiocese.ie).

Further information on data privacy rights is available on the website of the Data Protection Commission: [www.dataprotection.ie](http://www.dataprotection.ie).

For queries relating to data protection in the Archdiocese of Dublin please email: [dataprotection@dublindiocese.ie](mailto:dataprotection@dublindiocese.ie) or write to: Data Protection Leader, Holy Cross Diocesan Centre, Clonliffe Road, Dublin DO3 P2E7.

## Appendix 1: Information Sharing

This section sets out in more detail the position of CSPA in relation to the sharing of information relating to the protection of children and vulnerable adults from abuse in a church context.

A1.1 CSPA shares child and vulnerable adult protection concerns with the civil authorities. Mandatory reporting to TUSLA under the Children First Act 2015 is covered by GDPR Article 6 (c) *compliance with a legal obligation*. This also applies to sharing data with An Garda Síochána about an offence committed against a child or vulnerable adult (Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012).

A1.2 In certain very restricted circumstances, CSPA shares such concerns with other church authorities. For example, if there is data that a member of a religious order has abused or is alleged to have abused a child or vulnerable adult that data is shared with the provincial of the order or the order's designated liaison person (DLP) so that s/he can take whatever steps are required to prevent further abuse. This is covered by GDPR Article 6.1 (d) - *processing is necessary in order to protect the vital interests ...of another natural person* (i.e. the child/children or vulnerable adult/s at risk). Such sharing of data is only to persons who need to be aware of, and take action to mitigate, these concerns.

A1.3 Data is shared with others when required for the protection of children or vulnerable adults, for example, when placement of respondent priests in residential institutions is being arranged. The managers of the institutions concerned are informed that the respondent ought not to have unsupervised contact with children or vulnerable adults. This is also covered by Article 6.1(d)

A1.4 Data is shared with families of respondent priests. Priests often have contact with children in their extended families and CSPA has a duty to protect these children from abuse. The practice is to encourage the respondent priests themselves to talk to their families in the first instance and then follow up with family members to ensure that they have sufficient information to protect their own children and vulnerable family members. This is also covered by Article 6.1(d).

These disclosures of personal data could also be considered to be covered by GDPR Article 6.1 (f) - *processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party*<sup>1</sup>. The Archbishop of Dublin has a legitimate interest in the activities of those who serve as priests of the Diocese.

A1.5 Data is shared with the civil authorities in the investigation of historic allegations of abuse.

This is covered by Section 41 of the Data Protection Act 2018: *the processing of personal data and special categories of personal data for a purpose other than the purpose for which the data has been collected shall be lawful to the extent that such processing is necessary and proportionate for the purposes—*

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<sup>1</sup> Recital 47 provides: *The legitimate interests of a controller, including those of a controller to which the personal data may be disclosed, or of a third party, may provide a legal basis for processing, provided that the interests or the fundamental rights and freedoms of the data subject are not overriding, taking into consideration the reasonable expectations of data subjects based on their relationship with the controller. Such legitimate interest could exist for example where there is a relevant and appropriate relationship between the data subject and the controller in situations such as where the data subject is a client or in the service of the controller.*

“Third Party” is defined as: *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;*

*(b) of preventing, detecting, investigating or prosecuting criminal offences.*

Section 55 (1) of the Data Protection Act 2018 – elaborating on GDPR Article 10, *Processing of personal data relating to criminal convictions and offences* – also provides a legal basis for such sharing of data: *personal data referred to in Article 10 may be processed— where...*

*(b) (iv) processing is necessary to prevent injury or other damage to the data subject or another person or loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or another person.*

## Appendix 2: The Child Safeguarding Structure of the Archdiocese of Dublin

This section sets out in more detail the position of CSPS in relation to the sharing of data relating to the protection of children and vulnerable adults from abuse in a context other than a Church one. Such a situation arises, for example, when a priest learns of abuse within a family context and contacts CSPS for advice and guidance.

The Archdiocese of Dublin, like many organisations that provide services to children, operates a designated liaison person (DLP) system. That is, there are people designated by the Diocese to receive child protection concerns (information that a child has been abused, is being abused or is at risk of abuse) and to report them to the civil authorities. The DLP for the Archdiocese of Dublin is the Director of the Child Safeguarding and Protection Service and the deputy DLP is the Safeguarding and Support Officer.

When mandatory reporting was introduced in 2017, a question arose as to whether the DLP structure should be retained. Since a priest is a mandated reporter, if he knows of a child protection concern he is legally obligated to report the matter to Tusla himself with no requirement to come through the DLP. Tusla, however, advised that the DLP structure ought to be retained for a number of reasons. The diocesan DLP and deputy DLP are professionally qualified social workers with experience of operating the child protection system. They have a greater understanding of both the thresholds for reporting concerns and the means of doing so than those without such qualifications and experience. There is, therefore, a better chance that information vital to the protection of children will reach those with the authority to act on it by retaining the DLP structure. The legal obligations on mandated persons such as priests can be discharged by doing joint reports on behalf of the DLP/ deputy DLP and the mandated reporter who first hears of the concern.

In order to report child protection concerns that do not relate to alleged abuse within a Church context, CSPS is required to gather information about the child/ren at risk and, where known, the alleged perpetrator of abuse. In addition, *Children First, National Guidance for the Protection and Welfare of Children, 2017* refers to the recording of the concern and of the actions taken in relation to it. Thus, CSPS is required to process data on child protection concerns that do not relate to the Diocese that come to the attention of diocesan personnel in the course of their work.

The GDPR Article 6.1 (c) *legal obligation* provision applies to transmitting child protection concerns via the DLP (designated liaison person) on the grounds that the Children First Act 2015 imposes obligations on *mandated persons* who include, not only social workers and clergy, but also *a safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children.*

Mandatory reporting does not apply to concerns that relate to vulnerable adults but the considerations about following the correct reporting procedures are just as valid. The purpose of going through the DLP is to ensure correct reporting procedures are followed and this transmission is covered by GDPR Article 6.1 (d) – *processing is necessary in order to protect the vital interests ...of another natural person* (i.e. the child/children or vulnerable adult/s at risk).

## Appendix 3: Data Retention

This appendix sets out proposed retention periods for:

- safeguarding documents held in parishes;
- vetting records held between parishes and CSPA;
- vetting records held between schools and CSPA;
- non-diocesan case records held by CSPA;
- records relating to complaints or allegation of the abuse of children or vulnerable adults.

### A3.1 Safeguarding records held in parishes

As part of good safeguarding practice a number of recording forms, available from the CSPA website:

[www.csps.dublindiocese.ie](http://www.csps.dublindiocese.ie) are used in parishes. These include the following:

- Parental consent forms. These document parental/ guardian consent for the involvement of children in parish activities. They gather important data about the parent's/ guardian's contact details; children's medical and dietary requirements and provide for the children's own consent to be obtained in accordance with their age and understanding;
- Activity attendance sheets. These record the attendance of children and leaders at parish activities involving children;
- Sacristy sign-in book/ sheet. These are used to record the presence of parish personnel (priests, lay ministers and also visiting clergy/ ministers) in the church sacristy;
- General complaints forms. These record expressions of dissatisfaction by children or parents/ guardians relating to their children that have not been resolved by informal means and require a formal response. These are not allegations of abuse. Allegations of abuse are recorded separately;
- Incident/ accident forms. These record minor incidents or accidents involving children (not allegations of abuse) and the actions taken by parish personnel/ activity leaders in relation to them;
- Adult volunteer application forms. These gather data about parish volunteers/ lay ministers. They include a declaration relating to criminal convictions/ disciplinary procedures and a signed commitment to uphold parish and diocesan safeguarding policy and practices.

All of these forms are gathered and retained in the parish. In setting a policy for the retention of these documents a number of factors have been taken into consideration:

- The retention policy has to be easy to understand and operate. The policy, therefore, requires the same retention policy for all of these records;
- There has to be a clear rationale for the retention of these records. The information gathered is needed while the children and volunteers are involved with the parish. The rationale for their retention afterwards is that issues may arise in relation to a child involved in parish activities after the period of their involvement has ended;
- Some records will be held for a longer period. Records that relate to child protection concerns will be retained indefinitely but these will be held in the offices of CSPA, rather than in the parish. Records that relate to disciplinary issues relating to volunteers may also need to be retained for a longer period. Records that relate to serious accidents (those likely to give rise to an insurance claim) will also require to be retained in accordance with directions given by the insurers.

Subject to these provisos the proposed retention period for these records is five years. The same applies to similar records that relate to the involvement of vulnerable adults in parish activities.

### **A3.2 Vetting records held between parishes and CSPA**

Vetting is a service to organisations, not to individuals. Therefore, the organisation (parish, school) is the vetting applicant and the person for whom vetting is sought is the vetting subject.

An application for vetting is made on form NVB1 (NVB3 is also used for parental consent for applications involving 16 and 17 years olds). This is completed by the vetting subject and signed off by someone in the parish (usually, but not always, the parish priest). The vetting subject is required to produce documents to prove their identity (passport, recent utility bill) and these are checked in the parish before the form is sent to CSPA. *Applications from parishes are accepted by CSPA on the understanding that the parish has checked and verified the vetting subject's identity.* Once the application is completed a form is sent electronically by the National Vetting Bureau (NVB) to CSPA with the outcome of the application (referred to as the 'vetting disclosure').

The records generated by these processes are very numerous and would create major problems of storage were they all to be retained in the parish. It is therefore proposed:

- The NVB1 and documents used by the parish to confirm the vetting subject's identity to be sent (electronically, wherever possible) by the parish to CSPA where they will be scanned and stored electronically in the offices of CSPA (there is no need for them to be retained in the parish). Hard copies of these documents will not be retained by CSPA;
- The vetting disclosure to be retained by CSPA in electronic format;
- The vetting disclosure from NVB to be forwarded to the parish priest (or the person to whom he has delegated this responsibility) at a secure, confidential parish email address (not to a personal email account);
- If the vetting subject is a volunteer, this record to be retained by the parish for as long as the person remains a volunteer and for one year after that. Where the person is re-vetted, the earlier record is not retained but is replaced by the newer one.
- Where a decision is made, based on the vetting disclosure, that the vetting subject is not a suitable person to work in the parish the record should be retained for a period of one year, in case the person chooses to challenge the decision or to apply for another role within the parish for which vetting is not required;
- If the vetting subject is an employee, the vetting records should be retained for the same period as other employment records;
- Information about volunteers, including their vetting status, should be retained by the parish in the parish volunteer register;
- If the vetting subject wishes to have a copy of their vetting disclosure, they apply to the parish for it.

The records retained by CSPA are those of vetting subjects currently employed or volunteering in the parishes for up to one year after they have finished working with the parish.

### **A3.3 Vetting records held between schools and CSPA**

CSPA has entered into an agreement with schools for all vetting to be done electronically. *Applications from schools are accepted by CSPA on the understanding that the school has checked and verified the vetting subject's identity.* The school submits applications for vetting on an Excel sheet, which allows for multiple applications to be included in the same document. The disclosures



are then returned to them electronically. No paper records are retained by CSPA, though there are electronic records of applications and disclosures.

Part of the agreement between CSPA and the schools is that they provide a designated Garda Vetting email account. These email addresses are stored securely by CSPA. Each school is identifiable by its roll number, which overcomes the problem that many schools have the same name.

#### **A3.4 Non-diocesan case material held by CSPA**

Such records are generated in one of two ways:

- A person, often a mandated person such as a priest, asks CSPA for assistance in making a child protection notification to Tusla and/ or An Garda Siochana about a situation that does not relate to the church or parish;
- A person approaches CSPA about a child or vulnerable adult protection matter that does not involve diocesan personnel.

In either case CSPA is coming in contact with highly sensitive data. Not all of this data needs to be retained.

- If CSPA assists another person to make a report (whether mandated or not) to the civil authorities it is sufficient to record that the reporter (named) made a report from the CSPA office on the date it was made and to whom (whether Gardai or Tusla/ HSE and the office or station to which the report was sent).
- If a joint report (whether mandated or not) is sent on behalf of the person and someone from CSPA, a copy of this report should be retained in the offices of CSPA for an indefinite period, as with other records relating to child protection allegations and disclosures.
- If CSPA makes a report on its own behalf only, the same considerations apply as in the previous example.

#### **A3.5 Records relating to complaints or allegation of the abuse of children or vulnerable adults.**

These records are retained indefinitely.