



## Data Protection Policy - Candidates for Employment

### 1. ABOUT THIS POLICY

1.1 Data Protection Legislation (“the Legislation”) provides rules which apply to the collection, use and processing of information concerning individuals. The Legislation sets out the principles that the Firm must follow when processing personal data about individuals. It also gives individuals certain rights in relation to personal data that is held about them. For the purposes of this Policy, Data Protection Legislation means the Data Protection Acts 1988 and 2003 and any other applicable law or regulation governing the processing of personal data, including the General Data Protection Regulation (Regulation (EU) 2016/679).

1.2 This Policy sets out the basis on which we will process any personal data we collect from candidates for employment, or that is provided to us by individuals or other sources.

1.3 This Policy does not form part of any contractual agreement and may be amended at any time.

1.4 ByrneWallace, Solicitors with an address of 88 Harcourt Street, Dublin 2 (“the Firm”) is the data controller for the purposes of this Policy.

1.5 The Data Protection Officer is responsible for ensuring compliance with data protection legislation and with this Policy. Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to the Data Protection Officer [David Dinn, ddinn@byrnewallace.com].

### 2. INFORMATION IN RELATION TO THE PERSONAL DATA WE MAY PROCESS ABOUT YOU

2.1 The Firm needs to process personal data relating to you for the purposes of enabling us to consider your suitability for employment; without such processing,

it would not be possible for the Firm to consider your application for employment. Please see the Schedule to this Policy for information in relation to;

- the categories of personal data that we will process about you;
- the reasons for any such processing;
- the legal basis for any such processing;
- the recipients or categories of recipients of the personal data; and
- the period of time for which the personal data will be stored.

#### 2.2 Processing to meet the Firm’s Legitimate Interests

2.3 In addition to the specific purposes set out in the Schedule to this Policy, we may need to process your personal data in order to meet the Firm’s legitimate interests from time to time. We will only do so where such processing is not overridden by your interests or fundamental rights and freedoms. The legitimate interests in question will be dictated by business needs and will include (the following list is not exhaustive);

- General business management, including planning, forecasting, auditing and accounting exercises as well as analytical studies;
- Protection of the Firm’s property, assets and infrastructure;
- Business continuity, including the backup of data and securing of intellectual property and confidential information.

### 3. YOUR RIGHTS IN RELATION TO THE PERSONAL DATA THAT WE MAY PROCESS ABOUT YOU

3.1 As a data subject, you are entitled to:

- Obtain access to the personal data which is held about you, subject to limited exceptions;

- Request the rectification or erasure of the personal data held about you;
- Request the restriction of processing of any personal data concerning you;
- Object to the processing of any personal data;
- Exercise your right to data portability; and
- Lodge a complaint with the Data Protection Commission.

#### 4. PROCESSING BY THIRD PARTIES

4.1 We may, from time to time, engage the services of third parties ("data processors") to assist us to perform our functions or obligations, for example, we may engage an external service provider to assist us to carry out reference checks, or perform functions in connection with the application/interview process. Where this occurs, any processing of personal data by the data processor will be in compliance with the requirements of the Legislation. Any such processing will be regulated by a contract between the Firm and the relevant data processor. That contract will govern the conditions under which any personal data may be processed, the security conditions attaching to the processing of the data and will require the data processor to delete or return the data to the Firm upon completion or termination of the contract.

4.2 We may, from time to time, need to seek advice from professional advisers such as lawyers, accountants and doctors in relation to your/the Firm's rights and entitlements and/or matters arising in connection with the application/interview process. It may be necessary to share certain records with those professional advisers in that context. Where those records contain personal data relating to you, we will rely on the following legal basis when sharing personal data with such professional advisers;

- In the context of personal data, we will only share personal data with the Firm's professional advisers where necessary for the purposes of obtaining advice and compliance with a legal obligation to which the Firm is subject or to support or defend legal proceedings; and
- In the context of special category data, we will only share personal data with our professional advisers where necessary for the purposes of enabling the Firm to carry out its obligations or exercise specific rights (or to enable you to carry out your obligations or exercise specific rights) in the field of employment, insofar as it is authorised by EU or Irish law.

#### 5. CCTV IN THE WORKPLACE

5.1 The Firm has installed a CCTV system for the purposes

of;

- protecting the safety and security of staff, visitors and other members of the public who attend at our offices;
- protecting our buildings and assets from damage, disruption, vandalism and other such crime;
- deterring anti-social activity in and around our offices;
- supporting the day-to-day management of our operations, including ensuring the health and safety of staff and others;
- enabling the investigation of suspicious activity, both inside and outside of our offices, including any issues that give rise to, or arise during the course of, disciplinary or grievance proceedings and/or investigations into criminal or potentially criminal matters by An Garda Síochána; and
- ensuring that the Firm is in a position to support/defend any litigation taken against it, whether in connection with any investigation carried out pursuant to Clause 5.1(e) above or otherwise.

5.2 The provisions of this Policy apply equally to images captured/recorded on the Firm's CCTV system as to any other form of personal data. Information relating to the personal data that will be collected and processed by way of the CCTV system is detailed further in the Schedule.

##### 5.3 How the system operates

CCTV cameras have been placed inside and outside of our offices. There are eleven cameras belonging to facilities - Ten are on the exterior of the building and one is inside at level 1 facing the lifts.

The locations are:

1. no. 88 front door
2. staff entrance door
3. in the courtyard
4. at the car park passenger lift at ground level
5. at the car park entrance lift door
6. at the car park exit lift door
7. in the car park beside the main door leading into the building.
8. at Level 1 outside banking
9. in the Comms room
10. outside the Comms room
11. outside IT office

IT have 3 Cameras in the building. One facing the IT office door, one on the comms room door and one inside the comms room door. The system uses both fixed and domed cameras designed to capture and record images of individuals and property. The cameras do not pick up or record sound.

5.4 The system uses both fixed and domed cameras

designed to capture and record images of individuals and property. The cameras do not pick up or record sound.

5.5 Signs are displayed at the entrance of each surveillance zone to alert individuals that their image may be recorded. The signs contain details of the organisation operating the system (where the system is not operated by the Firm) together with information in relation to how individuals can contact that organisation or otherwise access further information in relation to how any captured images will be processed, accessed and stored. The camera locations have been chosen in such a way as to minimise the viewing of spaces not relevant to the purpose of the monitoring. Cameras have not been placed in areas in which individuals might have a reasonable expectation of privacy, e.g. locker areas, changing rooms and toilet facilities. CCTV monitoring operates 24 hours a day and data captured on cameras is continuously recorded.

#### 5.6 Live Monitoring and Viewing of Recorded Images

5.7 Live feeds from CCTV cameras will only be monitored where this is reasonably necessary to achieve the purposes set out in Clause 5.1 above. Otherwise, recorded images may be spot checked or accessed where necessary to achieve the purposes set out in Clause 5.1.

5.8 Live feeds from cameras and recorded images are only viewed by approved members of staff whose role requires them to have access to such data. This may include HR staff or members of management involved with or supporting disciplinary or grievance matters. Recorded images will only be viewed in designated, secure offices.

#### 5.9 Use and storage of recorded images

5.10 Images captured/recorded by the CCTV system will only be used for the purposes set out at Clause 5.1 above, or for any other purpose(s) specifically permitted by the Legislation. The periods of time for which any images or recordings will be processed by the Firm are detailed in the Schedule. captured/recorded on the Firm's CCTV system as to any other form of personal data. Information relating to the personal data that will be collected and processed by way of the CCTV system is detailed further in the Schedule.

**Please find the schedule on the next page**

## HR Contacts

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## SCHEDULE

<b>Category of data</b>	<b>Purpose of processing</b>	<b>Legal basis of processing</b>	<b>Type of recipient to whom the data may be transferred</b>	<b>Retention Period</b>
Personal data collected during the course of the application/interview process (as recorded in any application form completed by you, your CV, correspondence between you and the Firm, interview notes, reference checks, etc.)	To consider the data subject's suitability for employment	The processing is necessary in order to take steps at the request of the data subject prior to entering into a contract	<p>The HR Department and those members of management responsible for assessing the data subject's suitability for recruitment to employment</p> <p>The Firm's nominated solicitors (where required for the purposes of seeking legal advice and/or supporting/defending legal proceedings)</p>	Duration of the assessment process plus 14 months, commencing on the date on which the successful candidate is appointed to the role in issue
	In respect of retention only: to enable the support/defence of legal proceedings	In respect of retention only: the processing is necessary for the purposes of the legitimate interests pursued by the data controller (as detailed in the "purpose of processing" column), taking into account the fundamental rights and freedoms of the data subject	During the retention phase, personal data may only be accessed if required for the purposes of (i) complying with a legal obligation; (ii) responding to a request received from the data subject; or (iii) supporting/defending legal proceedings. In the case of the first two scenarios, the data may be accessed by authorised members of the IT and HR Departments, as required to consider and comply with the relevant request. In the case of first and the third scenario, the data may be shared with the	

<b>Category of data</b>	<b>Purpose of processing</b>	<b>Legal basis of processing</b>	<b>Type of recipient to whom the data may be transferred</b>	<b>Retention Period</b>
			Firm's nominated solicitors and any other parties, as may be directed by the Firm's legal advisors.	
Special category data collected during the course of the application/interview process (such data will not be sought by the Firm during the interview/assessment process however we recognise the possibility that such data may be provided to the Firm, either by you during the course of the interview/assessment process or as a result of a pre-employment medical). Where such data is provided to the Firm, any processing will be for the purposes outlined in this Schedule.	To enable the Firm to assess the working capacity of the data subject (noting the rights and obligations conferred on the Firm pursuant to the Employment Equality Acts and the Safety, Health and Welfare at Work Act and caselaw deriving thereunder)	The 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 (as authorised by law)	The HR Department and, where appropriate, those members of management responsible for assessing the data subject's suitability for recruitment to employment (and the Firm's occupational health provider, where required)  The Firm's nominated solicitors (where required for the purposes of seeking legal advice and/or supporting/defending legal proceedings)	Duration of the assessment process plus 14 months, commencing on the date on which the successful candidate is appointed to the role in issue
	In respect of retention only: to enable the support/defence of legal proceedings	In respect of retention only: the processing is necessary for the establishment, exercise or defence of legal claims	During the retention phase, personal data may only be accessed if required for the purposes of (i) complying with a legal obligation; (ii) responding to a request received from the data subject; or (iii)	

<b>Category of data</b>	<b>Purpose of processing</b>	<b>Legal basis of processing</b>	<b>Type of recipient to whom the data may be transferred</b>	<b>Retention Period</b>
			supporting/defending legal proceedings. In the case of the first two scenarios, the data may be accessed by authorised members of the IT and HR Departments, as required to consider and comply with the relevant request. In the case of the first and the third scenario, the data may be shared with the Firm's nominated solicitors and any other parties, as may be directed by the Firm's legal advisors.	
Images captured/recorded by the Firm's CCTV system	For the purposes detailed in Clause 5.1(a) - (d) of this Policy	The processing is necessary for the purposes of the legitimate interests pursued by the data controller (as detailed in the "purpose of processing column"), taking into account the fundamental rights and freedoms of the data subject	<p>Authorised members of the Firm, including members of the IT and HR Departments and members of management</p> <p>An Garda Síochána or other parties (when required by law)</p> <p>The Firm's nominated solicitors (where required for the purposes of seeking legal advice and/or supporting/defending legal proceedings)</p>	Recorded images will be stored for a period of 2 months, following which they will be deleted, except in a case where the recording forms part of a report made to the Health and Safety Authority following the occurrence of a reportable accident or dangerous occurrence in the workplace, in which case the recording will be retained for a period of 10

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				years
	For the purpose detailed in Clause 5.1(e) - (f) of this Policy	<p>In respect of the sharing of recordings with An Garda Síochána: the processing is necessary for compliance with a legal obligation to which the controller is subject (including the reporting obligation set out in Section 19 of the Criminal Justice Act, 2011)</p> <p>In respect of retention and any processing carried out in the context of an investigation: the processing is necessary for the purposes of the legitimate interests pursued by the data controller (as detailed in the "purpose of processing" column), taking into account the fundamental rights and freedoms of the data subject</p>	<p>Authorised members of the Firm, including members of the IT and HR Departments and members of management</p> <p>An Garda Síochána or other parties (when required by law)</p> <p>The Firm's nominated solicitors (where required for the purposes of seeking legal advice and/or supporting/defending legal proceedings)</p> <p>During any retention phase, personal data may only be accessed if required for the purposes of (i) complying with a legal obligation; (ii) responding to a request received from the data subject; or (iii) supporting/defending legal proceedings. In the case of the first two scenarios, the data may be accessed by authorised members of the IT and HR Departments, as required to consider and comply with the</p>	The recording will be retained for so long as is necessary to support/defend the legal proceedings in issue

<i>Category of data</i>	<i>Purpose of processing</i>	<i>Legal basis of processing</i>	<i>Type of recipient to whom the data may be transferred</i>	<i>Retention Period</i>
			relevant request. In the case of the first and the third scenario, the data may be shared with the Firm's nominated solicitors and any other parties, as may be directed by the Firm's legal advisors.	