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Introduction

All organisations that process personal data are required to comply with data protection legislation. This includes the Data Protection Acts, 1988 – 2003, the Freedom of Information Act 2014 and EU regulations (together the ‘Data Protection Laws’). The Data Protection Laws give individuals (known as ‘data subjects’) certain rights over their personal data whilst imposing certain obligations on the organisations that process their data.

As a recruitment business CareerWise collects and processes both personal and sensitive personal data. Our main aim is to match the right candidate to the right employer. At CareerWise we have our candidate’s best interests in mind and take data protection very seriously. To give provide a level of comfort around how we use that data we have put this policy in place together with Data Privacy procedures.

Any questions or concerns regarding data protection and privacy can be sent to data@careerwise.ie.

In some cases, data collection and processing is required to comply with other legislation. CareerWise may be required to keep this data for different periods depending on the nature of the data.

This policy sets out how the Company implements the Data Protection Laws.

Definitions

In this policy the following terms have the following meanings:

‘consent’ means any freely given, specific, informed and unambiguous indication of an individual’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the *processing* of persona data relating to him or her;

‘data controller’ means an individual or organisation which, alone or jointly with others, determines the purposes and means of the *processing of personal data*;

‘data processor’ means an individual or organisation which processes *personal data* on behalf of the *data controller*;

‘personal data’* means any information relating to an individual who can be identified, such as by a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

‘personal data breach’ means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, *personal data*;

‘processing’ means any operation or set of operations performed on *personal data*, such as collection, recording, organisation, structuring, storage (including archiving), adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

‘profiling’ means any form of automated *processing of personal data* consisting of the use of *personal data* to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

‘sensitive personal data’* means *personal data* revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the *processing* of genetic data, biometric data, data concerning health, an individual’s sex life or sexual orientation and an individual’s criminal convictions.

* For the purposes of this policy we use the term ‘*personal data*’ to include ‘*sensitive personal data*’ except where we specifically need to refer to *sensitive personal data*.

‘Supervisory authority’ means an independent public authority which is responsible for monitoring the application of data protection. In Ireland the *supervisory authority* is The Data Protection Commissioner.

Data Processing under the Data Protection Laws

CareerWise processes *personal data* in relation to its own staff, candidates and individual client contacts and is a *data controller* for the purposes of the Data Protection Laws.

CareerWise may hold *personal data* on individuals for the following purposes:

- Employee records in relation to their contract of employment;
- Staff administration;
- Advertising, marketing and public relations via newsletter and email alerts, both of which the candidate may sign up to on our site and may unsubscribe by emailing data@careerwise.ie;
- Accounts and records;
- Administration and *processing* of work-seekers’ *personal data* for the purposes of providing work-finding services, including *processing* using software solution providers and back office support;

- Administration and *processing* of clients' *personal data* for the purposes of supplying/introducing work-seekers;
- *Processing of personal data* and *sensitive data*, such as references or medical information as required by the employer for the purposes of entering a contract of employment;
- Website analytics are obtained using Google Analytics which are governed by Google's Privacy Policy found at [here](#);
- Legislation requires that some records are *processed* and retained in a certain manner.

CareerWise will only process *personal data* where it has a legal basis for doing so (see Annex A). The main legal bases for processing is consent or contractual obligation while the main legal basis for retention is legitimate interest in that it allows CareerWise to present the best possible range candidates to employers or contractual. We will also retain the information of placed candidates for legitimate interest in that it would be unethical for us to contact this person again. These are our general legal bases for processing, however, should you wish to discuss the legal bases for any specific processing please contact data@careerwise.ie.

CareerWise has implemented measures and procedures that adequately protect the privacy of individuals and ensures that data protection is integral to all *processing* activities. This includes implementing measures such as:

- data minimisation (i.e. not keeping data which is irrelevant);
- retention policies;
- cyber security;
- Data Privacy Impact Assessments (DIPA's)

Information Security

The personnel who are permitted to process data on behalf of the company is restricted.

Personal data is maintained on our servers which are held at a secure location with limited access and are protected by technical and organizational measures.

CareerWise has strict Data Protection Policies and Procedures in place to ensure that your personal data is protected at all times. Infringement of these policies by employees of CareerWise is considered a disciplinary offence. All staff are trained regularly in relation to information security.

There are strict security measures in place to limit the risk of personal data breaches.

Should a high-risk breach occur the relevant data subjects would be contacted immediately.

Should you have any queries or you wish to assert your rights under Data Protection Laws you may contact us on data@careerwise.ie or you may contact your consultant directly.

Cookies Policy

What is a cookie

A cookie is a small piece of data that may be stored on your computer or mobile device. It allows a website “remember” your actions or preferences over a length of time.

Further information on cookies can be found at

http://ec.europa.eu/ipg/basics/legal/cookies/index_en.htm

How are they used on this site?

This site uses 2 different types of cookie

- o Session Cookies
- o Persistent Cookies

Session Cookies are temporary cookies that are not stored on your computer or mobile device. They are used as part of the registration process for financial security purposes. A session cookie is also used to remember your language preference when viewing the site. These session cookies are erased when you close your browser, or after 20 minutes of inactivity.

Persistent cookies are those placed on your computer or mobile device for a pre-determined length of time when you visit this site. This site only places cookies that are specific to this site.

Cookies used on www.careerwise.ie

CareerWise uses Google Analytics to monitor the overall performance of our site. Google confirm that these Cookies comply with applicable Data Protection laws [here](#).

Google Analytics Cookies used on this site

Cookie Name	Expiration Time	Description
_ga	2 years	Used to distinguish users
_gid	24 hours	Used to distinguish users
_gat	10 minutes	Used to throttle request rate.
_utmt	10 minutes	Used to throttle request rate
__utma	2 Years	Used to distinguish users and sessions. The cookie is created when the javascript library executes and no existing __utma cookies exists. The cookie is

		updated every time data is sent to Google Analytics.
__utmb	30 minutes from last visit	Used to determine new sessions/visits. The cookie is created when the javascript library executes and no existing __utmb cookies exists. The cookie is updated every time data is sent to Google Analytics.
__utmc	Session cookie	Not used in ga.js. Set for interoperability with urchin.js. Historically, this cookie operated in conjunction with the __utmb cookie to determine whether the user was in a new session/visit.
__utmz	6 months	Stores the traffic source or campaign that explains how the user reached your site. The cookie is created when the javascript library executes and is updated every time data is sent to Google Analytics.

Specific Cookies

The following cookies are used specifically on this site

Cookie Name	Expiration Time	Description
viewed_cookie_policy	12 Months	Records if you have clicked in the Cookie Notification and therefore does not display notification for 12 months.

Managing Cookies

Within your browser you can choose whether you wish to accept cookies or not. Different browsers make different controls available to you and so we provide links below to popular manufacturers' instructions on how you can do this. Generally, your browser will offer you the choice to accept,

refuse or delete cookies at all times, or those from providers that website owners use ("third party cookies"), or those from specific websites.

- [Google Chrome](#)
- [Internet Explorer](#)
- [Firefox](#)
- [Safari](#)
- [Safari Mobile](#)
- [Opera](#)

Rights of the Individual

CareerWise will always request the consent of the *data subject*. Any information relating to data *processing* will be provided to an individual prior to processing or within a reasonable timeframe of processing. This information will be provided in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The information will be provided in writing, or by other means, including, where appropriate, by electronic means. CareerWise may provide this information orally if requested to do so by the individual. CareerWise will never provide an individual's *personal data* to a third party without affirmative consent to do so.

CareerWise operates Privacy by Design and Default policy. Individuals have the following rights under Data Protection Laws:

1. Right to be Informed

Where CareerWise collects *personal data* from the individual, we will inform the individual, at the time when we first obtain the *personal data*, who we are, the purpose and reason of the processing, the rights of the *data subject* and any other relevant information.

Where CareerWise collects *personal data* other than from the individual directly, we will reach out to the individual within a reasonable period after obtaining the *personal data*, at the latest within one month. The individual will be provided with all relevant information in relation to the processing of this *personal data* and provided with a link to the Privacy Policy. Their affirmative permission for processing will be requested. If CareerWise intends to disclose the *personal data* to a third party the individual will be informed and provided with a link to the Privacy Policy. CareerWise will never provide an individual's *personal data* to a perspective employer without affirmative consent to do so.

Where CareerWise intends to further process the *personal data* for a purpose other than that for which the data was initially collected, CareerWise will give the individual information on that other purpose and any relevant further information before it does the further *processing*.

2. Subject Access Requests

The individual is entitled to access their *personal data* on request from the *data controller* under Data Protection Laws. Please be aware that CareerWise will not provide any information which contains personal data of another or commercially sensitive or confidential information.

A request may be refused if it is found to be excessive or manifestly unfounded. If this is the case the individual will be informed without delay. The individual has the right to appeal to CareerWise, in which case a more senior individual than that who dealt with the initial request will review the request. Should the individual still wish to appeal once the review is complete they may contact the Data Protection Commissioner (see Complaints section).

The individual's right to access their information shall not adversely affect the rights and freedoms of others and CareerWise will not provide the personal data of third parties without the explicit *consent* or redaction.

3. Rectification

The individual or another *data controller* at the individual's request, has the right to ask the Company to rectify any inaccurate or incomplete *personal data* concerning an individual. CareerWise will act on this without undue delay and CareerWise will endeavor to give effect to these requests within 30 days.

Processing of the individual's data while be restricted while this request is being reviewed regardless of whether a request for restriction was made.

A request may be refused if it is found to be excessive or manifestly unfounded. If this is the case the individual will be informed without delay. The individual has the right to appeal to CareerWise, in which case a more senior individual than that who dealt with the initial request will review the request. Should the individual still wish to appeal once the review is complete they may contact the Data Protection Commissioner (see Complaints section).

If CareerWise has given the personal data to any third parties it will inform those third parties that it has received a request to rectify the *personal data* unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the *personal data* they hold - however the Company will not be in a position to audit those third parties to ensure that the rectification has occurred.

Where CareerWise, acting as a *data processor*, receives information from a *data controller* to rectify an individual's *personal data*, then the Company shall comply with this request unless this proves impossible or involves disproportionate effort. CareerWise will inform the *data processor* once rectification is complete or why it could not be completed.

4. Erasure

The individual or another *data controller* at the individual's request, has the right to ask the Company to erase an individual's *personal data*.

If CareerWise receives a request to erase it will ask the individual if s/he wants his *personal data* to be removed entirely or whether s/he is happy for his or her details to be kept on a list of individuals who do not want to be contacted in the future (for a specified period or otherwise).

Should the *data subject* request complete erasure CareerWise will only delete such *personal data* where there is no legal requirement or justification to retain such data.

CareerWise cannot keep a record of individuals whose data it has erased so the individual may be contacted again by CareerWise should the Company come into possession of the individual's *personal data* at a later date.

A request may be refused if it is found to be excessive or manifestly unfounded. If this is the case the individual will be informed without delay. The individual has the right to appeal to CareerWise, in which case a more senior individual than that who dealt with the initial request will review the request. Should the individual still wish to appeal once the review is complete they may contact the Data Protection Commissioner (see Complaints section).

If CareerWise has given the *personal data* to any third parties it will tell those third parties that it has received a request to erase the *personal data*, unless this proves impossible or involves disproportionate effort. Those third parties should also rectify the *personal data* they hold - however the CareerWise will not be in a position to audit those third parties to ensure that the rectification has occurred.

5. Restriction of *processing*

The individual or a *data controller* at the individual's request, has the right to ask the Company to restrict its *processing* of an individual's *personal data* where:

- The individual challenges the accuracy of the *personal data*;
- The *processing* is unlawful and the individual opposes its erasure;
- CareerWise no longer needs the *personal data* for the purposes of the *processing*, but the *personal data* is required for the establishment, exercise or defence of legal claims; or
- The individual has objected to *processing* (on the grounds of a public interest or legitimate interest) pending the verification whether the legitimate grounds of the Company override those of the individual.

If CareerWise has given the *personal data* to any third parties it will tell those third parties that it has received a request to restrict the *personal data*, unless this proves impossible or involves disproportionate effort. Those third parties should also restrict the processing of

the *personal data* they hold - however the Company will not be in a position to audit those third parties to ensure that the rectification has occurred.

6. Data portability

The individual shall have the right to receive *personal data* concerning him or her, which he or she has provided to CareerWise, in a structured, commonly used and machine-readable format and have the right to transmit that data to another *data controller* in circumstances where:

- The *processing* is based on the individual's *consent* or a contract; and
- The *processing* is carried out by automated means.

Where feasible, CareerWise will send the *personal data* to a named third party on the individual's request.

7. Object to processing

The individual has the right to object to their *personal data* being processed based on a public interest or a legitimate interest. The individual will also be able to object to the *profiling* of their data based on a public interest or a legitimate interest.

CareerWise shall cease *processing* unless it has compelling legitimate grounds to continue to process the *personal data* which override the individual's interests, rights and freedoms or for the establishment, exercise or defence of legal claims.

CareerWise does not use personal data for the purposes of direct marketing.

8. Enforcement of rights

All requests regarding individual rights should be sent to data@careerwise.ie

CareerWise shall act upon any subject access request, or any request relating to rectification, erasure, restriction, data portability or objection or automated decision-making processes or profiling within one month of receipt of the request. CareerWise may extend this period for two further months where necessary, considering the complexity and the number of requests – this decision will be taken and communicated within one month of receiving the request.

Where the Company considers that a request under this section is manifestly unfounded or excessive due to the request's repetitive nature CareerWise may either refuse to act on the request or may charge a reasonable fee considering the administrative costs involved.

9. Automated decision making

CareerWise will not subject individuals to decisions based on automated *processing* that produce a legal effect or a similarly significant effect on the individual, except where the automated decision:

- Is necessary for the entering into or performance of a contract between the *data controller* and the individual;
- Is authorised by law; or
- The individual has given their explicit *consent*.

If automated decision-making is undertaken CareerWise will:

- tell the data subject;
- provide 'meaningful information about the logic involved'; and
- explain the significance and expected consequences of such processing for the data subject.

Withdrawal of Consent

Where CareerWise relies on an individual's *consent* to process their *personal data* then the individual has the right to withdraw his or her *consent* at any time.

Enforcing Rights

To enforce any of the above right please email our data protection service – data@careerwise.ie

Timing and information to be provided to the individual

CareerWise shall provide information on action taken or not taken with regards to the individual data protection rights, set out above, without undue delay and in any event **within one month of receipt of the request**. Where the Company does take action, then it may, where necessary, extend this period by a further two months, taking into account the complexity and number of the requests. CareerWise shall inform an individual of any extension within one month of receipt of the request, together with the reasons for the delay. Where CareerWise does not take action on the request of the individual then the individual will be informed of such and on the possibility of lodging a complaint with the company or the Data Protection Commissioner.

Charges

Where requests from an individual are manifestly unfounded or excessive, in particular because of their repetitive character, CareerWise may either:

- Charge a reasonable fee taking into account the administrative costs of providing the information or communication or taking the action requested; or
- Refuse to act on the request.

CareerWise must demonstrate whether the request is manifestly unfounded or excessive.

Where the individual makes the request by electronic means the Company shall provide the information in a commonly used electronic form, unless otherwise requested by the individual.

Data retention

CareerWise will retain your personal data only for so long as is necessary. Different laws require us to keep different data for different periods of time, for example, employee information. Outside of legislation our retention policy is based on consent and in some cases the pursuit of legitimate interests.

Our database is extensive and provides a wide range of candidates for potential job roles. The database is restricted to CareerWise Recruitment and any information on this database is not shared with third parties without the consent of the candidate.

Where CareerWise has obtained your consent to process your personal and/or sensitive personal data, we will do so in line with our privacy practices and policies. We will retain a record on our database for so long as active (an updated CV or contact has been maintained) and without instruction to the contrary. This does not affect your rights as laid out above. We will only retain the information that is necessary in the pursuit of the legitimate interest – excessive information will not be retained. Once a record is considered inactive we will no longer retain your information.

If you wish to keep your record active please ensure that you maintain contact with CareerWise and that you provide regular up to date information.

You can withdraw consent for retention at any time by emailing data@careerwise.ie

Reporting *personal data* breaches

Should you encounter a potential data breach in relation to CareerWise activities please contact us data@careerwise.ie

1. Personal data breaches where CareerWise is the data controller:

Where CareerWise establishes that a *personal data breach* has taken place, CareerWise will take steps to contain and recover the breach. Where a *personal data breach* is likely to result in a risk to the rights and freedoms of any individual CareerWise will notify the Data Protection Commissioner within 72 hours of learning of the breach.

Where the *personal data breach* happens outside of Ireland, the Company shall alert the relevant *supervisory authority* for data breaches in the effected jurisdiction.

2. Personal data breaches where CareerWise is the data processor:

CareerWise will alert the relevant *data controller* as to the *personal data breach* as soon as they are aware of the breach. CareerWise will have regard to any contracts in place with the *data controller*.

3. Communicating *personal data breaches* to individuals

Where CareerWise has identified a *personal data breach* resulting in a high risk to the rights and freedoms of any individual, CareerWise shall tell all affected individuals without undue delay.

CareerWise will not be required to tell individuals about the *personal data breach* where:

- CareerWise has implemented appropriate technical and organisational protection measures to the *personal data* affected by the breach, in particular to make the *personal data* unintelligible to any person who is not authorised to access it, such as encryption.
- CareerWise has taken subsequent measures which ensure that the high risk to the rights and freedoms of the individual is no longer likely to materialise.
- It would involve disproportionate effort to tell all affected individuals. Instead, CareerWise shall make a public communication or similar measure to tell all affected individuals.

Transfers Aboard

The Company may transfer only the information you provide to us to countries outside the European Economic Area ('EEA') for the purposes of providing you with work-finding services. We will take steps to ensure adequate protections are in place to ensure the security of your information. The EEA comprises the EU member states plus Norway, Iceland and Liechtenstein.

Complaints

If you have a complaint or suggestion about the Company's handling of *personal data* then please contact data@careerwise.ie

Alternatively, you can contact the Data Commissioner directly:

Office of the Data Protection Commissioner. Canal House, Station Road, Portarlington, Co. Laois, R32 AP23, Ireland.

Phone +353 (0761) 104 800 | LoCall 1890 25 22 31 | Fax +353 57 868 4757 | email info@dataprotection.ie

Annex A

- i. The lawfulness of *processing* conditions for *personal data* are:
 1. *Consent* of the individual for one or more specific purposes.
 2. *Processing* is necessary for the performance of a contract with the individual or in order to take steps at the request of the individual to enter into a contract.
 3. *Processing* is necessary for compliance with a legal obligation that the controller is subject to.
 4. *Processing* is necessary to protect the vital interests of the individual or another person.
 5. *Processing* is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the *data controller*.
 6. *Processing* is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests or fundamental rights or freedoms of the individual which require protection of *personal data*, in particular where the individual is a child.

- ii. The lawfulness of *processing* conditions for *sensitive personal data* are:
 1. Explicit *consent* of the individual for one or more specified purposes, unless reliance on *consent* is prohibited by EU or Member State law.
 2. *Processing* is necessary for carrying out data controller's obligations under employment, social security or social protection law, or a collective agreement, providing for appropriate safeguards for the fundamental rights and interests of the individual.
 3. *Processing* is necessary to protect the vital interests of the individual or another individual where the individual is physically or legally incapable of giving *consent*.
 4. In the course of its legitimate activities, *processing* is carried out 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 only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without the *consent* of the individual.
 5. *Processing* relates to *personal data* which are manifestly made public by the individual.
 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 EU or Member State law which shall be proportionate to the aim pursued, respects the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interests of the individual.
 8. *Processing* is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee [NOTE 21], 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 EU or Member State law or a contract with a health professional and subject to the necessary conditions and safeguards.

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 healthcare and of medicinal products or medical devices, on the basis of EU or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the individual, in particular professional secrecy.
10. *Processing* is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, 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 fundamental rights and interests of the individual.