

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 EPA 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 The Environmental Protection Agency with an address of Johnstown Castle Estate, Co. Wexford (“the EPA”) 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 at EPA Headquarters, PO Box 3000, Johnstown Castle Estate, Co. Wexford or email dpo@epa.ie.

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

- 2.1 The EPA 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 EPA to consider your application for employment. Please see the Schedule to this Policy for information in relation to;
- (a) the categories of personal data that we will process about you;
 - (b) the reasons for any such processing;
 - (c) the legal basis for any such processing;
 - (d) the recipients or categories of recipients of the personal data; and
 - (e) the period of time for which the personal data will be stored.

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:
- (a) Obtain access to the personal data which is held about you, subject to limited exceptions;
 - (b) Request the rectification or erasure of the personal data held about you;
 - (c) Request the restriction of processing of any personal data concerning you;
 - (d) Object to the processing of any personal data;
 - (e) Exercise your right to data portability; and

- (f) Lodge a complaint with the Office of the Data Protection Commissioner/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 EPA 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 EPA 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 EPA’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;
 - (a) In the context of personal data, we will only share personal data with the EPA’s professional advisers where necessary for the purposes of compliance with a legal obligation to which the EPA is subject; and
 - (b) 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 EPA 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.

SCHEDULE

<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>
Personal data collected during the course of the application/interview process (as recorded in any application form completed by you, correspondence between you and the EPA, 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	The HR Department and those members of management responsible for assessing the data subject's suitability for recruitment to employment	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 defence of any proceedings that might be brought by an unsuccessful candidate for employment	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) 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 comply with the relevant request. In the case of the third scenario, the data may be shared with the EPA's nominated solicitors and any other parties, as may be directed by the EPA's legal advisors.	

Category of data	Purpose of processing	Legal basis of processing	Type of recipient to whom the data may be transferred	Retention Period
Special category data collected during the course of the application/interview process (such data will not be sought by the EPA during the interview/assessment process however we recognise the possibility that such data may be provided to the EPA, 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 EPA, any processing will be for the purposes outlined in this Schedule.	To enable the EPA to assess the working capacity of the data subject (noting the rights and obligations conferred on the EPA 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 EPA's occupational health provider, where required)	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 defence of any proceedings that might be brought by an unsuccessful candidate for employment	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) 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 comply with the relevant request. In the case of the third scenario, the data may be shared with the EPA's nominated solicitors and any other parties, as may be directed by the EPA's legal advisors.	