

# General Data Protection Regulation (GDPR) Frequently Asked Questions (FAQs)

## What is the GDPR?

The General Data Protection Regulation (GDPR) applies from 25 May 2018. It has general application to the processing of personal data in the EU, setting out more extensive obligations on data controllers and processors, and providing strengthened protections for data subjects.

Although the GDPR is directly applicable as a law in all Member States, it allows for certain issues to be given further effect in national law. In Ireland, the national law, which, amongst other things, gives further effect to the GDPR, is the Data Protection Act 2018.

## What constitutes personal data?

The GDPR defines 'personal data' as any information relating to an identifiable person who can be directly or indirectly identified, in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

## What is a data controller and who is the data controller?

Data controllers are a person or organisation who (alone or with others) determines the purposes for which and the manner in which any personal data are, or are to be, processed. A data controller can be the sole data controller or a joint data controller with another person or organisation. However, when services are provided directly by private hospital, voluntary hospitals, agencies or private contractors, the private hospital, voluntary hospital, agency or private contractor may be the data controller.

## What is a data processor?

Data processors are those that processes personal data on behalf of the controller. This does not include an employee of the controller who processes data during the course of their employment. A data processor can be held liable if they are responsible for a data protection breach.

## What is data processing?

Processing in relation to personal data is any operation or set of operations performed on personal data including – collecting, recording, organising, structuring, erasing, destroying, altering, combining, disclosing or sharing the data.

## What are the main GDPR principles?

- Personal data must be processed in a transparent manner
- We must have a specific purpose to collect your data
- We may only keep data for as long as needed to fulfil the purpose for which it was collected. We delete medical records in accordance with our [Records Retention Policy](#).
- Where data is held on computers, we must ensure that those computers and networks are safe and secure
- Where data is in paper format, we are obliged to ensure that it is as safe and secure as a computer record

### **What is the HSE's legal basis for processing?**

The HSE's lawful basis for processing personal data of service users is as follows:

1. The processing is necessary in order to protect the vital interests of the person (referred to as the data subject in Data Protection language). This would apply in emergency situations such as in the Emergency Department when unconscious sharing information with other emergency services for rescue or relocation in storms etc.
2. The processing is necessary for a task carried out in the public interest or in the exercise of official authority vested in the controller; for the HSE this official authority is vested in us through the Health Act 2004 (as amended).

Special categories of data are defined by the GDPR and include things like racial or ethnic origin, religious or philosophical beliefs, genetic data, biometric data, health data, sex life details and sexual orientation.

We will only process special categories of personal data where it is necessary:

- for the purposes of preventative or occupational medicine,
- for the assessment of the working capacity of an employee,
- for medical diagnosis,
- for the provision of healthcare, treatment or social care,
- for the management of health or social care systems and services, or
- pursuant to a contract with a health professional.

Processing is lawful where it is undertaken by or under the responsibility of

- a health practitioner, or
- a person who in the circumstances owes a duty of confidentiality to the data subject that is equivalent to that which would exist if that person were a health practitioner. For example the outpatient clinic secretary, Emergency Department Receptionist, Primary Care Centre staff etc.

If the purpose of the processing is for a reason other than the reasons above, we will seek explicit consent to process your sensitive personal data (referred to as 'special categories' of data under the GDPR).

### **What is my personal information used for?**

- For the provision of health and social care to you
- Review the care we provide for you to ensure it is of the highest standard
- Investigate complaints, legal claims or adverse incidents
- Protect wider public health interests
- Provide information for planning so we can meet future needs for health and social care services
- Provide information to prepare statistics on Health Service performance
- Carry out health audit
- Provide training and development
- Remind you of appointments by text

### **What information must be given to individuals whose data has been collected?**

All service areas will have a Data Protection Leaflet that will be available in service areas and websites. It will cover:

- Who is collecting the data
- Why the data is being collected
- The categories of personal data concerned
- Who else might receive it

- Whether it will be transferred outside the EU
- Their right to request a copy of the data
- Their right to lodge a complaint

### **What are my rights?**

You have certain legal rights concerning your information and the manner in which we process it. This includes:

- a right to get access to your personal information;
- a right to request us to correct inaccurate information, or update incomplete information;
- a right to request that we restrict the processing of your information in certain circumstances;
- a right to request the deletion of personal information excluding medical records
- a right to receive the electronic personal information you provided to us in a portable electronic format;
- a right to object to us processing your personal information in certain circumstances; and
- a right to lodge a complaint with the data protection commissioner.

### **What is a Subject Access Request (SAR)?**

A SAR is a request you can make to obtain information regarding the data that we hold on you and receive a copy of your personal information. If you make a SAR and your personal information is being processed, you are entitled to receive the following information:

- the reasons why your data is being processed;
- the description of the personal data concerning you;
- anyone who has received or will receive your personal data; and
- details of the origin of your data, if it was not collected directly from you.

Please note that the HSE does not hold records for Private or Voluntary hospitals and that you should apply directly to those hospitals to obtain your records.

The information is provided free of charge unless the request is 'manifestly unfounded or excessive'.

### **How can I make a request to access my personal data?**

You can access your health records by making a subject access request (SAR) and forms are available for this purpose at <https://www.hse.ie/eng/gdpr/data-requests>. It is also sufficient to write to the hospital, unit or service in question. It is important that you provide satisfactory evidence of identification and a sufficient description of the data that you are looking for.

### **Can I ask to delete my personal data?**

You can submit a request to have your personal data deleted however this right is not an absolute right. In most cases we will be legally obliged to keep your data for a certain amount of time. For full details on how long we store each category of data, please see the [HSE Records Retention Policy](#).

### **How long can my data be stored for?**

The length of time your data can be stored for depends on the type of data. Full details of how long each type of data can be stored for can be found in the [HSE Record Retention Policy](#).

**Is my personal data safe and secure?**

We are committed to ensuring that your information is secure with us and with the third parties who act on our behalf. We have a number of security precautions in place to prevent the loss, misuse or alteration of your information. All staff working for the HSE have a legal duty to keep information about you confidential and all staff are trained in information security and confidentiality. The HSE has strict information security policies and procedures in place to ensure that information about you is safe, whether it is held in paper or electronic format.

**Is my data shared with anyone?**

Within the HSE, the clinical information collected by a doctor or other healthcare professional or staff member authorized to process your data is not passed on to others within the HSE, unless it is considered necessary for your health or social care needs or for one of the other reasons set out above (where possible, the personal information is anonymized or pseudonymised).

You may also be receiving health or social care from providers outside of the HSE, i.e. private or voluntary hospitals, specialists etc. In order to assist in this process, we may make referrals on your behalf requiring the need to share your personal information with those providers. We will only do so if there is a genuine need in order to ensure that a quality service is provided to you. We are careful only to share the information that is necessary for this purpose. Anyone who receives this information is also bound by confidentiality and the data protection laws. The current list of those with whom personal data is shared may be found on our website [www.hse.ie/gdpr/disclosees.pdf](http://www.hse.ie/gdpr/disclosees.pdf). In certain situations, we may have to disclose your personal information to other agencies, in accordance with legal requirements, i.e. Dept. of Social welfare, Department of Health & Children, the Courts etc., or in an emergency situation to prevent injury to other persons.

We may transfer your information to organisations in other countries which is necessary to provide you with health and social care services, on the basis that anyone to whom we pass it protects it in the same way we would and in accordance with applicable laws. For more information about overseas transfers, please contact us using the contact information provided above.

**What can I do if I think my rights haven't been respected?**

If you feel your rights have not been upheld you are entitled to lodge a complaint with the Data Protection Commission (DPC).

**Telephone:** +353 57 8684800, +353 (0)761 104 800

**Lo Call Number:** 1890 252 231

**Fax:** +353 57 868 4757

**E-mail:** [info@dataprotection.ie](mailto:info@dataprotection.ie)

**Postal Address:**

Data Protection Commission  
Canal House  
Station Road  
Portarlinton  
R32 AP23 Co. Laois

## How do I contact the HSE Data Protection Office?

Please contact our Data Protection Office:

- If you have any queries in relation to Data Protection or other issues around the security of your personal information
- For more information about the steps we are taking to protect your information
- For more information about your rights, including the circumstances in which you can exercise them and how to exercise them,
- If you wish to raise a complaint on how we have handled your personal information, you can contact our Data Protection Officer who will investigate the matter. We hope that we can address any concerns you may have.

<p><b>Deputy Data Protection Officer West, (excluding voluntary agencies)</b>          Consumer Affairs, Merlin Park University Hospital, Galway.</p> <ul style="list-style-type: none"> <li>• CHO 1 – Cavan, Donegal, Leitrim, Monaghan, Sligo</li> <li>• Community Healthcare West – Galway, Mayo, Roscommon</li> <li>• Mid-West Community Healthcare – Clare, Limerick, North Tipperary.</li> <li>• Saolta Hospital Group</li> </ul>	<p>Email: <a href="mailto:ddpo.west@hse.ie">ddpo.west@hse.ie</a>          Phone: 091-775 373</p>
<p><b>Deputy Data Protection Officer Dublin North-East (excluding voluntary hospitals and agencies)</b>          Consumer Affairs, HSE Dublin North East, Bective St., Kells, Co Meath.</p> <ul style="list-style-type: none"> <li>• Midlands, Louth, Meath Community Health Organisation</li> <li>• Community Health Organisation Dublin North City &amp; County</li> <li>• CHO 6 – Dublin South East, Dublin South &amp; Wicklow</li> <li>• RCSI Hospital Group</li> <li>• National Children’s Hospital</li> </ul>	<p>Email: <a href="mailto:ddpo.dne@hse.ie">ddpo.dne@hse.ie</a>          Phone:          Kells Office: 046-9251265          Cavan Office: 049-4377343</p>
<p><b>Deputy Data Protection Officer Dublin mid-Leinster (excluding voluntary hospitals and agencies)</b>          Consumer Affairs, HSE, Third Floor Scott Building, Midland Regional Hospital Campus, Arden Road, Tullamore, Co. Offaly.</p> <ul style="list-style-type: none"> <li>• Dublin Midlands Hospital Group</li> <li>• Ireland East Hospital Group</li> <li>• Community Healthcare Dublin South, Kildare &amp; West Wicklow</li> </ul>	<p>Email: <a href="mailto:ddpo.dml@hse.ie">ddpo.dml@hse.ie</a>          Phone:          Tullamore Office: 057-9357876          Naas Office: 045-920105</p>
<p><b>Deputy Data Protection Officer South (excluding voluntary hospitals and agencies)</b>          Consumer Affairs, HSE South, Ground Floor East, Model Business Park, Model Farm Road, Cork. Eircode: T12 HT02</p> <ul style="list-style-type: none"> <li>• Cork &amp; Kerry Community Healthcare</li> <li>• CHO 5 – Carlow, Kilkenny, South Tipperary, Waterford &amp; Wexford</li> <li>• UL Hospital Group</li> <li>• South South-West Hospital Group</li> </ul>	<p>Email: <a href="mailto:ddpo.south@hse.ie">ddpo.south@hse.ie</a>          Phone:          Cork Office: 021 – 4928538          Kilkenny Office: 056 -7785598.</p>
<p><b>National Data Protection Officer</b>          HSE, Dr. Steeven’s Hospital, Steeven’s Lane, Dublin 8.</p>	<p>Email: <a href="mailto:dpo@hse.ie">dpo@hse.ie</a></p>

### Useful Links:

HSE GDPR Website: <https://www.hse.ie/eng/gdpr/>

Data Protection Act: <http://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/print.html>

DPC GDPR Website: <http://gdprandyou.ie/>

GDPR: <https://gdpr-info.eu/>