

# MLSA DATA PROTECTION POLICY

## 1. INTRODUCTION

The purpose of this document is to provide a concise policy statement regarding the data protection obligations of the Medical Laboratory Scientists Association.

Members and employees of the MLSA should refer to the guidance provided by the Office of the Irish Data Protection Commissioner ([www.dataprotection.ie](http://www.dataprotection.ie)).

Any queries or comments regarding the content of this Policy should be forwarded to the MLSA Data Protection Officer at the following contact details:

Data Protection Officer  
Medical Laboratory Scientists Association  
4th Floor, Liberty Hall, Dublin 1.  
Telephone: 01 858 6472  
E-mail: [mlsa2@siptu.ie](mailto:mlsa2@siptu.ie)

## 2. RATIONALE

This Data Privacy Policy sets out how the MLSA treats the personal data of members, users and employees and how it may be used by third-party organisations linked with the MLSA through its website, membership database, devices and e-newsletters. Please read this statement carefully to understand the practices of the MLSA regarding personal data.

When you share personal data with us or when we collect personal data about you, we will use it in line with this Privacy Policy. If you have any questions or concerns about this privacy policy, please contact us at [mlsa2@siptu.ie](mailto:mlsa2@siptu.ie)

As a data controller, the MLSA and its staff members (hereafter referred to collectively as the MLSA) must comply with the data protection principles set out in the relevant Irish legislation. This Policy applies to all personal data collected, processed and stored by the MLSA in the course of its activities. Should we need to process your data in a new way, we will only do so after conducting a Data Privacy Impact Assessment.

In its role as an employer, the MLSA may keep information relating to an employee's physical, physiological or mental well-being, as well as their economic, cultural or social identity. Personal data may also include a combination of identification elements such as physical characteristics, pseudonyms, occupation, home address, e-mail address, phone number, etc.

To the extent that the MLSA's use of personal data qualifies as 'business to customer' processing, including the MLSA's communications to its employees and members, the organisation is aware of its obligations under the relevant Irish legislation, mainly:

- The Irish Data Protection Act (1988)
- The Irish Data Protection (Amendment) Act (2003)
- The EU Electronic Communications (2011)
- The Irish Data Protection Act (2018)

### 3. SCOPE

The Policy covers both personal and sensitive personal data held in relation to its data subjects by the MLSA. The Policy applies equally to personal data held in manual and automated form. All personal and sensitive personal data will be treated with equal care by the MLSA. Both categories will be equally referred to as personal data in this policy, unless specifically stated otherwise.

### 4. DEFINITION

For the avoidance of doubt, and for consistency in terminology, the following definitions apply within this Policy.

Data	<p>This includes both automated and manual data.</p> <p>Automated data means data held on computer or stored with the intention that it is processed on computer.</p> <p>Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.</p>
Personal Data	Information that relates to a living individual, who can be identified either directly from that data or indirectly in conjunction with other data which is likely to come into the legitimate possession of the MLSA.
Sensitive Personal Data	Sensitive personal data is personal data that relates to specific aspects of one's identity or personality. This includes information relating to ethnic or racial identity, political or ideological beliefs, religious beliefs, trade union membership, mental or physical well-being, sexual orientation or criminal record.
Data Controller	The legal entity responsible for the acquisition, processing and use of the personal data. In the context of this Policy, the MLSA is the data controller.
Data Subject	A living individual who is the subject of the personal data, i.e. to whom the data relates either directly or indirectly.
Data Processor	A person or entity who processes personal data on behalf of the MLSA on the basis of a formal, written contract, but who is not an employee of the MLSA.
Data Protection Officer	A person appointed by the MLSA to monitor compliance with the appropriate data protection legislation, to deal with Subject Access Requests and to respond to data protection queries from staff members, members, and the general public.

### 5. THE MLSA AS A DATA CONTROLLER

In the course of its daily organisation activities, the MLSA acquires, processes and stores personal data in relation to living individuals. To that extent, the MLSA is a data controller and has obligations under the Data Protection legislation, which are reflected in this Policy.

In accordance with Irish Data Protection legislation, this data must be acquired and managed fairly. The MLSA is committed to ensuring that all staff members have sufficient awareness of the legislation to be able to anticipate and identify a data protection issue should one arise. In such circumstances, staff members must ensure that the Data Protection Officer (DPO) is informed, in order that appropriate corrective action is taken.

Due to the nature of the services provided by the MLSA, there is a regular and active exchange of personal data between the MLSA and its data subjects. In addition, the MLSA exchanges personal data with data processors on behalf of data subjects. This is consistent with the MLSA's obligations under the terms of its contracts with its data processors. This Policy provides the guidelines for this exchange of information.

### 6. HOW DO WE USE YOUR PERSONAL DATA?

The collection of personal and special categories of data is a fundamental part of providing the service offered by the MLSA and we therefore have specific measures and controls in place to ensure that we comply with the conditions outlined in the data protection laws.

The MLSA must have a lawful basis to collect and use personal information. These legal bases are explained below:

#### 6.1. Legitimate Activities and Interests of the MLSA

We use your personal information for our legitimate activities and legitimate interests as outlined below. You have a right to object to this processing at any time:

- To carry out the normal activities of a Trade Union as set out in the MLSA's objectives at Rule 3 of our Rulebook, which include provision of advice and assistance for members, provision of individual and collective representation of members in industrial relations and legal processes (e.g. hearings before the WRC and Labour Court) and administration of a benevolent fund and a bursary fund to assist members in accordance with our Rules
- To improve our products and services – to ensure they match your needs
- To protect your virtual personality and to prevent fraudulent activity on our websites
- Reporting to Registry of Friendly Societies
- Keeping proper books and records
- Managing and investigating any complaints
- Holding a ballot in relation to any proposed industrial action
- Internal reporting, quality checking, compliance controls and audits to help meet our legal obligations.
- To secure our tools – to keep our tools (websites/ apps /devices) safe and secure and working properly without security breaches.

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### 6.2. Necessary for the Performance of a Contract

We need to collect and use your personal data in order for you to:

- Become a member of the MLSA
- Pay your membership subscription to MLSA e.g. through your salary or direct debit
- Be represented by the MLSA.

### 6.3. Required by Law

We use your personal information to comply with all relevant laws and regulations.

### 6.4. To Protect Your Vital Interests or Another Individual's

To protect you (or someone else) when there is evidence of danger to your (or someone else's) health and/or safety.

### 6.5. With Your Consent

You need to give consent for us to collect and use personal information for certain uses of your personal information. We will explain what we need it for and how you can change your mind in the future.

- With your consent we will furnish your details to your employer so that your subscription can be deducted from your salary and paid directly to MLSA;
- Direct Marketing: We would like to be able to contact you by email and text about MLSA member services and offers. We will only send you email and text content where we have your consent. Your information will never be passed on by the MLSA to third parties for the purposes of direct marketing.

## 7. THIRD PARTY PROCESSORS (where applicable)

In the course of its role as data controller, the MLSA engages third party service providers, or data processors, to process personal data on its behalf.

In each case, a formal, written contract is in place with the processor, outlining their obligations in relation to the personal data, the security measures that they must have in place to protect that data, the specific purpose or purposes for which they are engaged and the understanding that they will only process the data in compliance with Irish Data Protection legislation.

The contract will also include reference to the fact that the data controller is entitled, from time to time, to audit or inspect the data management activities of the data processor and to ensure that they remain compliant with the legislation, and with the terms of the contract.

### 8. WHAT PERSONAL DATA DO WE COLLECT?

The personal data collected from you when you become a member of the MLSA may include:

- Payroll number
- Name
- Date of birth
- Home address
- Contact details
- Out of service details
- Workplace
- Employer
- Work role / job title
- Previous MLSA membership details
- Details on membership of other unions

We may also collect the following information in appropriate circumstances:

- Contact history – queries, emails
- MLSA offices held – national committee, agent role etc.
- Personal data provided for applications for the Bursary Scheme
- Personal data provided for grant applications from Benevolent Fund
- Personal data provided when you are in the Members' Area on the website
- Your Email to send you our regular newsletter
- Your name, email address and workplace when you attend MLSA meetings
- Online browsing cookies – for further information please read our Cookies Policy
- Social Media – commenting on MLSA social media platforms
- Name or alias

Please note that our sister union SIPTU may use CCTV at or in the environs of the MLSA Offices in Liberty Hall. The MLSA is an affiliate of SIPTU and has a confidentiality agreement with them as a third-party contractor. For further information on SIPTU's CCTV policy, please contact the SIPTU Data Protection Officer.

### 9. HOW WE USE YOUR PERSONAL DATA

The uses for the personal data the MLSA collects are outlined below:

- Administer your membership of the MLSA
- Process payments of your membership subscription (with your explicit consent)
- Provide you with ballot paper/papers at your workplace in the event of an election or a ballot on issues of importance or on industrial action
- Correspond with you in relation to membership of the MLSA, including corresponding with you at your workplace address and by text and email
- Answer and manage your enquiries

- Add your questions, observations or concerns to your profile so we can understand your interests and preferences
- Provide your details to our solicitors and other legal advisors in the event of any legal action or legal advice which we may support on your behalf and at your request
- Provide you with MLSA updates by text, email or printed newsletter
- Send you direct marketing communications (with your explicit consent)
- Keep an up to date suppression list if you have asked not to be contacted
- Carry out statistical analysis of our membership or instruct a third party to perform this on our behalf
- Provide your personal details to third party processors and contractors who act on behalf of the MLSA
- All activities that the MLSA may undertake on your behalf as a member pursuant to our Rules and Constitution
- Allow you to apply for access to the Bursary Scheme or Benevolent Fund while securing the process of selection and protecting you against fraud

Furthermore, we use cookies for the following purposes:

- To make the website easier to use
- To support the provision of information and functionality to you
- To provide us with information about how the site is used so that we can make sure it is as up to date, relevant and error free as possible
- To enable the User to save their password for the Members' Area in their browser
- To allow our website/apps to function properly
- To ensure that our websites/apps are secure and safe and to protect you against fraud or misuse of our websites/apps or services, e.g. through performing troubleshooting
- To allow sharing of our content on social media
- To use the content you have created and/or shared in accordance with the specific terms and conditions accepted by you, e.g. to post your review/content
- To provide you with the service(s) or information you requested
- To monitor and improve our apps and devices
- To run analytics and statistics.

None of this information is associated with the user as an individual. Please read our Cookies Policy / Website Privacy Policy for further details.

## 10. CONSENT AND HOW TO WITHDRAW CONSENT

If we process your personal data based on consent, you have the right to withdraw that consent at any time.

An initial opt-out option is available when you join the MLSA.

If you wish to withdraw consent given at any other stage (for Direct Marketing please ensure to specify what communication channels you want to be opted out from), contact us as follows:

- By writing to: Data Protection Officer, MLSA, 4<sup>th</sup> floor Liberty Hall, Dublin 1
- By emailing: [mlsa2@suptu.ie](mailto:mlsa2@suptu.ie)
- By telephoning: 01 858 6472
- By using the unsubscribe link at the end of each newsletter email.

### 11. WHO MAY ACCESS YOUR PERSONAL DATA?

As set out above, the MLSA is committed to respecting the privacy of your personal data and to processing such data in accordance with the data protection laws. We do not sell your personal data.

Your personal data may be processed on our behalf by our trusted third-party suppliers. We rely on trusted third parties to perform a range of business operations on our behalf. We only provide them with the information they need to perform the service and we require that they do not use your personal data for any other purpose. We will always use our best efforts to make sure that all third parties we work with will operate within data protection laws and will keep your personal data secure. Examples include:

- Third parties that assist and help us in providing digital and e-commerce services such as membership database, web analytics and search engine;
- Third parties required to deliver a product to you e.g. An Post/delivery services;
- Third parties that assist and help us in providing IT services, such as platform providers, hosting services, maintenance and support on our databases as well as on our software and applications;
- Payment service providers e.g. Realex

The legal basis for this sharing is our legitimate activities and legitimate interests as outlined below:

- To carry out the normal activities of a Trade Union as set out in the MLSA Rulebook
- To improve our products and services – to ensure they match your needs
- To prevent fraud and fraudulent activity on our websites
- To secure our tools – to keep our tools (websites/apps/devices) safe and secure and working properly without security breaches.

The MLSA may disclose information when legally compelled to do so; in other words, when in good faith it is believed that the law requires it or for the protection of the MLSA's legal rights.

In other circumstances we may disclose if we have your consent or we are permitted to do so by law.

### 12. DO WE TRANSFER YOUR PERSONAL DATA OUTSIDE OF THE EUROPEAN ECONOMIC AREA (EEA)?

In general, the personal data that we collect from you is not transferred to, accessed in or stored at a destination outside the European Economic Area (EEA). However, in certain cases it may be necessary for us to transfer data to servers located outside of the EEA. The privacy protections in these jurisdictions may not be equivalent to those in Europe. We will only transfer personal data outside of the EEA where permitted to do so by European law and we will take steps to ensure that the personal information

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continues to enjoy appropriate protections.

### 13. HOW LONG DO WE KEEP YOUR PERSONAL DATA?

The MLSA has a Data Retention and Destruction Policy with reference to the range of categories of personal data held by the MLSA. Retention durations may vary from time to time, depending on changes in Irish and EU legislation.

When we make a decision on what data to retain, and for how long, we analyse several criteria to ensure data are not kept longer than necessary or appropriate. These criteria are to ensure we provide you with the best service as an MLSA member and to make sure we meet our statutory obligations. These criteria include:

- The purpose for which we hold your personal data
- Our legal and regulatory obligations in relation to that personal data
- Any specific requests from you in relation to the deletion of your personal data.

When we no longer need to retain your personal data, it will be returned to you or destroyed to best standards.

### 14. IS YOUR DATA SECURE?

The MLSA takes data privacy seriously. We are committed to keeping your personal data secure and taking all reasonable precautions to do so. We deploy appropriate organizational and technical security measures to keep personal information secure and we contractually require that trusted third parties who handle your personal data for us do the same.

We always do our best to protect your personal data and once we have received your personal data, we use strict procedures and security to try to prevent unauthorised access. The MLSA's Password Policy and Data Retention & Destruction Policy protect against unauthorised access to or alteration, destruction or disclosure of any personal data held by the MLSA in its capacity as data controller. Access to and management of staff and member records is limited to those staff members who have appropriate authorisation and password access.

In the event of a data security breach affecting the personal data being processed on behalf of the data controller, the relevant third-party processor will notify the data controller without undue delay.

Unfortunately, no data transmission over the Internet can be guaranteed to be 100% secure. As a result, while the MLSA strives to protect all Users' personal information, the MLSA cannot ensure the security of any information transmitted to the MLSA via the Internet, therefore Users do so at their own risk. Once the MLSA receives Users' transmissions, we take all practicable steps, in accordance with high standards of security, to ensure its security on the MLSA's system.

### 15. WHAT ARE YOUR RIGHTS?

You have the following rights with regards to the personal data we hold on you:

- The right to access the personal data we hold about you



- The right to access details about how your data are processed
- The right to have incorrect and incomplete personal data we hold about you updated;
- The right to request that we erase the information we hold about you where the MLSA has no legitimate reason to retain your data;
- The right to withdraw consent at any time for personal data processing that is based on consent;
- The right to ask us to stop contacting you with direct marketing;
- The right to restrict the processing of your personal data;
- The right to data portability by receiving your personal data in a commonly used format;
- The right to object to automated decision making / profiling where this is utilised;
- The right to lodge a complaint with a supervisory authority.

### 16. HOW DO YOU EXERCISE YOUR RIGHTS?

To exercise these rights please contact the MLSA at the contact details outlined below. Please include details to assist us to locate your personal data, e.g. your name, workplace and MLSA membership number. To safeguard the privacy of your data, the MLSA will require proof of identification in order to release data.

If you have any questions or concerns about how we treat and use your personal data, or would like to exercise any of your rights as outlined above, please contact our Data Protection Officer at [mlsa2@siptu.ie](mailto:mlsa2@siptu.ie) or by writing to us at Data Protection Officer, MLSA, 4th floor Liberty Hall, Dublin 1

The MLSA will endeavour to address any data related concerns or complaints that you may have; however, if you would like to direct your complaint/concerns to the Data Protection Commissioner, the contact details are:

Data Protection Commissioner Head Office:  
Canal House – Station Road  
Portarlinton  
R32 AP23 Co Laois

Dublin Office:  
21 Fitzwilliam Square  
Dublin 2 - DO2 RD28

Telephone: 057 8684800 / 0761 104 800  
Email: [info@dataprotection.ie](mailto:info@dataprotection.ie)  
Visit: <https://dataprotection.ie>

### 17. CHANGES TO OUR PRIVACY POLICY

We may change this Privacy Policy at any time. Please, note the edition number and date legend at the end of this page to see when this Privacy Policy was last revised. Any changes to this Privacy Policy will become effective when we make the revised Privacy Policy available on or through the website.

Any changes we may make to our Privacy Policy in the future will be posted on this page and, where appropriate, notified to you by e-mail.