

# HIQA PRIVACY NOTICE

---

## Ensuring privacy

This privacy notice sets out how the Health Information and Quality Authority (HIQA) processes all personal information that it collects, generates and holds in the course of its work. It explains what personal information we collect as a data controller on data subjects, how we use it, who we share it with and the security in place to protect it. It also sets out the privacy rights that data subjects have under General Data Protection Regulation (GDPR) and Irish data protection legislation.

## Why HIQA collects personal information

The Health Information and Quality Authority (HIQA) was established under the Health Act 2007 to promote the quality and safety of the health and social care sector in Ireland. We do this by:

- regulating and monitoring certain health and social care services
- developing quality and information standards, recommendations and guidance for health and social care services
- carrying out health technology assessments (HTAs) and investigations
- undertaking particular projects as deemed necessary from time to time.

Personal information is a key resource for us in order for us to make evidence-based decisions and is necessary to:

- carry out our regulatory duties
- support quality improvement initiatives in Irish healthcare
- carry out research activities and compile statistics
- manage and support our staff.

We aim to ensure all personal information is processed and stored in line with data protection principles and legislation. This means that all personal information is:

- processed fairly and lawfully
- processed for specific purposes only, and not in any manner incompatible with those purposes
- adequate and relevant
- accurate
- retained no longer than is necessary
- processed in line with your rights
- kept securely.

## What information do we collect, why do we collect it and on what basis do we process it?

We collect information about people we work with and members of the public who use relevant services or are in contact with us from time to time. We have set out below what types of personal data we collect, which includes in some instances special category personal data. We also have set out the basis on which we process that data and the purposes for which it is collected.

### **Accessing medical and other care records**

Using powers conferred under the Health Act 2007, the Children's Act 2001 and the Child Care Act, 1991, (as may be amended and updated from time to time) HIQA is authorised to access, review and collect personal information, including health records, from health and social care services if considered necessary to carry out its duties as a regulator. Personal information may be collected from the individual or people acting on behalf of the individual.

Using powers conferred under the European Union (Basic Safety Standards for Protection against Dangers Arising from Medical Exposure to Ionising Radiation) (MIRE) Regulations 2018 and 2019 HIQA is authorised to access, review and collect personal information, including health records, from facilities providing medical and dental radiological services for the purposes of ensuring compliance with these regulations.

We have appropriate policies and procedures in place to ensure that staff only collect information that is necessary; to ensure it is treated as highly confidential; and is stored in a secure manner.

### **Other information we receive from care services**

We may receive personal information related to incidents that have occurred in a designated centre through an official statutory notification, which can be sent in by email or through HIQA's Provider Portal. This information is kept securely and is treated as confidential in line with data protection legislation. Providers are advised not to use personally identifiable information about people using their services and are advised to redact or use a pseudonym, where possible, in relation to such information. All information received is held centrally and securely within HIQA.

### **Personal data that we receive from other sources**

We may receive personal information from people who use the services we regulate or monitor, or from someone acting on their behalf, such as their families, friends or carers. During an inspection of a designated centre, we might ask for people to share their opinions and experiences of the designated centres with us.

We also receive letters, emails and phone calls from members of the public regarding the centres and services we regulate or monitor. This contact with us may contain or lead to the creation of personal information. We use this information to help us to make informed decisions around regulation and monitoring.

### **Research and statistical analysis**

Our Health Technology Assessment (HTA) and Health Information and Standards teams also carry out various research, and analytical research using anonymised data. We keep personal contact information in order to contact informed and interested parties when we require their feedback during external consultations.

In order to carry out its statutory functions under the MIRE Regs the HTA team collects and processes minimal personal information including names, email addresses, and places of work or organisation affiliations for queries received, focus groups, stakeholder engagements and applications for generic justification under the MIRE Regulations.

Personal information collected and processed as part of the National Care Experience Programme is in line with data protection legislation. Further details regarding the information governance practices around the survey can be viewed on <https://yourexperience.ie/>

### **Information about care providers and people who work at care services**

We need to process personal information belonging to people who own, manage and work at the centres which we regulate and monitor, so that we can carry out our statutory remit under the Health Act 2007.

### **Applications to register a designated centre**

Personal information belong to what are termed the 'Provider Entity', 'Person Participating in Management' and the 'Person in Charge' is collected during the registering of a designated centre such as a nursing home or a residential centre where people with disabilities live.

An application to register a designated centre requires us to process personal information and includes such information as: contact details, education and employment history, qualifications, references, photographic identification, Garda vetting disclosure, medical declaration form and birth certificate.

### **People who work at a designated centre**

In the course of our work, we often review records about employees of a designated centre such as training records, Garda vetting disclosures and education and

employment histories. While we aim to minimise removing staff records from the designated centres during our inspections, on occasion, and if deemed necessary, we may take these records from the designated centre and store them securely within HIQA.

### **Information about our own staff and people applying to work with us**

In order for HIQA to carry out its role, HIQA must process some personal information belonging to employees and contractors. This personal information is also processed and stored in line with any legal or contractual obligations that HIQA must follow as an employer.

All information belonging to employees of HIQA is processed in line with best practice guidance, stored for a period of time set out in a retention schedule and is only used for the specific purpose for which it was gathered. Personal information belonging to potential, current and former employees and contractors include their names, address, gender, date of birth, marital status, education and employment history, banking details for electronic payment, and employment and training records.

HIQA must ensure that potential employees are suitable for their roles. This may mean we collect medical information or that a Garda Vetting process is undertaken or that evidence of education and qualifications is sought. We may also look for details of referees of potential candidates.

We use third-party contractors to outsource certain human resources (HR) and salary-related activities, which means that certain details belonging to employees are processed by a third-party processor. Personal information is also processed by other state agencies such as the Payroll Shared Service Centre in order for employees to submit expense claims.

### **Information about people who use our website**

#### **Cookies on [www.hiqa.ie](http://www.hiqa.ie)**

We want our online services to be easy, useful and reliable. This sometimes involves placing small text files (known as cookies) on your device, for example, your computer or mobile phone. There are different types of cookie that you may encounter when using our website. For more information regarding the use of cookies, you can view our Cookies Policy by visiting <https://www.hiqa.ie/cookies-policy>.

### **HIQA's Provider Portal website**

All information provided to HIQA through online notification forms, which are submitted by designated centres through HIQA's Provider Portal, are kept securely and are treated as confidential in line with data protection legislation. Providers using the portal are advised not to use personally identifiable information about people using their services and are advised to redact or use a pseudonym, where possible, in relation to such information. All information received through the Provider Portal is held centrally and securely within HIQA.

### **Signing up to HIQA communications**

Separate third-party processors are used to provide HIQA's public newsletter, *HIQA News*, and SMS text messaging service. When you subscribe to receive our newsletter, you submit a name and your email address, which is stored on the third-party platform. When you subscribe to our SMS alerts, you must submit your mobile phone number, which is the only personal information stored on the third-party platform. Third-party processors will not share your data with any other company or process the data for any other reason.

You can opt out at any time by following the opt out links or instructions on messages received by you.

### **Sharing information**

HIQA has established a number of data-sharing agreements and memorandums of understanding (MOU) with other public authorities in order to share information, which may include personal identifiable information. These are published on our website at <https://www.hiqa.ie/about-us/working-us>. These agreements have been set up to help assist HIQA with its regulatory duties and to ensure cooperation within common areas of interest between HIQA and other public authorities.

Your personal data may also be transferred for law enforcement or investigative purposes if requested by appropriate statutory authorities in the course of an investigation or court proceedings and in line with data protection legislation.

Where we transfer your personal data outside of the European Economic Area to our suppliers, we will ensure that appropriate safeguards are in place to protect your personal data.

### **How long we store personal information for**

We only keep personal information for a period that is deemed necessary to carry out the regulatory function and operational purpose for which it was originally collected, unless it is specifically required by law to keep your information for longer. All personal information is subject to a specified retention period in HIQA and is securely destroyed once no longer needed.

## Rights of data subjects

We ensure that all data subjects' rights are upheld to ensure complete transparency when it comes to how we manage, process and retain personal information. As a data subject, you have the right to:

- access and receive a copy of your personal data
- seek to rectify or update any inaccurate personal information held
- seek to have data deleted
- object to the processing of data
- right to withdraw consent
- right to request restriction

A summary of these rights is set out here:

### **Access and receive a copy of your personal data**

You are entitled to know if HIQA holds any personal information belonging to you and to receive a copy of this information free of charge. While some restrictions may apply to your right of access, we will ensure that this is explained accordingly.

### **Rectification and accuracy of data**

HIQA ensures all personal information is accurate and up to date. In certain circumstances, you are entitled to have rectified any personal information belonging to you if it is incorrect or out of date.

### **Deletion of data**

Under certain circumstances, such as if the data collected is no longer needed by HIQA, you may request the deletion of your personal data. This right may be restricted if the personal information is deemed necessary for HIQA to carry out its regulatory duties under the Health Act 2007. HIQA ensures that all personal information has a specified retention period and is deleted in line with these retention periods.

### **Objecting to the processing of data**

Where possible, you can object to HIQA processing your personal information, such as objecting to receiving HIQA's email and text messaging communications. HIQA may refuse your right to object if it affects HIQA carrying out its regulatory duties under the Health Act 2007.

### **Request restriction of processing of your personal data.**

This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

### **Withdraw consent at any time**

You can withdraw your consent where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. This only applies if consent is the basis on which we process your data.

To exercise your rights above, please contact the Data Protection Officer in writing at [dpo@hiqa.ie](mailto:dpo@hiqa.ie) or using the contact details below.

### **In order to protect the privacy rights of data subjects, HIQA:**

- takes due care to protect personal information it holds from any loss, unauthorised access, modification, unauthorised use, disclosure and disposal
- ensures accountability and transparency by maintaining a data inventory of all personal information processed within the organisation
- retains personal information for a necessary and defined period of time
- has secure on-site and off-site storage facilities
- carries out regular information governance compliance audits to monitor compliance with HIQA's policies in relation to data protection matters
- has in place policies and procedures to protect data
- has in place appropriate staff training to ensure that all staff are aware of their responsibilities in relation to the gathering, using, storing and disposing of personal information.

### **Data security**

Physical and technical security measures are in place to ensure all data collected and processed by HIQA has adequate protection that is consistent with applicable privacy and data protection laws. Physical records are kept securely within HIQA and may be archived in a secure storage facility until the end of their retention periods when they are due for destruction.

HIQA promotes good information governance practices among its staff. HIQA continually monitors and improves internal policies, procedures and information communications technology (ICT) security tools to ensure that all personal data is

protected against theft, accidental loss, unauthorised access or alteration, erasure, use or disclosure.

## Making a complaint

We hope you have found this privacy notice useful and we are always happy to hear your feedback. However, if you are unhappy with any aspect of how HIQA has handled your personal information and would like to make a complaint, you can contact our Data Protection Officer by post, email or phone through the contact details below to have the matter reviewed.

If you are unhappy with the outcome of the investigation by our Data Protection Officer, you also have the right to make a complaint to the Data Protection Commissioner directly by emailing [info@dataprotection.ie](mailto:info@dataprotection.ie), calling 1890 25 22 31 or by post to: Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.

## Contact details

If you have any queries regarding HIQA's data protection practices, please do not hesitate to contact us at the below details.

<b>Data Controller</b>	<b>Data Protection Officer</b>
Health Information and Quality Authority Unit 1301, City Gate, Mahon, Co. Cork. Tel: 021-240 9300 Email: <a href="mailto:info@hiqa.ie">info@hiqa.ie</a>	Data Protection Officer Unit 1301, City Gate, Mahon, Co. Cork. Tel: 085 8709023 Email: <a href="mailto:dpo@hiqa.ie">dpo@hiqa.ie</a>

## Revision History

<b>Revision number</b>	<b>Description of change</b>	<b>Effective from date</b>
1.0	New Document	May 2018
2.0	Update to DPO contact, MIRE Regs details, and NCEP yourexperience website address.	08 August 2023