

Data Protection Notice: Employee Self-Service (ESS) Diversity Tool



At University College Cork, we treat your privacy seriously. Any personal data which you provide to the University will be treated with the highest standards of security and confidentiality, in accordance with Irish and European Data Protection legislation.

Introduction

This notice sets out the details of the information we collect, how we process it, and with whom we share it. It also explains your rights under data protection law in relation to our processing of your data.

Who we are

Throughout this Notice, “we”, “us” and “our” refer to The Equality, Diversity and Inclusion Unit, and People and Culture (P&C) Department, University College Cork. For more information about us, please refer to our websites: www.ucc.ie/edi, <https://www.ucc.ie/en/hr/>.

The “University”, or “UCC”, refers to the University College Cork.

How we collect and store your personal data

We collect your data when you fill in the [ESS Diversity Tool](#). This data will be used by us only in accordance with the purposes outlined in this notice.

Personal data will be stored confidentially and securely as required by the [UCC Data Protection Policy](#). The University is committed to ensuring that the processing of your data is safeguarded by appropriate technical and organisational security measures relevant to the processing in accordance with Article 32 GDPR requirements.

Which personal data do we collect

- Sex
- Gender
- Sexual Orientation
- Date of Birth
- Ethnic or Cultural Background
- Nationality
- Religion
- Civil Status/Family Status (including caring and/or dependency for/of others)
- Disability

For more details about data categories collected, visit: [Diversity Data Categories](#)

The purpose and legal basis for collecting your data

The personal data we collect from you will only be processed for specific and lawful purposes as outlined in this Data Protection Notice. The University will ensure that your data is processed fairly and lawfully, in accordance with the principles of data protection as set out in Article 5 of the GDPR.

Purpose

- UCC has a legal obligation under the “Public Sector Equality and Human Rights Duty”, which originates in Section 42 of the “Irish Human Rights and Equality Act” (2014) to promote equality, prevent discrimination and protect the human rights of its employees, customers, service users and everyone affected by their policies and plans. Data gathering and monitoring of the nine characteristics protected under Irish equality legislation are key components in identifying inequality, initiating activity to address it, and evaluating progress, as required by the Public Sector Equality and Human Rights Duty.
- Data is a key part of understanding where there are disadvantages and under-representation in the University. It will enable us to devise targeted measures to address and mitigate any disadvantages.
- Currently, there are significant gaps in the diversity data at our university.
- As part of the HEA’s ongoing work in staff equality, diversity and inclusion, the “Higher Education Authority Act” 2022 provides a legal basis (subject to the Data Protection Regulation and the Data Protection Act 2018) for Higher Education Institutions (HEIs) to report personal data to the HEA, including gender, ethnicity and disability of staff members. This is likely to expand to the collection and reporting of personal data on all nine protected characteristics under Irish equality legislation to the HEA in the future.
- Athena Swan accreditation is a key action in the University and EDI strategic plans. It is an eligibility criterion for the University to apply for research funding to SFI and IRC. Reporting of the intersection of gender and ethnicity is a data requirement for Athena Swan institutional and school applications (Silver level).
- Section 48 (2) of the “Disability Act” 2005 requires public bodies to collect data on employees with disabilities on an annual basis. In accordance with subsection (7) of the Act, UCC is required to report to the NDA on the number of people with a disability employed during each preceding year.
- To ensure data accuracy, data subjects who remain as UCC employees will be contacted annually and invited to update their original entries in the event of any changes.

Legal basis for processing under GDPR and Data Protection Acts

- Article 6 (1) (a), which states that public bodies can process personal data, whereby the data subject has given consent to the processing of his or her personal data for one or more specific purposes.
- Article 6 (1) (c), which states that public bodies can process personal data, whereby processing is necessary for compliance with a legal obligation to which the controller is subject. UCC is subject to obligations under the Irish Human Rights and Equality Act (2014) and the Higher Education Authority Act 2022 regarding equality assessment and monitoring.
- Article 6 (1) (e), which states that public bodies can process personal data for the performance of a task carried out in the public interest or in the exercise of official authority.

- Article 9 (2) (a), which states that public bodies can process special categories of personal data where the data subject has given explicit consent to the processing of that personal data for one or more specified purposes.
- Article 9(2)(g), which states that public bodies can process special categories of personal data where necessary for reasons of substantial public interest, based on Union or Member State law.
- Sections 42 and 54 of the Data Protection Act 2018, which relate to the processing of personal data and special category personal data for statistical purposes.

Please note that the submission of your personal data is voluntary. Any data you choose to submit via the ESS Diversity Screen will be deemed to have been processed with your explicit and informed consent.

Please note that consent may only be withdrawn up to the point at which the data has been collated with that of other participants for the purpose of producing statistics/a report. In processing collated information, we rely on those additional legal bases cited above.

Details of third parties with whom we share personal data

We will only share your data with third parties where necessary for the processing purposes outlined in this Privacy Statement. In accordance with Article 28 GDPR, when we share your data with third parties, we will ensure that the data is processed in accordance with specific instructions and that the same standards of confidentiality and security are maintained.

Data access

Internal:

Access to your personal data, provided via the ESS Diversity Tool, is limited to the following designated persons who will have responsibility for compiling statistical reports:

- The manager of the UCC HRIS (Human Resources Information System) and their team of three staff members for technical and operational support.

Your line manager/Head/colleagues will not be able to access your diversity data as entered via the ESS Diversity Tool.

Apart from the staff of the HRIS team, as outlined above, no other personnel of the People and Culture Department will be able to access your diversity data as entered via the ESS Diversity Tool.

Access to anonymised statistical reports will be provided to:

- UCC EDI Data Analyst to enable analysis and reporting.
- UCC Director of EDI on an 'as-needed' basis for oversight.

External:

Anonymised statistical reports, obtained from the data you submit, will be further processed to ensure confidentiality. The high-level reports, such as, for example, a headcount and percentage of staff by gender and disability, or a headcount and percentage of staff across various ethnic backgrounds, will be shared with the following groups and for the following reasons:

- The UCC EDI Unit, which holds the responsibility for developing and implementing actions to address gaps and areas for improvement, will use data for reporting purposes.
- University bodies such as the University Leadership Team, the Governing Authority, and the Academic Council, for review and action planning.
- Athena Swan Self-Assessment Teams for self-assessment and action planning (note: **only** in cases where the data collected will not cause a risk of identifying individuals or groups).
- National Disability Authority (NDA): Section 48 (2) of the Disability Act 2005 requires public bodies to collect data on employees with disabilities on an annual basis. In accordance with subsection (7) of the Act, UCC is required to report to the NDA, as the relevant monitoring committee, on the number of people with a disability employed during each preceding year.
- Higher Education Authority: We are required to provide gender disaggregated data to the HEA. This data provides key indicators for assessing gender equality in Irish HEIs. Subject to Section 49 of the Higher Education Authority Act 2022, a HEI may furnish personal data to the HEA. Subject to 52 of the Higher Education Authority Act 2022, a HEI may provide personal data to the HEA or another designated body for Research purposes.

Cross-border data transfers

Data will not be transferred or flow outside of the European Economic Area. The ESS Diversity Tool data is securely stored in the Data Lake Cloud.

How long will we keep your data

In keeping with the data protection principles, we will only store your data for as long as is necessary. For the purposes described here, we will store your data in accordance with the University's [Records Management Policy](#).

See [Staff Data Protection Notice](#) for more information on how the University collects and processes your personal data.

Your rights

You have various rights under data protection law, subject to certain exemptions, in connection with our processing of your data, including the right:

- To find out if we use your data, access your data and receive copies of your data.
- To have inaccurate/incomplete information corrected and updated.
- In certain circumstances, to have your details deleted from systems that we use to process your personal data or have the use of your personal data restricted in specific ways.
- To object to the specific processing of your data by UCC.
- To exercise your right to data portability where applicable (i.e. obtain a copy of your personal data in a commonly used electronic form).
- Where we have relied upon consent as a lawful basis for processing, you can withdraw your consent to the processing at any time. Please note that consent may only be withdrawn up to the point at which the data has been collated with that of other participants for the purpose of producing statistics/a report.
- Not to be subject to solely automated decision.
- To request that we stop sending you direct marketing communications.

If you wish to avail of these rights, please write to: The Information Compliance Office, University College Cork at gdpr@ucc.ie.

Questions or Complaints

If you have any queries concerning the ESS Diversity Tool, please contact a member of the ESS Diversity Tool Project Team: Dr Avril Hutch at AHutch@ucc.ie and/or Katarzyna Pyrz at kpysz@ucc.ie.

If you have any queries or complaints in connection with our processing of your personal data, you can contact UCC's Information Compliance Office by email at: gdpr@ucc.ie

You also have the right to complain to the Data Protection Commission if you are unhappy with our processing of your personal data. Details of how to lodge a complaint can be found on the Data Protection Commission's website (www.dataprotection.ie) or by telephoning 1890 252 231.

Definitions

Personal data:

Any information relating to an identified or identifiable natural person ('data subject').

Special Categories of Personal Data (Sensitive personal data):

- Data concerning health.
- Personal data revealing racial origin, ethnic origin, political opinions, religious beliefs, philosophical beliefs, trade-union membership.
- The processing of genetic data for identifying a natural person.
- The processing of biometric data for uniquely identifying a natural person.
- Data concerning a natural person's sex life or sexual orientation.

Processing:

Any operation or set of operations performed on personal data. Processing includes storing, collecting, retrieving, using, combining, erasing and destroying personal data, and can involve automated or manual operations.

Data subject:

Someone who can be identified, directly or indirectly, in particular by reference to an identifier such as 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.

Data controller:

An organisation, such as University College Cork, which determines the purposes and means of processing personal data.

Data processor:

A natural or legal person, public authority, agency, or other body that processes personal data on behalf of the controller, typically under contract. This does not include Service staff who are processing personal data on behalf of the University as part of their employment duties.