

GDPR Principles and Lawful Bases of Processing

The GDPR details a set of principles that must be adhered to when processing personal data.

Personal data must be:

- processed lawfully, fairly and in a transparent manner;
- collected for specified, explicit and legitimate purposes and only used for these purposes;
- adequate, relevant and limited to what is necessary. In other words, only data that is required for the explicit purposes detailed above should be gathered and stored;
- accurate and up-to-date;
- stored for no longer than is necessary;
- processed in a secure manner that protects against unauthorised processing, loss and accidental destruction or damage;
- the Accountability principle requires data controllers (i.e. IADT) to be able to demonstrate compliance with each of their obligations under the GDPR.

The GDPR places obligations on IADT and the way it handles personal data. In turn, the staff and students of the Institute have responsibilities to ensure personal data is processed fairly, lawfully and securely. This means that personal data should only be processed if we have a valid lawful basis of processing (see relevant section) and we have provided information to the individuals concerned about how and why we are processing their information (i.e. a privacy notice). There are restrictions on what we are allowed to do with personal data such as passing personal information on to third parties, transferring information outside the EU or using it for direct marketing.

Lawful Bases of Processing

The GDPR requires that all data processing be supported by reference to one or more of the following grounds, which are known as the "lawful bases of processing".

Consent

Personal data can be processed based on the data subject's specific, freely given and informed consent. However, the GDPR sets an elevated consent standard which requires that a valid consent must be provided by way of "a statement or by a clear affirmation action" and must be fully informed. Pre-ticked boxes and implied consent fall short of this standard. Significantly, data subjects must also have the right to withdraw their consent at any time and in an easy manner.

Contractual Necessity

Personal data may be processed where necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering a contract. Such processing must be necessary to perform the contract.

Legal Obligations

Personal data may be processed where such processing is necessary to comply with legal obligations that are imposed on the data controller (i.e. submitting information to the Higher Education Authority (HEA) or the Department of Employment Affairs and Social Protection).

Public Interests

It is lawful to process personal data where necessary for the performance of a task carried out in the public interests or in the exercise of official authority vested in the data controller (IADT).

Vital Interests

Personal data may be processed on the basis that it is in the vital interests of the subject or another natural person (living data subject). This lawful basis of processing is only used in exceptional circumstances.

Legitimate Interests

Personal data may be processed based on the legitimate interests of the data controller (or a third party), including for advertising or marketing purposes. This option is only sometimes available to public authorities such as Institutes of Technology.