



Circular Letter 0063/2022

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools and
The Chief Executives of Education and Training Boards**

**Joint Data Controller Arrangement
between
Payroll Division, Department of Education
and
The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools and the Chief Executives
of Education and Training Boards**

1. Purpose of this Circular

- 1.1. The purpose of this Circular is to confirm the role of Payroll Division of the Department and the Employer as Joint Data Controllers in relation to Human Capital Management (HCM) and payroll processing activities.
- 1.2. The purpose of the joint controller arrangement is to confirm the relationship between the Payroll Division of the Department of Education and the managerial authorities of recognised Primary, Secondary, Community and Comprehensive Schools and the Chief Executives of Education and Training Boards (in respect of community national schools only) with regard to processing of personal data of school employees for HCM and payroll purposes for the purposes of Section 79 of the Data Protection Acts 1988 to 2018 and Article 26 of Regulation (EU) 2016/679 (GDPR).



- 1.3. The Payroll Division of the Department and the Employer are Joint Data Controllers in relation to the data of employees for HCM and payroll processing activities. This means that both the Payroll Division and the Employer jointly determine the means and processing of a school employee's personal data in relation to making salary payments to the employee in fulfilment of their contract of employment. It is a requirement under the GDPR that joint controllers set out their respective responsibilities in a transparent manner and that is the purpose of this Circular.
- 1.4. It should be noted that this Circular does not alter existing arrangements which have been in place on a practical level heretofore or involve changes to current work practices or GDPR policies in schools.

2. Definitions

- 2.1. "The Department" means the Paymaster, Payroll Division, Department of Education;
- 2.2. "Paymaster" means the organisation in charge of paying salaries to school employees. This is the Department of Education in the case of primary (including community national schools), voluntary secondary, community, and comprehensive schools.
- 2.3. "Employer" means an Education and Training Board (ETB) in the case of community national schools, and a Board of Management/Manager in the case of primary (excluding community national schools), voluntary secondary, community, and comprehensive schools. The ETB or Board of Management/Manager may delegate as appropriate responsibility for matters set out in this Circular;
- 2.4. "The Data" means such personal information as is processed;
- 2.5. "The Minister" means the Minister of Education;
- 2.6. "Human Capital Management" means administration activities related to people resource management e.g. onboarding of employees, leave and absence recording and benefits and pension administration etc.



- 2.7. “Personal Data” means any information relating to an identified or identifiable natural person;
- 2.8. “Data Subject” means the identified or identifiable natural person whose personal data is being processed: an identifiable natural person is one 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;
- 2.9. “Controller” means the entity which, alone or jointly with others, determines the purposes and means of the processing of personal data;
- 2.10. “Joint Controller” means where two or more entities jointly determine the purposes and means of the processing of personal data;
- 2.11. “Data Processor” means an entity which processes personal data on behalf of the controller;
- 2.12. “DP Acts” means the Data Protection Acts 1988 to 2018 ;
- 2.13. “GDPR” means the EU General Data Protection Regulation 2016/679;
- 2.14. The term “Article” refers to an article in the GDPR;
- 2.15. The “parties” is a reference to the Department and Employer as joint data controllers under this arrangement

3. Subject Matter and Purpose of the Processing

The subject matter of the processing is HCM and payroll data of school employees. The purpose is to enable payment of an employee employed by a school in order to fulfil their contract of employment. For example, a school processes data about a teacher on the Online Claims System (OLCS) to enable the recording of leave and correct payment by the Department.



4. Type of Personal Data and Categories of Data Subject

The personal data which is the subject of this arrangement is that relating to the employment of the employee concerned, including identity, contact information, bank details, service history, pension scheme membership, eligibility for leave schemes and nature of their employment contract. With consent of the individual, the Employer may process religious information where the individual wishes to be addressed by a religious title e.g. Fr. Murphy, Sr. Angela Murphy.

The category of data subject is the employees of primary (including community national schools), voluntary secondary, community, and comprehensive schools.

5. Functions and obligations of the Employer

5.1. The Employer processes the personal data of school employees in order to fulfil the employee's contract of employment with the employer. In particular, the employer will collect data to enable the Department to:

- Process payroll and make payments to all payees;
- With consent of the individual, the Employer may process religious information where the individual wishes to be addressed by a religious title e.g. Fr. Murphy, Sr. Angela Murphy;
- Utilise service history to determine pension scheme membership, point on scale etc.
- Process information on leave (but not the nature of the illness in respect of sick leave) for the purpose of payments to school staff
- Provide data to Department of Social Protection in relation to service.

5.2 In accordance with The Payment of Wages Act 1991, the Employer in discharge of its obligations must have regard for all applicable employment law legislation.



6. Functions and obligations of the Department

6.1. The Department processes the personal data of school employees in order to fulfil the employee's contract of employment with the employer. In particular, the Department will use data collected to:

- Process payroll and make payments to all payees;
- With consent of the individual, the Department may process religious information where the individual wishes to be addressed by a religious title e.g. Fr. Murphy, Sr. Angela Murphy;
- Utilise service history to determine pension scheme membership, point on scale etc.
- Process information on leave (but not the nature of the illness in respect of sick leave) for the purpose of payments to school staff
- Provide data to Revenue for statutory deductions
- Provide data to Department of Social Protection in relation to statutory deductions and service.

6.2. In accordance with The Payment of Wages Act 1991, the Department in discharge of its obligations must have regard for: all applicable employment law legislation.

7. Joint Data Controllers

7.1. Article 26 of the GDPR defines a joint controller as follows: *"where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers"*. The Department together with the Employer are deemed to be joint data controllers in respect of the data processed. This Circular outlines the Joint Controller arrangement between the Department and schools.

7.2. The purpose of this arrangement is to define the relationship and respective obligations to data subjects of both the Employer and the Department. In so doing both parties have determined their respective responsibilities for compliance with the obligations under the DP Acts and GDPR, in particular as



regards the exercising of the rights of the data subject and their respective duties to provide the information referred to in Articles 13 and 14 of the GDPR.

- 7.3. The parties agree not to transfer the data outside of the European Economic Area without putting appropriate safeguards in place, as set out in the GDPR.
- 7.4. The parties will ensure that the personal data covered by this arrangement will not be further processed in a manner that is incompatible with the purposes for which it was originally collected.
- 7.5. The parties are permitted to appoint Data Processors to process personal data under this arrangement, in accordance with Data Protection legislation.

8 Obligations of the Department and the Employer as Joint Data Controllers

- 8.1 For the purposes of this arrangement both parties jointly assume the role of “Data Controller” within the definition of the DP Acts and shall have responsibility for ensuring compliance with the DP Acts and GDPR. Each party shall respond to requests made to that party from data subjects regarding the data held by that party. Without prejudice to the generality of the foregoing, the obligations of both parties under this arrangement shall extend to:

Data compliance

- 8.1.1 Compliance with relevant sections of the DP Acts in force from time to time.
- 8.1.2 Compliance with the GDPR.

Fair and Lawful Processing

- 8.1.3 Ensuring compliance with the DP Acts in respect of fair and lawful processing and Articles 5 (principles relating to the processing of personal data), 6 (lawfulness of processing), 7 (conditions for consent) & 9 (processing of special categories of personal data) of the GDPR.



Data Subject Rights - Dealing with Requests under Article 15 - 22 of the GDPR

8.1.4 Dealing with requests under Articles 15 - 22 of the GDPR regarding the rights of data subjects.

Transparency

8.1.5 Complying with Articles 13 and 14 of the GDPR in respect of information to be furnished to individual applicants.

Accountability

8.1.6 Maintaining suitable records to demonstrate compliance with the GDPR and DP Acts in accordance with Article 24 of the GDPR.

Data Security & Data Breach

8.1.7 The use of appropriate security measures for the data as per Article 32.

8.1.8 The notification of any data breach in accordance with Article 33 and where applicable, under Article 34. Whichever party holds the data which is the subject of the breach will be responsible ensuring compliance with the DP Acts and GDPR and for informing and engaging with the Data Protection Commission where appropriate.

Data Protection Officer

8.1.9 The appointment of a designated Data Protection Officer as per Article 37. The Data Protection Officer for the Department can be contacted at:

Data Compliance & Support Section

Department of Education

Cornamaddy, Athlone, Co. Westmeath, N37 X659.

Telephone: +353(0)90 648 3907

Email: dpo@education.gov.ie



Disclosures

- 8.1.10 The parties will not disclose any of the personal data which they process unless there is a legal basis for such disclosures and, subject to any regulations restricting the data subject's rights under the DP Acts, the data subjects will be informed by the parties of these disclosures in advance.

Data Storage

- 8.1.11 Each party shall determine the retention period which is necessary for any personal data which it processes.

9 Administrative Matters

- 9.1 The parties as joint data controllers, shall:

- 9.1.1 Assume liability for all Data in respect of Sections 141, 142 and 143 of the DP Acts, Articles 79 and 82 of the GDPR and the Law of Torts.
- 9.1.2 Deal with all requests under Chapter 4 of the DP Acts regarding rights and the restriction of rights of data subjects and Articles 13 to 22 of the GDPR. Responses thereto shall be final, subject to review only by the Data Protection Commissioner or Courts as appropriate.

10 Contact Details for Data Subjects

- 10.1 Data subjects wishing to make contact with the data controllers can:
contact the Employer i.e. the relevant Recognised Primary, Secondary, Community and Comprehensive Schools or the Chief Executive of the relevant Education and Training Board (in respect of community national schools)
or
contact the Department at Payroll Division, Department of Education,
Cornamaddy, Athlone, Co Westmeath, N37 X659



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PPpayroll@education.gov.ie

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04 October 2022