



Data protection guidelines for union representatives

Revised July 2021

Fórsa takes the privacy of its employees and members seriously. The Union is working hard to ensure it complies with the General Data Protection Regulation (GDPR) which came into effect in May 2018.

The GDPR significantly changed data protection law in Ireland and across Europe. It strengthened the rights of individuals regarding the storage and use of their personal data, and increases the obligations on organisations. The legislation brought new responsibilities for all individuals and organisations that hold personal data, including union branches.

Over 80% of data breaches are caused by human error. The biggest danger is not hackers remotely accessing your systems but rather individuals making mistakes, such as sending group emails using the TO or CC button instead of the BCC button; clicking on a link from a phishing mail; losing data or being unaware that they have breached the law.

Under the GDPR trade union membership is considered a special category of personal data, this puts an extra onus on unions to ensure members' personal information is processed in accordance with the legislation. Here are some important tips to keep Fórsa members' personal data safe, secure and confidential. These will help you to avoid data breaches.

What is personal data?

Personal data means any information relating to a living identifiable person including name, phone number, email address, membership number and documents compiled in personal case files.

Email

- Use the forsa-rep.ie email system.
- When emailing groups of members use the BCC button. If you don't, you are sharing members' contact details with everyone else on the email list and identifying them as members of a trade union, which is a reportable breach.
- Email attachments containing personal data should be password protected and the password sent separately using a different form of delivery – ideally by text message or phone call.
- Watch out for phishing emails. These are becoming more sophisticated and more frequent.
- Remember the email account provided by an employer is their property and can be subject to both data access requests and possibly Freedom of Information requests.
- Avoid email threads. Fórsa has had a number of data breaches involving email threads.

Recommendation from DPC

A number of data breaches have been reported to the Data Protection Commission (DPC) regarding the use of the TO button when sending bulk emails to Fórsa members. In July 2021 the DPC made strong recommendations that we ensure that Fórsa branch officers, committee members, branch representatives and Fórsa staff are fully aware of the importance of reviewing email correspondence before it issues. The DPC ask that you should safeguard that the correct intended recipient and attachments have been selected prior to the issue of all email correspondence. Below are links to DCP guidelines they have asked Fórsa to bring to your attention.

<https://dataprotection.ie/en/dpc-guidance/blogs/return-sender-data-breaches-and-email-correspondence>

<https://dataprotection.ie/en/dpc-guidance/guidance-relating-third-parties-accidentally-receipt-personal-data-relating-other>

Security

- Personal case files must be stored in a safe and secure place.
- Personal data should not be left unattended in areas where other members or individuals can access it e.g. home, car or a meeting room.
- Personal data should not be visible in the workplace – be it at home or in the office e.g. walls, desk, computer screen, printers and copiers.
- Ensure your computer security systems are up-to-date.
- Use strong passwords.
- Lock your computer screen if leaving computer/laptop unattended (windows key + L key).
- Password protect devices which hold personal data.
- Be aware that your notes and correspondence may be seen by the data subject.
- Never work on Fórsa sensitive data in a public place or leave in view.
- Destroy unrequired paperwork securely using a shredder.
- Handover files to incoming branch secretary/branch chairperson.
- If this is not possible return the material to your local Fórsa office for the appropriate storage and retention, and ultimately, secure destruction.

Remote working

Due to Covid-19 we are now working differently, many of us remotely. This brings with it new challenges.

- Take all reasonable steps to keep Fórsa documents secure.
- Remember that working from home can place us in a different mental space from our usual workplaces. Procedures such as double-checking addresses and attachments; password protecting email attachments that contain personal data; and using the BCC function for group emails, are just as important when working at home as in the office.
- Continue to use common sense and make sure that you are taking care of things like people's names and email addresses.
- Ensure that calls are not overheard, particularly when dealing with a members' personal case.

- Avoid conversations involving members' personal cases near Smart Speakers. If you have a Digital Home Assistant device/Smart Speaker such as Alexa, Siri or Google Home, be aware that these devices are always 'listening' to conversations and potentially storing the recording. Bear this in mind if conducting Fórsa-related telephone calls or video conference calls. We recommend you unplug the device or move to a different location in your home for the duration of the conversation.

Data subject rights

Under the GDPR members have a right to request their personal data, by submitting a data subject access request. Members, as data subjects, also have a right to rectification; erasure, right to restrict processing and the right to data portability. Fórsa as data controller, has 30 days under the legislation to comply with such requests. If your branch receives such a request please contact Fórsa's Data Protection Officer (DPO) at dpo@forsa.ie immediately.

Data Breach

If you suspect a data breach has occurred you should immediately contact Fórsa's Data Protection Officer (DPO), dpo@forsa.ie. Under the legislation any breaches must be reported to the Data Protection Commission within 72 hours of becoming aware of the breach. This must be done by Fórsa's DPO.

The Data Protection Commissioner has the power to impose large fines and also order Fórsa, including a Fórsa branch, to bring processing operations into compliance in a specific manner and within a specific period. They can also impose a temporary or definitive limitation including a ban on processing personal data.

What to do if you have a data breach by using the TO or CC button

If you inadvertently use the TO or CC button when sending bulk emails to Fórsa members there are a number of steps you should take.

- Try to recall email immediately
- Outlook - Double-click the **email** message that you want to **recall** or replace. Select Message > Actions > **Recall** This Message. Or, select File > Info > Resend or **Recall** > **Recall** This Message...
- Tell Fórsa HQ immediately – official or DPO
- Sent email to original recipients using BCC asking them to delete mail and not to forward mail.

Membership lists

- Access to branch membership lists is granted to branch officers and branch reps for union activities only.
- Apply through the Fórsa personal assistant that deals with your branch.
- Must abide by branch list rules.
- Don't share list with an unauthorised individual.
- Don't share list with a third party.
- Keep password protected.
- Destroy securely when you received a new list.
- Copies of membership lists should never be left unattended.

Members' personal cases

- Keep details of members' case confidential and secure.
- Members have an entitlement to confidentiality.
- Do not share details of case with branch committee.
- Only those who need to know the details of the case for operational reasons are told about the case. Including a local Fórsa rep or another branch officers, but only if they are representing the member.
- The appropriate Fórsa staff may see the case file or be made aware of the details of the case.
- Handover files to incoming branch secretary/branch chairperson.
- If this is not possible return the material to your local Fórsa office for the appropriate storage and retention, and ultimately, secure destruction
- When elected representatives in the workplace or on Branch, Divisional and/or National Committees stand down from their positions they must return all files and documents relating to union business, stored at work or at home, to the local Branch Secretary or to the relevant Head Office or Regional Office Official. Under no circumstances should material relating to other members or third parties be kept in personal possession on departure from union activity.
- Keep members' files for seven years.

Data retention

- Personal case files – seven years if routine and the case is closed.
- Inform member their case file is being deleted and ask do they want the file.
- If the case is active, keep until case is closed and has been retained for seven years.
- Don't delete active cases.
- Branch financial records – seven years.
- Non-essential telephone messages – no longer than one year.
- Draft reports, draft letters, working-documents. Ideally these should be destroyed once the final document is produced. If this is not possible, then no longer than one year after the final work product is produced.
- Delete file securely or return to Fórsa for confidential shredding. Contact the appropriate Fórsa official first.
- Collective agreements should be kept permanently.

Data protection training

Fórsa holds data protection training from time to time. Notification is sent to branch secretaries.

Fórsa's DPO is available for branch training. Contact dpo@forsa.ie

You can see a **30 minute video** [HERE](#) on the very basics you need to know as a Fórsa representative.

You can see a **two hour video** [HERE](#) on the basics you need to know as a Fórsa branch officer, branch committee member or branch representative.

**If you have any data protection concerns or worries please contact
Martina O’Leary, Fórsa Data Protection Officer at dpo@forsa.ie.**

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