

HSeLanD Privacy and Cookies Policy (last revised September 2023)

INTRODUCTION

Your privacy is of paramount importance to the Health Service Executive (HSE). HSeLanD, is the HSE's online learning portal.

This privacy and cookies policy ("**Policy**") applies to all applications and services offered by HSeLanD (the "**Service**") to you as a "**User**".

Please read the following carefully. Registering for a HSeLanD account ("**Your Account**") on our Website or any mobile application, use of Your Account and accepting the terms of this Policy indicates that you have reviewed this Policy. You will be required to expressly accept this Policy before providing any of Your Data to us. If you do not agree to these terms you must leave our Website immediately. If you choose to accept this Policy, we will keep a record of your acceptance in this regard.

We will handle Your Data in accordance with all applicable Data Protection Legislation.

This Policy sets out the basis on which any Personal Data which we collect from you, or that you provide to us, will be processed by us. We may use Your Data on any one or more of the following legal bases:

- (i) where you are a User, to perform a contract with you in accordance with the Terms of Service; or
- (ii) where you have not signed up to our Terms of Service, for our legitimate interests in using the resources available to us in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public, in which case, our legitimate interests will not override your fundamental privacy rights.

1. INFORMATION WE GATHER FROM YOU

1.1 We only collect and use individual's information where we are legally entitled to do so.

1.2 We may collect Personal Data from you in the course of our business, including through your use of our Website, when you contact or request information from us, when you engage our Service or as a result of your relationship with one or more of our staff. The information that we process includes:

- (i) basic information, such as your name (including name prefix or title) and your date of birth;
- (ii) contact information, such as your email address and phone number(s);
- (iii) technical and browser related information, such as information from your visits to our Website failed password attempts or applications, or in relation to materials and communications we send to you electronically;
- (iv) identification, location and background information provided by you, including vetting (as applicable);
- (v) employment information, such as your employee number, the department or county in which you work, your programme of care area, your discipline, your professional goals and your employment grade;

- (vi) User profile information, such as login details, your security question and answer, your username and your Account ID; or
- (vii) any other information relating to you which you may provide to us, including if you use one of the tools on HSeLanD e.g. PDP, CLCeP etc. and you provide additional information in the course of using these tools e.g. your NMBI pin, your professional goals, development goals etc.

1.3 We process personal data relating to corresponding training records to comply with our legitimate interest to provide employee training details to various organisations and employers within the Irish Health Services and in ultimately serving the legitimate interest of HSeLanD clients and service users.

1.4 Any Personal Data that we collect from you for these purposes is hereinafter referred to together as “**Your Data**”. The HSE is the Controller (as defined in Data Protection Legislation) in respect of Your Data on HSeLanD.

1.5 Your Data is separate from and should be distinguished from User Uploaded Personal Data. “**User Uploaded Personal Data**” is Personal Data uploaded by you or others through your Account/your use of the Service, and may be any information, data or materials provided or utilized by you or others, including Personal Data uploaded to discussion forums made available by HSeLanD. Where necessary, you should avoid uploading User Uploaded Personal Data to your Account or the Website. If, however, you or others upload any User Uploaded Personal Data, we and you are each joint Controllers (as defined in Data Protection Legislation) in respect of such User Uploaded Personal Data.

1.6 This Policy deals with our processing of Your Data in our capacity as Controller of Your Data. The data processing terms in Appendix 3 of the Terms of Service set out details of our joint Controller obligations in respect of User Uploaded Personal Data.

1.7 We endeavour to keep Your Data accurate and up-to-date. As such, you must tell us about any changes to such information that you are aware of as soon as possible. You can update your personal information held on the Personal User Profile Page of HSeLanD at any time.

2. **WHY WE COLLECT/HAVE ACCESS TO YOUR INFORMATION**

2.1 We collect information from you as necessary in the course of providing our Service. We may collect your personal information while monitoring our technology tools and services, including our Website and email communications sent to and from us. We gather information about you when you provide it to us, or interact with us directly. We may collect or receive information about you from other sources, such as keeping the contact details we already hold for you accurate and up to date by matching profile data fields against data held on your employer’s HR system.

2.2 We use that information: (i) to provide and improve our Website, including auditing and monitoring its use; (ii) to provide and improve our Service to you; (iii) to provide information requested by you; (iv) to monitor learning bookings and completions; (v) for reporting on training completions and for compliance purposes at a programme level and also by health service employer/organisation; (vi) to validate you as working for a particular employer (where this functionality is available) and (vii) to manage and administer our relationship with you. Where we wish to use Your Data in any other way, we will ensure that we have a valid legal basis to do so.

3. COOKIES AND IP ADDRESSES

- 3.1 A cookie is a small text file that is placed on your device by a web server which enables a website and/or mobile app to recognise repeat users, facilitate the user's ongoing access to and use of a website and/or mobile app and allows the website and/or mobile app to track usage behaviour and compile aggregate data that will allow content improvements. They collate information in relation to the Service which is represented in aggregate format through cookies. They help us to improve our Service and to deliver many of the functions that make your browser experience more user-friendly.
- 3.2 This Website uses "cookie" and "localStorage" technology. These are used to deliver content specific to your interests and to save your personal preferences so you do not have to re-enter them each time you connect to our Website. Cookies and localStorage are standardised ways for a website to store a small text file in your browser, and HSeLanD uses both of them to make the experience of using the site easier for you. Cookies and LocalStorage are neither a virus nor spyware.
- 3.3 HSeLanD uses session cookies to distinguish you from other users of the Website. These cookies are necessary for HSeLanD to work for you. They provide you with seamless access as you move from one area of the Website to another based on your session login. Once your session ends these cookies forget about you.
- 3.4 HSeLanD uses LocalStorage to keep track of the progress you have made within each learning programme. They will remain in your web browser after you have logged off, and allow you to continue a learning programme at the point you previously ended it next time you log on.
- 3.5 You may delete cookies or other storage from your browser at any time you like by visiting your web browser settings.
- 3.6 HSELAND uses Google Analytics to supply analytics regarding the usage of HSeLanD and its associated Hubs/Tools. We use these analytics to track patterns, and then use this information to improve HSeLanD. Google Analytics does NOT store any personal information such as your Name, Email Address, or IP Address. However, it may store your place of work and User (staff) level, as recorded during your registration on HSELAND.ie.
- 3.7 If you wish to Opt-out of Google Analytics, you can use the Google Analytics Opt-out Browser Add-on.]
- 3.8 You will be reminded of the use of cookies on our Website by way of a 'pop-up' or similar function from time to time.
- 3.9 The 'Help Menu' on the menu bar of most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you receive a new cookie and how to disable cookies altogether. You can also disable or delete similar data used by browser add-ons, such as flash cookies, by changing the add-on's settings or visiting the website of its manufacturer.
- 3.10 For more information about cookies and managing them including how to turn them off, please visit www.cookiecentral.com. However, because cookies allow you to take advantage of some of our Website's essential features, we recommend you leave them turned on as otherwise you may not be able to fully experience the interactive features of our Website or other related websites which you visit.

4. **ARE THERE CASES WHERE WE MAY USE YOUR INFORMATION TO CONTACT YOU**

4.1 We may contact you for administration reasons related to the Service (e.g. to provide you with password reminders or to notify you that a particular service, activity or online content has been suspended for maintenance, or to remind you to complete or update a piece of compliance training, or to communicate with you regarding a programme that you have booked to attend or have attended, or need to attend as a follow up training to a programme you have attended, or in relation to the application of learning following a programme you have completed, or you may receive email notifications regarding training that you have self-registered on or have been registered on by your employer or is mandatory for you to complete. These notifications relate to training details and logistics including enrolment reminders, course waiting lists, completion reminders and cancellation of training, or in response to a question that you ask us).

5. **WHAT RIGHTS DO YOU HAVE**

5.1 As a data subject, you have the following rights under Data Protection Legislation and we, as Controller in respect of Your Data, will comply with such rights in respect of Your Data:

5.1.1 the right of access to Personal Data relating to you;

5.1.2 the right to correct any mistakes in Your Data;

5.1.3 the right to restrict or prevent Your Data being processed in the circumstances further outlined in 5.6.1(a) to 5.6.1(d) below;

5.1.4 the right to have Your Data ported to another data controller;

5.1.5 the right to erasure in the circumstances outlined in 5.8.1(a) to 5.8.1(e) below; and

5.1.6 the right to complain to the DPC if you believe we have not handled Your Data in accordance with Data Protection Legislation.

5.2 These rights are explained in more detail below, but if you have any comments, concerns or complaints about our use of Your Data, please contact us (see 'How To Contact Us' below). We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex or cumbersome, in which case we will respond within three months (we will inform you within the first month if it will take longer than one month for us to respond). Where a response is required from us within a particular time period pursuant to Data Protection Legislation, we will respond within that time period.

5.3 We do not carry out any automated decision taking or direct marketing via the Website or as part of the Service.

5.4 **Right of access to Personal Data relating to you**

5.4.1 You may ask to see what Personal Data we hold about you and be provided with:

5.4.2 a summary of such Personal Data and the categories of Personal Data held (see Sections 1 and 2 above);

5.4.3 details of the purpose for which it is being or is to be processed (see Section 2 above);

- 5.4.4 details of the recipients or classes of recipients to whom it is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers (see Section 7 below);
- 5.4.5 details of the period for which it is held or the criteria we use to determine how long it is held (see Section 11 below);
- 5.4.6 details of your rights, including the rights to rectification, erasure, restriction or objection to the processing (set out in this Section 5);
- 5.4.7 any information available about the source of that data (see Section 1 above); and
- 5.4.8 where Your Data are transferred out of the EEA, what safeguards are in place (see Section 7 below).
- 5.4.9 Details in respect of the above points are all set out in this Policy; however, if you need further clarification, please contact us (see 'How To Contact Us' below).
- 5.4.10 Requests for access to Your Data must be made to us (see 'How To Contact Us' below) specifying what Personal Data you need access to, and a copy of such request may be kept by us for our legitimate purposes in managing the Service and our Website. To help us find the information easily, please give us as much information as possible about the type of information you would like to see. If, to comply with your request, we would have to disclose information relating to or identifying another person, we may need to obtain the consent of that person, if possible. If we cannot obtain consent, we may need to withhold that information or edit the data to remove the identity of that person, if possible.
- 5.4.11 There are certain types of data which we are not obliged to disclose to you, which includes Personal Data which records our intentions in relation to any negotiations with you where disclosure would be likely to prejudice those negotiations. We are also entitled to refuse a data access request from you where (i) such request is manifestly unfounded or excessive, in particular because of its repetitive character (in this case, if we decide to provide you with the Personal Data requested, we may charge you a reasonable fee to account for administrative costs of doing so), or (ii) we are entitled to do so pursuant to Data Protection Legislation.

5.5 **Right to update Your Data or correct any mistakes in Your Data**

- 5.5.1 You can require us to correct any mistakes in Your Data which we hold free of charge. If you would like to do this, please:
 - (a) contact us (see 'How to Contact Us' below);
 - (b) let us have enough information to identify you (e.g. name, registration details); and
 - (c) let us know the information that is incorrect and what it should be replaced with.
- 5.5.2 Note that, with exception of your username, you may self-correct your user profile data using your own user Account interface.
- 5.5.3 If we are required to update Your Data, we will inform recipients to whom that Personal Data has been disclosed (if any), unless this proves impossible or has a disproportionate effort.

5.5.4 It is your responsibility that all of the Personal Data provided to us is accurate and complete. If any information you have given us changes please ensure that you update this.

5.6 **Right to restrict or prevent processing of Personal Data**

5.6.1 In accordance with Data Protection Legislation, you may request that we stop processing Your Data temporarily if:

- (a) you do not think that Your Data is accurate (but we will start processing again once we have checked and confirmed that it is accurate);
- (b) the processing is unlawful but you do not want us to erase Your Data;
- (c) we no longer need the Personal Data for our processing; or
- (d) you have objected to processing because you believe that your interests should override the basis upon which we process Your Data.

5.6.2 If you exercise your right to restrict us from processing Your Data, we will continue to process the Personal Data if:

- (a) you consent to such processing;
- (b) the processing is necessary for the exercise or defence of legal claims;
- (c) the processing is necessary for the protection of the rights of other individuals or legal persons; or
- (d) the processing is necessary for public interest reasons.

5.7 **Right to data portability**

In accordance with Data Protection Legislation, you may ask for an electronic copy of Your Data that you have provided to us and which we hold electronically, or for us to provide this directly to another party. This right only applies to Personal Data that you have provided to us – it does not extend to data generated by us. In addition, the right to data portability also only applies where:

5.7.1 the processing is based on your consent or for the performance of a contract; and

5.7.2 the processing is carried out by automated means.

5.8 **Right to erasure**

5.8.1 In accordance with Data Protection Legislation, you can ask us (please see 'How To Contact Us' below) to erase Your Data where:

- (a) you do not believe that we need Your Data in order to process it for the purposes set out in this Policy;
- (b) if you had given us consent to process Your Data, you withdraw that consent and we cannot otherwise legally process Your Data;
- (c) you object to our processing and we do not have any legal basis for continuing to process Your Data;

- (d) Your Data has been processed unlawfully or have not been erased when it should have been; or
- (e) the Personal Data have to be erased to comply with law.

5.8.2 We may continue to process Your Data in certain circumstances in accordance with Data Protection Legislation (i.e. where we have a legal justification to continue to hold such Personal Data, such as it being within our legitimate business interest to do so). Where you have requested the erasure of Your Data, we will inform recipients to whom that Personal Data have been disclosed, unless this proves impossible or involves disproportionate effort. We will also inform you about those recipients if you request it.

5.9 **Right to complain to the DPC**

If you do not think that we have processed Your Data in accordance with this Policy, please contact us in the first instance. If you are not satisfied, you can complain to the DPC or exercise any of your other rights pursuant to Data Protection Legislation. Information about how to do this is available on the DPC website at <https://www.dataprotection.ie>

6. **WHO WE SHARE YOUR INFORMATION WITH**

6.1 HSeLanD will not share Your Data without having a valid legal basis to do so. Your Data will not be transferred to any third party unless there are adequate safeguards in place with the recipient in respect of the security of Your Data.

6.2 We restrict access to personal information to employees/contractors who need to know that information in order to operate, develop, or improve our Service and/or Website (including in respect of the support of our software, and analytics). These individuals are bound by confidentiality obligations and may be subject to discipline, including termination, civil litigation and/or criminal prosecution, if they fail to meet these obligations. Employees in healthcare organisations who have been granted access to HSeLanD as approved administrators may also access Your Data (where relevant) for the purposes of managing, delivering and reporting on online and classroom based training at national, regional or local level. We may also share Your Data with: (i) our suppliers/service providers for the purpose of providing and improving the Service to you; for example, Aurion Learning Limited (our online learning partner who assisted in the design and development of HSeLanD); and (ii) third parties (such as, for instance, universities) whose staff act as classroom hub administrators via the Service.

6.3 Your Data may be transferred to, stored at, or accessed from a destination outside the European Economic Area (“**EEA**”) for the purposes of us providing the Service. It may also be processed by staff outside the EEA who work for us, another corporate entity within our group, or any of our suppliers/service providers operating outside the EEA. We will take all steps reasonably necessary to ensure that Your Data is treated securely and in accordance with this Policy. The safeguards in place with regard to the transfer of Your Data to third parties outside of the EEA are the entry by us into appropriate contracts (and, where necessary, the EU Standard Contractual Clauses) with all transferees of such data.

6.4 All information you provide to us is stored on our HSE secure servers. Where we have given you (or where you have chosen) a password which enables you to access any part of our Website, you are responsible for keeping this password confidential. We ask you not to share a password with any person not authorised to use the Service.

7. **THIRD PARTY WEBSITES**

- 7.1 This Policy applies to websites and services that are owned and operated by HSeLanD. We do not exercise control over the sites/applications that may be linked from our Website. These other sites/applications may place their own cookies or other files on your computer, collect data or solicit personal information from you. You acknowledge that the Service that we provide and our Website may enable or assist you to access the website content of, correspond with, and purchase products and services from, third parties via third-party websites and that you do so solely at your own risk. We make no representation or commitment and shall have no liability or obligation whatsoever in relation to the content or use of, or correspondence with, any such third-party website, or any transactions completed, and any contract entered into by you, with any such third party and the use by any such third-party of your Personal Data. We do not endorse or approve any third-party website nor the content of any of the third-party website made available via the Service or our Website. We encourage you to carefully familiarize yourself with the terms of use and privacy policies applicable to any websites and/or services operated by third parties. Please be aware that we are not responsible for the privacy practices of any third parties.

8. **HOW DO WE PROTECT YOUR PERSONAL INFORMATION**

- 8.1 We do our utmost to protect user privacy through the appropriate use of security technology. We restrict access to Your Data to employees, contractors and agents who need to know Your Data in order to operate, develop or improve the services that we provide. We ensure that we have appropriate physical and technological security measures to protect your information; and we ensure that when we outsource any processes that the service provider has appropriate security measures in place. However, our Website may contain hyperlinks to Websites owned and operated by third parties. These third party websites have their own privacy policies, including cookies. We do not accept any responsibility or liability for the privacy practices of such third party websites and your use of such websites is at your own risk.
- 8.2 We will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks that are presented by the processing of Your Data. In particular, we will consider the risks presented by accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Your Data transmitted, stored or otherwise processed.

9. **BREACH REPORTING**

- 9.1 The HSE's data protection procedures include the reporting of data breaches. Serious data breaches will be reported to the DPC without undue delay, and where feasible, not later than 72 hours after having become aware of same. If notification is not made after 72 hours, we will record a reasoned justification for the delay; however, it is not necessary to notify the DPC where the Personal Data breach is unlikely to result in a risk to the rights and freedoms of natural persons. A Personal Data breach in this context means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed.
- 9.2 We will keep a record of any data breaches, including their effects and the remedial action taken, and will notify you of any data breach affecting Your Data (which poses a high risk to you) when we are required to do so under Data Protection Legislation. We will not be required to notify you of a data breach where:

- 9.2.1 we have implemented appropriate technical and organisational measures that render the Personal Data unintelligible to anyone not authorised to access it, such as encryption;
- 9.2.2 we have taken subsequent measures which ensure that the high risk to data subjects is not likely to materialise; or
- 9.2.3 it would involve disproportionate effort, in which case we may make a public communication instead.

10. **RETENTION OF PERSONAL DATA**

- 10.1 Your Data will be kept and stored for such period of time as we deem necessary taking into account the purpose for which it was collected in the first instance. This may include retaining Your Data as necessary to administer Your Account, comply with our legal obligations, to resolve disputes, to enforce our agreements (including for the 6 year limitation period in Ireland for contractual claims, plus a reasonable period thereafter), to support business operations, and to continue to develop and improve our Service. For further information regarding the retention of records, please consult the HSE's Record Retention Policy.
- 10.2 Where we retain information for Service/Website improvement and development, we take steps to eliminate information that directly identifies you, and we only use the information to uncover collective insights about the use of our Service/Website, not to specifically analyse personal characteristics about you.

11. **OFFENSIVE CONTENT**

- 11.1 If any of your User Uploaded Personal Data contains any material which may reasonably be deemed to be offensive, inappropriate or objectionable or if you otherwise engage in any disruptive behaviour in relation to the Service, we may remove such content and/or suspend the use of Your Account. We may also remove any such material from any of our social media pages.
- 11.2 Where we reasonably believe that you are or may be in breach of any applicable laws, for example on hate speech, we may disclose your personal information to relevant third parties, including to law enforcement agencies or your internet provider. We would only do so in circumstances where such disclosure is permitted under applicable laws, including Data Protection Legislation.

12. **AMENDMENTS TO THIS POLICY**

HSeLanD may change this Policy from time to time and at HSeLanD's sole discretion. The date of the most recent revisions will appear at the beginning of the Policy. If you do not agree to these changes, please do not continue to use our Website and/or the Service. If material changes are made to the Policy, we will notify you by placing a prominent notice on our Website or by sending you a notification in relation to this. We will not process Your Data in a manner not contemplated by this Policy without your consent.

13. **HOW TO CONTACT US**

If you need to contact us with regard to any of your rights as set out in this Policy, all such requests should be made via the "GDPR information" link in the HSeLanD footer on our Website.