

UCD Access & Lifelong Learning Disability Support: Privacy Statement

About the Disability Support Privacy Statement

University College Dublin (UCD) is committed to ensuring that students with a disability have complete and equitable access to all facets of UCD life as can reasonably be provided. UCD has adopted a policy for students with disabilities studying in UCD which is in accordance with the Disability Act 2005, the Equal Status Acts 2000 (as amended), and the University Act 1997. Students with a disability are encouraged to register for disability support and ‘reasonable accommodations’ in the UCD Access and Lifelong Learning Centre (UCD ALL) to seek support in areas where their disability could affect their ability to participate fully in all aspects of the course. Such disclosure is encouraged so that UCD ALL can work with the student in ensuring that any reasonable accommodation required is identified and facilitated in consultation with the student.

Any student wishing to receive disability support and reasonable accommodations must attend a Needs Assessment taking into account the nature of the disability, course requirements and individual differences, read this Privacy Statement and sign the ‘Consent to Release Information’ form so that necessary information may be provided to third parties on a need-to-know basis for the purpose of receiving reasonable accommodations.

This document outlines the practices of UCD ALL in capturing ‘sensitive personal data’ for the intention of implementing reasonable accommodations. This Privacy Statement applies to all students at UCD, both undergraduate and postgraduate, with permanent or long-term disabilities who request reasonable accommodations. From 25 May 2018, UCD ALL process ‘sensitive personal data’ in accordance with EU General Data Protection Regulation (GDPR; 2016/679) and the Data Protection Act 2018.¹ This Privacy Statement & outlines:

1. How UCD ALL collects ‘sensitive personal data’
2. The purpose for which UCD ALL collect and process ‘sensitive personal data’
3. Legal basis for collecting ‘sensitive personal data’
4. How UCD ALL stores and secures ‘sensitive personal data’
5. Details of third parties with whom UCD ALL shares ‘sensitive personal data’
6. Students on Overseas UCD-Accredited Programmes: Singapore/Hong Kong/Sri Lanka
7. Information for Current Students and External Lecturers regarding Recording of Lectures by Students with Disabilities
8. Individual rights under GDPR
9. Reporting data breaches
10. Contact details

¹ For the purposes of this privacy statement, UCD is the ‘data controller’ and UCD ALL is the ‘data processor’. Please see UCD’s [GDPR FAQs](#) and UCD’s [Privacy Statement for Students](#) for more information and a glossary of terms.

1. How UCD ALL collects 'sensitive personal data'?

The data we collect will be used by UCD ALL only in accordance with the purposes outlined in this Privacy Statement.

We will collect your data in the following manner:

- CAO/DARE² disability evidence/DARE Educational Impact Assessment (and/or other application forms) if a disability is declared by the student during the DARE application which is sent to UCD by the CAO*
- Students directly identifying themselves to UCD ALL seeking reasonable accommodations with appropriate evidence of disability* (i.e. 'Evidence of Disability Form' or appropriate documentation from the relevant professional or specialist as per the 'Evidence of Disability Form')
- Students completing the Needs Assessment Request process on SISWeb
- Conducting a Needs Assessment with students
- Students completing various consent and funding forms (i.e. Consent to Release Information form, Consent to Release Information – Students with Cystic Fibrosis)
- Record of student interaction on CRM (secure online student recording system) including email contact and verbal contact

***NB:** If the student provides this information in advance of registering on a UCD course and then chooses to not enrol, evidence of disability will be destroyed by August 31st at the end of the Academic Year in which it was received. If the student decides to study at UCD at a later date, they will need to re-submit their evidence of disability and sign the Consent to Release Information form.

2. Purposes for which UCD ALL collect and process ‘sensitive personal data’

The personal data we collect is necessary to provide students in UCD who are registered for disability support with the reasonable accommodations identified through a Needs Assessment process. In order to do this, we will need to “process” your data, which will include storing, collecting, retrieving, using, combining, erasing and eventually destroying your personal data, and can involve automated or manual operations. The table below outlines what data we collect and the purposes for why we collect it.

Data fields collected/processed	Purpose
Full name	Identification for communication & conducting Needs Assessment.
Student Number	Identification for communication & conducting Needs Assessment.
Email address	Communication regarding: <ul style="list-style-type: none"> ● Answering general queries regarding disability support. ● Booking a Needs Assessment. ● Sending your Certificate of Disability Support and information to you following a Needs Assessment. ● General information pertaining to reasonable accommodations (e.g. details about alternate exam locations, collection of exam stickers etc.). ● Occasionally promoting awareness of disability-related activities or opportunities linked to UCD ALL. ● Occasionally soliciting voluntary feedback for research for the purposes of service development* ● Occasionally promoting voluntary opportunities and activities in external bodies such as research participation opportunities.
Date of Birth	<ul style="list-style-type: none"> ● To verify your identity.
Information pertaining to your disability in the form of; Evidence of disability, Verbal communication during Needs Assessment, Written consent	<ul style="list-style-type: none"> ● Eligibility criteria for the Funding for Students with Disabilities (FSD). ● Determining impact of your disability on your role as a UCD student and subsequent appropriate reasonable accommodations. ● Releasing necessary information to third parties on a need-to-know basis in order to implement reasonable accommodations. ● Internal and external reporting using anonymised data.
Information pertaining to your eligibility for the FSD fund (if applicable) including; Course details, Residency, Nationality, Immigration Status	<ul style="list-style-type: none"> ● Eligibility criteria for the FSD fund. ● Coordinating, monitoring and evaluating the operation of the FSD fund using anonymised data.

***NB** = The contribution of students who use UCD ALL is vital so that the service can develop in response to evidence-based research. By accessing disability supports from UCD ALL, you will be asked to participate in surveys or other forms of research but your non-participation will not in any way prejudice the supports or accommodations you may be entitled to.

3. Legal basis for collecting 'sensitive personal data'

The legal basis for collecting personal data is to ensure that UCD complies with its duties and **legal obligation** to provide reasonable accommodations for students with disabilities listed under GDPR (2016/279), the Disability Acts 2005, Equality Status Act 2000 (as amended) and the University Act 1997.

The data we collect about you will be used to implement appropriate reasonable accommodations and disability support. When students register for reasonable accommodations with UCD ALL, they are provided with this Privacy Statement which details information on the 'sensitive personal data' collected by UCD and how it will be processed. Students seeking reasonable accommodations must sign a Consent to Release Information form at their Needs Assessment providing their **explicit informed consent** to release necessary information to relevant internal and external bodies for the purposes of receiving reasonable accommodations.

Note: If you choose not to consent to the collection and processing of your data or choose to restrict the disclosure of your data where it is necessary for the implementation of reasonable accommodations, you may not be able to receive those reasonable accommodations.

Furthermore, students may withdraw their consent to disclose information at any time. Withdrawing consent to disclose information may limit the implementation of reasonable accommodations. To withdraw consent, UCD ALL requires the student to attend a meeting to review the Consent to Release Information form and to advise us in writing that they are withdrawing their consent. To organise a meeting to withdraw consent at any time, please email disability@ucd.ie.

4. How UCD ALL stores and secures 'sensitive personal data'

Any data we collect from you will be stored confidentially and securely as required by UCD's [Information Handling Standard](#). The University is committed to ensuring all access to and processing of University data is performed in a secure manner. In keeping with the data protection principles, we will only store your data for as long as is necessary.

For the purposes described here UCD ALL will store 'sensitive personal data' securely, as follows:

- Paper records: UCD ALL does not hold any paper documents and will give paper records back to students once scanned. Paper records received by UCD ALL will be scanned and shredded.
- Electronic records³: all documentation related to your disability and forms relating to the Needs Assessment are stored on the Disability Support Shared Drive and/or the Disability Team Google Drive which is compliant with [UCD IT Service's File Storage and Sharing Guide](#). Notes on all interactions are stored on the Disability Support CRM System provided through InfoHub. Access to these systems is limited to authorised UCD staff.
- Retention of documentation: in accordance with UCD's [Record Management Policy](#) and the [HEA's external reporting requirements for the FSD](#), data on FSD-eligible students is securely stored as electronic files for a maximum of seven years following programme completion/ graduation/ withdrawal after which the data will be anonymised and retained permanently for statistical purposes.

Data pertaining to students who are not eligible for the FSD will be securely stored as electronic files until programme completion/graduation/withdrawal, after which it will be securely destroyed.
- UCD ALL keep an electronic record of supports and equipment provided to students and interaction with students to ensure that a consistent service is provided to all students.
- Statistical information: data gathered to monitor and evaluate the service provided through UCD ALL will be anonymous.

³ When UCD stores 'sensitive personal data' on our systems, the data will be stored either on UCD premises or on secure IT platforms within the EEA, which are also subject to European data protection requirements. Please see UCD's [Cloud Computing Self Evaluation Guidelines](#) for more information

5. Details of the third parties with whom we share personal data

UCD ALL will share personal data with third parties (internal and external) where necessary for the purposes of processing outlined in section 2 of this Privacy Statement (see Table below). Specific medical or other documentation will not be disclosed to any third party, except where necessary to provide reasonable accommodations. Where a student requests and is granted any form of reasonable accommodation, such as extra time in exams or permission to record lectures, UCD ALL will, with consent from the student, disclose relevant information to the individuals in those schools responsible for providing or facilitating students in accessing such accommodations. In such instances, only information relevant to the particular situation will be disclosed. Where academic staff contact UCD ALL for advice regarding individual students, staff will be informed that it is necessary to obtain the permission of the student before doing so.

External Bodies	Type of Disclosure	Purpose of Disclosure
Funding Body (Higher Education Authority: <i>Fund for Students with a Disability</i> ; Disabled Student Allowance)	Name, student number, evidence of disability, details of supports received, registration status, degree outcome, Nationality, Residency, and immigration status.	Applying for FSD/DSA funding. External reporting activities using anonymised data.
External service providers & UCD Finance Office (if applicable) e.g.: <ul style="list-style-type: none"> • Education Support Worker Agency • Transport Provider • Assistive technology provider 	Name, student numbers, contact information (phone number & UCD email address), nature of disability (if required), support requirements as necessary.	Implement reasonable accommodations.
Internal Bodies	Type of Disclosure	Purpose of Disclosure
School and Programme staff including Module Coordinators, Lecturers, Student Advisor, Programme/School Manager, Module Assistants (Tutors, Lab Demonstrators, etc.)	Name, student number, details of exam and classroom accommodations.	Implement classroom & exam accommodations.
UCD Registry – UCD Assessment staff (e.g., Alternate exam venue organisers & invigilators)	Name, student number, details of exam accommodations.	Implement exam accommodations.
Internal & external UCD ALL reporting activities	Anonymised data relating to nature of disability, Programme of study, year of Needs Assessment, Fund for Students with Disabilities Eligibility, and category of reasonable accommodations.	Evaluating and reporting on Disability Support activities and generating statistics.

School of Nursing, Midwifery and Health Systems – Disability Liaison Team or School of Veterinary Medicine (Veterinary Nursing Programme) (if applicable)	Name, student number, evidence of disability, Fund for Students with Disabilities Eligibility.	Identifying students to complete a Clinical Needs Assessment.
College of Science (if applicable)	Name, student number, nature of disability	Identifying students for Lab Needs Assessment.
University Access Coordinator (optional)	Name, student number, details of exam and classroom accommodations.	To inform University Access Coordinator of reasonable accommodations.
UCD Library (if applicable)	Name, student number.	Enabling use of accessible entrance.

***NB=** Students remain responsible for requesting reasonable accommodations from Module Coordinators following the Needs Assessment, especially for in-class and local arranged exams. Module Coordinators remain responsible for implementing these reasonable accommodations at the programme level.

When UCD ALL shares personal data with the third parties outlined here for the purposes of implementing reasonable accommodations, UCD ALL will ensure that the data is only processed according to our specific instructions and that the same standards of confidentiality and security are maintained. Once the processing of personal data is complete any third parties with whom data was shared will be required to return the data to UCD ALL, except where they are required to retain it by law.

Note on Non-disclosure of information: Students may, at any time, request restrictions to the processing or sharing of data by UCD ALL by ticking ‘No’ in any of the boxes on the ‘Consent to Release Information’ form at their Needs Assessment. However, by ticking ‘No’, students may not be able to receive those reasonable accommodations that require disclosure of information.

Parents/guardians & Other students: Due to GDPR, information about students with disabilities and support requirements will not be shared or discussed with parents/guardians without written consent from the student. Please note that even if you provide such consent, parents cannot act, or request changes, on your behalf and that you retain responsibility for engaging with UCD ALL. UCD ALL will not disclose details of your disability to other students; it is your choice whether to tell others that you have a disability or that you are accessing/receiving support.

Third parties not specified above: Students remain the controllers of their data and UCD ALL will not share data with any third parties apart from those specified in the Consent to Release Information form for the purpose of implementing reasonable accommodations. Should the student wish to share their data with other third parties, they should request their data from UCD ALL, they will then be provided with their data and may share it with whom they wish.

Disclosures in exceptional circumstances: UCD ALL may, in exceptional circumstances, share data about a student's disability/condition with third parties without the student's consent. These circumstances are provided for, in full, under the Data Protection Act and include:

- Emergencies, e.g. if the student is unwell/injured; or at risk of injury to themselves/others.
- To protect the vital interests of any person, including the student.
- Fitness to study issues or a duty to report to a professional body (such as the Teaching Council).
- Complaints/appeals to UCD.
- Legal situations, e.g. legal disputes/advice/proceedings, or where required by a court of law.
- To law enforcement agencies, for the prevention/detection of crime or the apprehension/prosecution of an offender.
- Child Safeguarding - If a student discloses any information to UCD ALL, that indicates a child (someone under the age of 18) has been harmed or is at risk of being harmed, UCD ALL are obliged to pass this information onto the [Child and Family Agency \(Tusla\)](#) under The Children First Act 2015. This includes an adult disclosing abuse that occurred when they were a child. This report will be made in collaboration with the designated UCD Child Protection Officer (CPO). For more information see [UCD's Child Safeguarding Statement](#).

6. Students on Overseas UCD-Accredited Programmes: Singapore/Hong Kong/Sri Lanka

UCD ALL is aware that students with a disability who are enrolled on an overseas UCD-accredited programme in Singapore/Hong Kong/Sri Lanka may wish to avail of disability support during their programme. As these courses are UCD-accredited, the data processing activities necessary to provide these supports must be in accordance with GDPR legislation.

In relation to [transfers of personal data to third/international countries outside of the European Economic Area \(EEA\)](#), Singapore/Hong Kong/Sri Lanka do not possess an '[adequacy decision](#)' in line with Article 45 or a '[standard contractual clause](#)' in line with Article 46 of GDPR legislation. This means that the EU do not consider these countries to have appropriate data protection measures in place to make a safe international transfer of personal data. Due to this, UCD ALL are unable to make a direct transfer of personal data (including special category data) to personnel within these campuses for the purposes of providing reasonable accommodations.

To avail of reasonable accommodations on these programmes, students must contact UCD ALL directly to complete a Needs Assessment. To complete the Needs Assessment, students will need to provide UCD ALL with appropriate 'Evidence of Disability' and sign the 'Consent to Release Information Form for Students on Overseas Programmes', both of which will be retained securely as per Section 4 of this Privacy Statement. After the Needs Assessments, students will be provided with their Certificate of Disability Support via email which outlines the reasonable accommodations they require. Programme Managers based in UCD who have access to InfoHub (student record system) will have access to information regarding a student's reasonable accommodations. Students will sign the 'Consent to Release Information Form for Students on Overseas Programmes' acknowledging that they must use this Certificate of Disability Support at their own discretion to request their reasonable accommodations from the appropriate personnel (e.g. lecturers) directly within their overseas programme of study and that UCD ALL and Programme Managers will not transfer data outside of the EEA.

This procedure has been agreed with the UCD Office and Data Protection to ensure that these students can avail of reasonable accommodations, while ensuring that the data processing activities are in accordance with GDPR. The following individual rights will still apply.

7. Information for Current Students and External Lecturers regarding Recording of Lectures by Students with Disabilities

Current Students:

UCD has adopted a policy for students with disabilities studying in UCD which is in accordance with the Disability Act 2005, the Equal Status Acts of 2000 (as amended), and the University Act 1997. Students with disabilities are encouraged to avail of disability support and 'reasonable accommodations' with UCD ALL. Students must provide documentary evidence of disability and complete a Needs Assessment to avail of reasonable accommodations. One example of a reasonable accommodation is permission to audio record lectures using assistive technology. Hence, it is possible that any or all lectures students are attending are being audio recorded using assistive technology by student(s) with disabilities who have been granted this reasonable accommodation. Furthermore, some students with disabilities may use assistive technology which generates captions and/or transcripts of recorded lectures. Students with disabilities who avail of this reasonable accommodation are obliged to sign a [Consent form](#) agreeing to only use these recordings for private study, not to share with any third parties (including other students) and acknowledging that a breach of these terms will constitute a breach of UCD's disciplinary regulations and will be brought before the Registrar or their nominee as per the UCD Student Code. For more information, please contact disability@ucd.ie.

External Lecturers:

UCD has adopted a policy for students with disabilities studying in UCD which is in accordance with the Disability Act 2005, the Equal Status Acts of 2000 (as amended), and the University Act 1997. Students with disabilities are encouraged to avail of disability support and 'reasonable accommodations' with UCD ALL. Students must provide documentary evidence of disability and complete a Needs Assessment to avail of reasonable accommodations. Module Coordinators can access the list of students taking a module in receipt of reasonable accommodations, including those with permission to audio record lectures using assistive technology. Hence, it is possible that lecture(s) you facilitate within UCD are being audio recorded using assistive technology by student(s) with disabilities who have been granted this reasonable accommodation. Furthermore, some students with disabilities may use assistive technology which generates captions and/or transcripts of recorded lectures. Students with disabilities who avail of this reasonable accommodation are obliged to sign a [Consent form](#) agreeing to only use these recordings for private study, not to share with any third parties (including other students) and acknowledging that a breach of these terms will constitute a breach of UCD's disciplinary regulations and will be brought before the Registrar or their nominee as per the UCD Student Code. For more information, please contact the Module Coordinator of the module for which you are facilitating a lecture or contact disability@ucd.ie.

8. Individual rights under GDPR

You will have the following rights over the way we process your personal data. If you would like to exercise any of the below rights, please see our contact details below. Further details on these rights are available [here](#).

Right of Access

You have the right to request a copy of the personal data we are processing about you and to exercise that right easily and at reasonable intervals.

Consent

You have the right to withdraw your consent where that is the legal basis of our processing. Under GDPR, UCD have the legal basis to process the above specified data with a student's informed consent in order to fulfil UCD's legal obligation of implementing reasonable accommodations in accordance with the Disability Act 2005, the Equal Status Act 2000 (as amended) and University Act 1997.

Rectification

You have the right to have inaccuracies in personal data that we hold about you rectified.

Erasure

You have the right to have your personal data deleted where we no longer have any justification for retaining it subject to exemptions such as the use of pseudonymised data for scientific research.

Object

You have the right to object to processing your personal data if:

- We have processed your data based on a legitimate interest or for the exercise of the public tasks of the University if you believe the processing to be disproportionate or unfair to you.
- The personal data was processed for the purposes of direct marketing or profiling related to direct marketing. For example, where a data controller is using personal data for the purpose of marketing something directly to the individual, or profiling for direct marketing purposes, the individual can object at any time, and the data controller must stop processing as soon as they receive the objection.
- We have processed the personal data for scientific or historical research purposes or statistical purposes unless the processing is necessary for the performance of a task carried out for reasons of public interest.

Restriction

You have a limited right to restrict the processing of your personal data by a data controller such as UCD. Where processing of data is restricted, it can be stored by the data controller, but most other processing actions, such as deletion, will require permission.

This right applies in four ways. The first two types of restriction of processing apply where an individual has objected to processing of data under Article 21, or where the individual has contested the accuracy of data. In these cases, the restriction applies until the data controller has determined the accuracy of the

data, or the outcome of the objection. The third situation in which an individual can request restriction relates to processing that is unlawful. In these cases, if an individual does not want the data controller to delete information, they can request restriction of the personal data instead. The fourth type of restriction of processing applies where data is required for the purpose of a legal claim. In this case, restriction can be requested even where the data controller no longer needs the data.

When restriction of processing is obtained, what obligations does the data controller have? Where an individual has obtained restriction of processing of data, the data controller must inform the individual before lifting the restriction.

Portability

You have the right to have a readily accessible machine-readable copy of data transferred or moved to another data controller where UCD is processing the data based on consent.

9. Reporting data breaches

Under the GDPR, a data breach which is reportable to the Data Protection Commissioner must be reported no later than 72 hours after awareness is made of it. All breaches or suspected breaches should therefore be reported to the UCD Data Protection Officer (contact details below) without delay for assessment.

10. Contact details

If you have any queries relating to this Privacy Statement and Consent to release Information form or to the processing of your personal data for the purposes outlined above or you wish to make a request in relation to your rights, you can contact any member of the Disability Support team via:

Disability Support Team
UCD Access & Lifelong Learning
Level 1, James Joyce Library Building,
University College Dublin, Belfield, Dublin, D04 V1W8
Phone: 01 716 7123
Email: disability@ucd.ie

If you wish to make a complaint or escalate an issue relating to your rights you can contact the Data Protection Officer via:

UCD Data Protection Officer
Room E2.09, UCD O' Brien Centre for Science,
University College Dublin, Belfield, Dublin, D04 V1W8.
Email: gdpr@ucd.ie

Complaints in relation to decisions made by UCD ALL staff or with service delivery should be dealt with through the [UCD Complaints Procedure](#) if they are not resolved by UCD ALL to your satisfaction. Finally, if you are not satisfied with the information we have provided to you in relation to the processing of your data, you can also make a complaint to the Data Protection Commissioner via the link in their website [Making a Complaint to the DPC](#).