



An Roinn Leanai, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige
Department of Children, Equality,
Disability, Integration and Youth

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Access and Inclusion Model (AIM) Privacy Notice for Early Learning & Childcare providers

Prepared by the Department of
Children, Equality, Disability, Integration and Youth
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1.0 Who we are.

The Department of Children, Equality, Disability, Integration and Youth's mission is to enhance the lives of children, young people, adults, families and communities, recognising diversity and promoting equality of opportunity.

The Department of Children, Equality, Disability, Integration and Youth (hereafter 'the Department') is committed to protecting the rights and privacy of individuals (known as 'data subjects') in accordance with both European Union and Irish data protection legislation. We place high importance on the correct, lawful and fair handling of all personal data, respecting the legal rights, privacy and trust of all individuals with whom we deal.

AIM is a national initiative that supports access to Early Learning and Childcare (ELC) with a particular focus on the Early Childhood Care and Education (ECCE) programme for children with a disability. AIM enables ELC settings and parents/guardians/carers to have timely access to universal and targeted supports for pre-school children with a disability. AIM also ensures the delivery of an inclusive ELC experience by building capacity across the Early Years sector.

AIM is a collaborative initiative which is bringing together relevant professionals in the following agencies:

- Better Start National Early Years Quality Development (hosted by Pobal)
- Health Service Executive/HSE-funded Agencies
- Pobal
- Department of Children, Equality, Disability, Integration & Youth
- Department of Education
- Department of Health
- National Council for Special Education
- City/County Childcare Committees

The AIM programme is administered by Pobal as a data processor acting on the instructions of the Department of Children, Equality, Disability and Youth, who are the data controller.

The EU General Data Protection Regulation ('GDPR') has been in force since 25 May 2018 and this Privacy Notice reflects the requirements of the GDPR and the Irish Data Protection Acts. The GDPR applies to any organisation that collects and stores personal data (known as a 'controller') and also any other organisation (known as a 'processor') working on the instructions of the data controller. Adherence to the legislation is required by employees, contractors, consultants, agents and third parties who have access to personal data either directly or indirectly.

This Privacy Statement governs the collection, retention, use and sharing of personal information about a child, parent/guardian/carer and ELC service under this programme.

The Department takes your privacy seriously. It is important that you know how your personal information is processed. The GDPR introduces changes which give you greater control over your personal information. Please take time to read this notice carefully. If you have any questions about how we use your information, please contact us (details below).

2.0 What we do.

Where the Department processes certain information relating to you, such as your ELC's name, contact details (name, phone numbers, email addresses), bank account details, TCAN, and DCEDIY number ('personal data'), we are responsible for the protection of such data as "data controller". Data protection law requires us to provide you with the information contained in this privacy notice to outline what we do, or may do, with your personal data.

The content of this Privacy Notice contains information specifically related to the processing of data for the Access and Inclusion Model (AIM) programme. For a general overview of how personal data is handled in the Department please see the [DCEDIY Privacy Notice](#)

3.0 How to contact us.

You can contact the Department for any queries about our processing of your personal data in our capacity as data controller using our contact details:

By email: aim@equality.gov.ie

By post: 50 – 58, Block 1, Miesian Plaza, Baggot Street Lower, Dublin 2, D02 XW14

By phone: (01) 647 3000

You can contact Pobal, for any queries about the processing of your personal data in their capacity as data processor using the contact details:

By email: dataprotection@pobal.ie

By post: Data Protection Officer, Pobal, Holbrook House Holles Street Dublin 2. D02 EY84

4.0 Who we share your data with.

As per above, the Department has appointed Pobal as a processor. Pobal will provide ICT and support services, as well as general administrative support to the programme.

Personal data processed by the Department is held confidentially and is only shared with the third parties outlined below in Section 6 but only where it is necessary to do so to deliver the services under the programme.

In certain circumstances, Pobal will share your ELC's contact details with the HSE to identify the most appropriate supports for a child.

5.0 What personal data we handle.

Personal information that we collect will include your ELC's name, contact details (name, phone numbers, email addresses), bank account details, TCAN, TRN and DCEDIY number. We may also collect information relating to your ELC's capacity to be an inclusive setting which will include Inclusion Coordinator details.

In partnership with the child's parents, you will submit the above details when applying for supports from the Access and Inclusion Model programme. Where applicable we will use your bank account details and TCAN to make payments on any funding approved under AIM:

- Level 1: An Inclusive Culture
- Level 5: Equipment, appliances and minor alterations grant
- Level 7: Additional assistance in the ELC room

The information that you provide will be submitted to Pobal over a secure online system called EYP-CRM/HIVE.

6.0 What we do with your data.

Pobal, when managing AIM on behalf of the Department, will use the information supplied to contact you directly to discuss applications submitted on behalf of a child, manage reviews / audits, and payments.

Furthermore, the information provided may be used to support the development of an inclusion plan for children attending your organisation.

Your information may also be used in the wider evaluation of the AIM programme. All data published by Pobal and DCEDIY in the evaluation and reporting of AIM will be anonymised.

7.0 Who can submit an application for a child to participate?

Only parents who are guardians can submit an application on behalf of their children. The definition of legal guardian of a child is:

- Where the child's parents are not married, the child's mother only;
- Where the child's parents are not married, the mother of the child and the child's father or any other named person where appointed guardian further to a successful court application for guardianship;
- Where both parents are married, the child's mother and father are legal guardians;
- Following a separation or divorce, both parents remain the child's legal guardian, even if the child is not living with them and they have not been awarded custody of the child;
- Where the children's parents are not married and the mother of the child and the child's father have entered into an agreement which has the effect of making the father the guardian of the child.

The HSE can submit an application as Carer in relation to a child who is the subject of a care order.

Where children are in the care of the HSE the following applies:

- Voluntary Care: the agreement of a guardian/guardians is required unless a Court Order has been made dispensing with that person's consent.
- Emergency Care Order: the agreement of a guardian/guardians is required.
- Interim Care Order: the agreement of a guardian/guardians is required.
- Care Order: it is good practice to seek the agreement of the guardian/guardians, however, the HSE is authorised pursuant to Section 18 to give consent where medically necessary.

Can a parent/guardian/carer withdraw their child from receiving services??

As participation is purely voluntary, the parent/guardian/carer can withdraw their agreement for their child to be involved in AIM at any time and without giving any reason. The withdrawal of their agreement will not impact their child's rights under the universal ECCE childcare programme.

8.0 Our lawful basis for processing personal data.

The Department is required to have a lawful basis for the processing of personal data. The lawful basis relied upon by the Department for AIM is that of Processing being necessary for the performance of a task carried out in the public interest in line with the provisions of Section 38 (1)(b) of the Data Protection Act, 2018 and with Article 6(1)(e) of the GDPR. Section 38(1)(b) of the Data Protection Act, 2018 states;

"The processing of personal data should be lawful to the extent that such processing is necessary and proportionate for the administration by or on behalf of a controller of any non-statutory scheme, programme or funds where the legal basis for such administration is a function of the controller conferred by or under enactment or by the constitution".

No Special Category Data relating to Service Providers is expected to be processed.

9.0 Transfers of personal data to third countries.

Your personal data processed by the Department will not be stored or processed outside the European Economic Area

In the unlikely event that we are required to transfer information about you to a country of organisation outside the EEA, steps will be taken to ensure that any transfer of information is carefully managed to protect your privacy rights in accordance with Data Protection law

Personal data will only be transferred if appropriate safeguards are in place, and on the condition that enforceable data subject rights and effective legal remedies are available. Appropriate safeguards may include:

- Adequacy decision of the European Commission in accordance with Article 45 of the GDPR is in place;
- Legally binding and enforceable instruments between public authorities/bodies;
- Binding corporate rules;
- Standard data protection clauses adopted by a Supervisory Authority and approved or adopted by the EU Commission;
- Standard contractual clauses between controller/processor and recipient in the third country or international organisation

10.0 How long do we keep your data?

Records created through participation in the Access and Inclusion Model will be retained in accordance with the National Archives Act 1986 and in line with the Department's Record Retention and Disposal Policy and Procedure. Records may include personal data which has been processed by the Department in the course of its work.

Data protection best practice requires that organisations should not store personal data for any longer than is required. The length of time in respect of which we keep personal data depends on the processing operation carried out with the data, as detailed below:

Successful applications to the programme will be retained for 7 years from the last day of the year in which any final payment was made to your organisation.

Unsuccessful applications to the programme will be retained for 2 years from the last day of the month in which the rejection of the application was notified to you.

11.0 Where is your data stored

Personal data is stored electronically on the Pobal managed ICT systems. These systems are protected by anti-virus and anti-malware software hosted on a secure network.

12.0 How is your data kept secure

We are firmly committed to safeguarding your confidentiality and protecting your personal information. Pobal have appropriate safeguards in place to ensure that personal data is only accessible to those who need access to it to carry out their functions. All data supplied in the registration process is stored on our secure HIVE systems with personal data encrypted at rest and in transit. To prevent unauthorized access, maintain data accuracy, and ensure the correct use of information, we have put into place appropriate physical, electronic, and managerial procedures to safeguard and secure the information we collect online. All information that is supplied by you is inputted on to our secure HIVE systems.

These include the following safeguards:

- You as HIVE User will be completing the AIM applications using your own user account and your own confidential HIVE password.
- Any financial information required by you is collected and administered using our secure Bank Mandate process.
- Once the application is submitted on HIVE, it is only viewable again by you (the person who completed it with the parent/guardian/carer) or the Primary Authorised User (or the AIM Primary Authorised User). AIM personal information about a child will not be viewable by any other HIVE users in your ELC service. If you leave the service, your user account must be revoked and a written mandate process will be required to change access.

Other controls include:

- Robust and multi-layered security of servers and applications;
- Multiple layer of internal and external firewalls which protect our online environments;
- Regular reviews of our security practices and technology updates;
- Use of Secure Socket Layer (SSL) 128-bit encryption to protect the information you send or receive from our secure sites;
- Use of encrypted password log-on's to Pobal website to help safeguard against unauthorised access to your and a child's details.

In relation to any of your information kept in hard copy format, Pobal has standards in place protecting personal data from unauthorised access when in use and in storage and also to protect from inadvertent destruction, amendment or corruption. Personal manual data is kept securely in locked cabinets, locked rooms or rooms with limited or restricted access.

There is a data processing agreement between DCEDIY and Pobal which governs the processing of personal data.

13.0 What are my responsibilities under this privacy statement?

All ELC services under DCEDIY contract are required to maintain compliance with General Data Protection Regulation under the Data Protection Act 2018 and to comply with all obligations at law. AIM requires that all personal information about a child and/or parent/guardian/carer accessing supports in your service is collected, stored and shared in compliance with the General Data Protection Regulation (GDPR).

All ELC, Management, Directors and Board Members who are not directly engaged with the child under the consent of the parent/guardian/carer do not have a right to see personal data about a child and/or parent/guardian/carer without the consent of the parent/guardian/carer.

14.0 Your rights on your data

You have the following rights, in certain circumstances and subject to certain restrictions, in relation to your Personal Data:

The **right to be informed** about the processing of your personal data;

Right of access: The right to access your Personal Data;

Right to rectification: The right to request the rectification and/or erasure of your Personal Data in certain circumstances;

Right to restriction of processing: The right to restrict the use of your Personal Data in certain circumstances;

Right to object: The right to object to the processing of your Personal Data is restricted on the basis that the processing is necessary for the performance of the contract.

Rights relating to automated decision-making, including profiling: You have the right not to be subject to a decision based solely on automated processing, where such decisions would have a legal or significant effect concerning you. We will ensure that where systems or processes utilise automated decision-making or profiling, an appropriate right of review and appeal is available to you.

Right to erasure ('right to be forgotten'): The right to be forgotten will be restricted on the basis that the records processed as part of the Access and Inclusion Model are subject to archival obligations as set for the Department by the National Archives.

In you wish to exercise any of these rights, or if you are concerned about what we do with your personal data or require any additional information in respect of any of our data protection policies, you can contact the Data Protection Officer (DPO) in any of the following ways:

By email:	dpocontact@equality.gov.ie
By phone:	(01) 647 3183
By post:	Data Protection Officer, The Department of Children, Equality, Disability, Integration and Youth, Block 1, Miesian Plaza 50 – 58 Baggot Street, Dublin 2, D02 XW14

15.0 How to make a complaint

In addition to the rights highlighted above, you also have the right to lodge a complaint about how we handle your personal data to the competent supervisory authority, which in Ireland is the Data Protection Commission (DPC).

The DPC can be contacted as follows:

By email:	info@dataprotection.ie	
By phone:	(01) 765 01 00	1800 437 737
By post:	Data Protection Commission 21 Fitzwilliam Square South Dublin 2 D02 RD28	Canal House Station Road Portarlinton R32 AP23 Co. Laois

16.0 Changes to this Privacy Notice

This Privacy Notice will be kept under review and is subject to change. Any changes will be reflected in an updated Privacy Notice published at [Better Start/ AIM - Documents - Service Provider Portal \(ncs.gov.ie\)](#)

17.0 Questions or Feedback

We hope you have a clearer understanding of how your personal data in relation to participation in the Access and Inclusion Model and of how you can exercise your rights.

If you have any questions or comments on this notice, please contact the Access and Inclusion Unit or the Data Protection Officer using the contact details outlined above.