



Privacy Notice Probation Service Clients

Introduction

1. The data you provide is collected by the Probation Service. The Probation Service is an agency of the Department of Justice committed to working to achieve the high level objectives and policy goals of the Department in working for safer and fairer communities. The Probation Service is a 'Data Controller', on behalf of the Department of Justice for the information you provide and has responsibilities for ensuring the privacy of data subjects and the protection of personal data processed. The Data Controller contact details are:

Data Protection Liaison Officer,
Probation Service Headquarters,
Haymarket,
Smithfield,
Dublin 7,
D07 WT27
Email Informationunit@probation.ie

How will your personal data be used?

2. We use the personal data you provide for the following purpose(s): to provide a high quality assessment to the courts of persons brought before the courts; and to provide a professional and effective management of services and supports, including research, for the purposes of the execution of criminal penalties and the prevention of further offences. The Probation Service's functions in processing personal data for law enforcement purposes make it a competent authority¹ for the purposes of Part 5 of the 2018 Act.

¹ A competent authority means:

- A public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security, or
- Any other body or entity authorised by law to exercise public authority and public powers for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security.

Legal Basis for processing your Personal Data

3. Our legal basis for collecting and processing this data is as follows:
 - **Article 28.12 of the Constitution**, together with the Ministers and Secretaries Act 1924, as amended. The Probation Service is an agency of the Department of Justice. The protection of life and property and the prevention and detection of crime is a function of the Minister for Justice. The Probation Service, in conjunction with the Courts Service, the Irish Prison Service, An Garda Síochána and the wider community, fulfils this function on behalf of the Minister for Justice.
 - Acting on the order of a Court (for example preparation of Pre Sanction Report, ensuring court order supervision is implemented);
 - The **Probation of Offender Act (1907)** provides for statutory supervision of offenders in the community and is the foundation for probation work in Ireland;
 - Other specific legislation:
 - **Criminal Justice (Administration) Act 1914;**
 - **Criminal Justice (Community Service) Act 1983** (as amended);
 - **Criminal Justice (Community Service) (Amendment) Act 2011;**
 - **Criminal Justice Act 1960 (as amended);**
 - **Criminal Justice (Temporary Release of Prisoners) Act 2003;**
 - **Transfer of Sentenced Persons Act 1995;**
 - **Transfer of Sentenced Persons (Amendment) Act 1997;**
 - **Criminal Justice Act 2006;**
 - **Criminal Justice (Suspended Sentences of Imprisonment) Act 2017;**
 - **Children Act 2001;**
 - **The Children First Act 2015;**
 - **Part 11 S.I. No. 252/2007 – Prison Rules, 2007**
 - **Sex Offender Act 2001** which provides for post release supervision;
 - **Criminal Law (Sexual Offences) Act 2017;**
 - **Misuse of Drugs Act 1977** (as amended);
 - **Fines (Payment and Recovery) Act 2014;**
 - **Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016**
 - **Criminal Justice (Mutual Recognition of Probation Judgments and Decisions) Act 2019** transposes EC Framework Directive 947/2008/JHA providing for the transfer and supervision of community sanctions and measures in EU jurisdictions into Irish legislation.
 - **Criminal Justice (Victims of Crime) Act 2017** transposes EC Framework Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime into Irish legislation.
 - **Parole Act 2019** establishes the new Parole Board, makes provision for reports by the Probation Service and for Parole Orders supervised by the Probation Service.

Security of Personal Data

4. The personal data you provide will be stored securely on Department of Justice (DOJ) IT servers

Sharing of Personal Data

5. It may be shared, where appropriate, in the discharge of our functions and under the Law Enforcement Directive (Part 5 of the Data Protection Act) with other competent authorities.
6. We may share your information with Community-Based Organisations and other partner organisations in line with GDPR and the Data Protection Act 2018 to assist with the management and support of addressing your needs and reducing the risk of reoffending and facilitate reintegration.

Further Processing of Your Personal Data

7. Where it is necessary and proportionate to do so, in accordance with Data Protection Act 2018 and the GDPR, further personal data may be requested or received from/ provided to other Public Authorities/ competent authorities/ international organisations for the purposes of
 - a) preventing, detecting, investigating or prosecuting criminal offences under Section 41(b) and Section 71 (5) of the Data Protection Act 2018.
8. We may also process your personal data for research and statistical purposes as allowed under the Data Protection Act 2018.

Transfer of Personal Data outside the EEA

9. The personal data provided may be transferred to the UK with the following safeguards in place- Adequacy Decision with UK.

Contact for Queries

10. The contact for any queries in relation to data you have provided is: Information Unit, Probation Service Headquarters, Haymarket, Smithfield, Dublin 7, D07 WT27 informationunit@probation.ie

How long will Personal Data be retained?

11. This data will be retained by the Probation Service for a period of 30 years in accordance with our retention schedule and referred thereafter to the Director of National Archives for appraisal under the National Archives Act 1986.

How to Request a copy of your Personal Data

12. You can request a copy of the personal data that we hold. You can do this by completing a Subject Access Request (SAR) form, [Probation Service Subject Access Request](#) and forwarding it to informationunit@probation.ie or by post to the Probation Service Data Protection Liaison Officer at the address above. You will be required to verify your identity before the data can be forwarded to

you. The time limit for responding to a SAR commences once your identity has been verified.

Your Rights in relation to your Personal Data

13. You have the right to rectify any inaccuracies in your data. To do this you should write to Data Protection Liaison Officer at the address above documenting the inaccuracies which need to be rectified. The right to rectification is not absolute and each request will be considered on its own merits.
14. You have the right, where appropriate, to obtain erasure of your data and/or a restriction on processing of your data as well as the right to object to the processing of your data. To do this you should write to Data Protection Liaison Officer at the address above. The right to erasure, restriction or objection is not absolute and each request will be considered on its own merits.
15. You have the right to lodge a complaint with the Data Protection Commission (DPC). You can contact the DPC by webforms on their website www.dataprotection.ie or by post to:

21 Fitzwilliam Square South
Dublin 2
D02 RD28

Further details in relation to your data protection rights can be found in the Department of Justice Data Protection Policy available at:

http://www.justice.ie/en/JELR/Pages/Data_Protection

Contact the DPO

You can contact the Data Protection Officer (DPO) for the Department of Justice by post at:

The Data Protection Officer,
Department of Justice,
51 St. Stephen's Green,
Dublin 2, D02 HK52.

Or

by email - dataprotectioncompliance@justice.ie