



Joint Controller Agreement

Introduction

This agreement is made as of the 25th May 2018 between the Central Application Office (Universities and other Higher Education Institutions) (mentioned below as 'CAO') and the Higher Education Institution you apply to (mentioned below as 'HEI'). The HEI and the CAO have agreed to enter into this agreement for the purposes of ensuring compliance with Data Protection Legislation, *inter alia*, Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation 2016/679) (mentioned below as 'GDPR'). The CAO and HEI have agreed that they are Joint Controllers as defined in Article 26 of the GDPR as both the CAO and HEI jointly determine the purposes and means of processing of personal data.

Interpretation

'Anonymisation', means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject.

'Data Controller', has the meaning given to it by Article 4 of the GDPR, which is the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

'Data Subject', has the meaning given to it by Article 4 of the GDPR, which is an identified or identifiable natural person, for the purposes of this agreement is an applicant to the CAO.

'Personal Data', has the meaning given to it by Article 4 of the GDPR, which is any information relating to a data subject.

'Personal Data Breach', has the meaning given to it by Article 4 of the GDPR, which is 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.

'Processing', has the meaning given to it by Article 4 of the GDPR, which is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

'Pseudonymisation', has the meaning given to it by Article 4 of the GDPR, which is the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person

Scope of Agreement

This agreement is limited to personal data provided to the CAO directly by data subjects in applying for entry into the HEI (including information entered as part of the main CAO application form, supplementary application forms such as HEAR/DARE and supporting documentation). Personal data can also include other data such as Leaving Certificate examination data which is linked to applications.

This personal data is transferred to the admissions office of the HEI on a regular basis throughout the year in order to allow the HEI to determine whether or not to make an applicant an offer of a place on a course within the HEI. The HEI may also access the data directly outside of these regular transfers.

Personal data transferred to the HEI directly by an applicant and personal data created by the HEI and not transferred to the CAO are outside the scope of this agreement.

Where a data subject has been successful in securing an offer and subsequently enrol/register at the HEI the information collected by the HEI at the point of enrolment/registration and subsequently are not within scope of this agreement.

Retention of Data

The personal data of successful data subjects to the HEI may be transferred to other systems within the HEI such as a student record system. The personal data of non -successful data subjects to the HEI will be deleted or anonymised by the HEI within a reasonable period after all offers by the HEI have been made. The CAO will retain the personal data of applicants as described in the CAO Data Retention Policy (See appendix three).

Main Purpose of Data Processing

Data processing is undertaken for the purpose of assessing the application for admission to an undergraduate course in the HEI in an efficient and fair manner. The HEI retain the function of making decisions on admissions. Places offered through the CAO system are dispensed in accordance with formally-adopted and pre-published procedures. Data processing of personal data will be undertaken by the HEI or the CAO for purposes directly related to this purpose.

Other Purposes of Data Processing

The HEI may directly provide the data subject with information regarding his/her application, course(s) applied to or the HEI itself. The HEI and CAO may also use the data for business intelligence and statistical analysis at aggregate level where the confidentiality of personal data will be maintained.

The personal data will not be used for any other purpose other than the main purpose and those purposes listed above.

Data Subject Rights

Data subjects have a range of rights under the GDPR, the CAO and the HEI have agreed the following procedures to allow data subjects exercise these rights. It should be noted that a data subject is not obliged to follow these procedures and a data subject may exercise his or her rights against each of the controllers as stated in Article 26.3 of the GDPR.

Right of Accessing Personal Data

The CAO will provide the data subject with a copy of personal data undergoing processing as required under article 15 of the GDPR.

Right of Rectification of Personal Data Provided by Data Subject

A data subject may request the rectification of any inaccurate personal data held by the joint controller under article 16 of the GDPR. Where the personal data is provided by the data subject and not being directly used for assessment of the application the CAO will correct any inaccurate data and make available to the HEI.

Where the personal data is provided by the data subject and is being directly used for assessment of the application, it may not be possible to take account of amendments to data for assessment purposes if provided after a deadline for submission of the data, this is to ensure that the application process for all applicants is run in an efficient and fair manner.

Right of Rectification of Personal Data Not Provided Directly by Data Subject

Where the personal data is that provided by a third party such as for example the State Examinations Commission, this data must, for validation purposes, be amended by the third party and subsequently transferred to the CAO by the third party.

Where the personal data is based on calculations such as a score by the HEI this data for validation purposes can only be amended by the HEI and subsequently transferred to the CAO by the HEI.

Right of Erasure of Personal Data

A data subject may request the erasure of personal data held by the joint controller under article 17 of the GDPR. If this request is made prior to any offers being made, the CAO will delete the data and inform the HEI of the request who will delete any data on their system.

If the data subject makes the request after the data subject has been made an offer, this data will not be deleted as it is required in the public interest to record potential college acceptances for the purposes of the administration by higher educational institutions of the free fees scheme.

If the data subject requests erasure after any offers have been made and has not been made an offer his or herself, a request for erasure will initially result in pseudonymisation of the personal data as it



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will be required to ensure validity of other offers which have been made to others. This data will be erased after all offers have been made.

Right of Restriction of Processing

The CAO will administer requests to restrict processing under Article 18 of the GDPR and should restriction of processing proceed, the CAO shall inform the HEI. Where this request relates to processes conducted solely by the HEI or data held solely by the HEI, this request will be forwarded directly to the HEI.

Right of Data Portability

The CAO will administer any requests for data portability under Article 20 of the GDPR. Where this request relates to processes conducted solely by the HEI or data held solely by the HEI, this request will be forwarded directly to the HEI.

Provision of Information Regarding Processing

The CAO will provide the data subject with information required under articles 13 and 14 of the GDPR by means of a notice on the CAO website. The summary text(s) of this notice is contained in appendices 1 and 2 of this agreement.

Data Breaches and Security

Both parties will implement appropriate technical and organisational security measures to protect personal data in its possession.

The CAO and the HEI agree to inform each other of any data breaches occurring before or at least at the same time as informing the Data Protection Commissioner and/or the data Subject.

In instances where the data subject has been informed of a breach by the HEI, all other Higher Education Institutions that the data subject has applied to or applies to, will be provided by the CAO with detailed information related to the breach. In addition, all Higher Education Institutions in the CAO system will be notified of the breach and provided with summary information.

Termination of Agreement

If any Party wishes to terminate its participation in this Agreement, it may do so by providing written notice to the other Party specifying the reason for its termination and the proposed date of termination ("Termination Date"), at least three months prior to proposed termination.

Continued participation by the HEI in the central applications system administered by the CAO will require an Agreement between the CAO and HEI in compliance with relevant legislation.



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Notwithstanding the expiry or termination of this Agreement for any reason the provisions of this Agreement shall continue to apply to any personal data in the possession of either party which was covered by the Agreement.

Jurisdiction

This agreement shall be governed by Irish law and subject to the exclusive jurisdiction of the Irish courts.

Signed on Behalf of the HEI

Date

Signed on Behalf of the CAO

Date

Appendix 1

Information required under Article 13 of the GDPR

(A) The Joint Controller for the data provided by you is the Central Applications Office (CAO) and any Higher Education Institution (HEI) you list in your course choices.

(B) CAO have appointed a Data Protection Officer (DPO). He can be contacted directly via email and/or by post.

The appropriate person to contact within the HEI is **TBC**.

(C) Your data will be processed for the purpose of assessing the application to the HEI. If you are offered or accept a place on a course the CAO will retain a record of this for administration by the Higher Education Institution of the free fees scheme but otherwise your data will not be processed in any other manner. Your data will be accessible to HEIs that you apply to. Your entire application including other choices will be available to all of the HEIs to allow them determine likelihood of acceptance of an offer.

(D) The processing of your data will take place in the offices of the CAO and any HEI that you apply to.

(E) The CAO will transfer your personal data to other organisations. These transfers are normally required for the purpose of updating your application with exam results. The exact nature and purpose of these transfers will be listed on the CAO website.

Appendix 2

The following information is required under Article 14 of the GDPR for all organisations from which the CAO and the HEI have received personal data and has not been obtained directly from the data subject.

i. State Examinations Commission (SEC)

(a) Contact details of the controller;

State Examinations Commission,
Cornamaddy,
Athlone,
Co. Westmeath,
N37 TP65,
Ireland.

Main Phone Number: 090-6442700

Website: www.examinations.ie

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

A CAO applicants Leaving Certificate results may be required by the CAO to process the application to the Higher Education Institution and therefore is part of CAO contract with data subject, however, non-CAO applicants' results are also transferred. The presumed legal basis for this transfer is the public interest.

(d) categories of personal data concerned;

- The name, sex and date of birth of the candidate as reported to the SEC.
- The results (level, grade and subject) obtained in the Leaving Certificate Examinations.
- The Exam centre at which Leaving Certificate Examinations was taken.
- The Leaving Certificate Exam Number and the Personal Public Service Number (PPSN) (if available) of the candidate.

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

ii. Quality and Qualifications Ireland (QQI)

(a) Contact details of the controller;

Quality and Qualifications Ireland (QQI)
26/27 Denzille Lane
Dublin 2,
D02 P266,
Ireland.

Main Phone Number: 01 9058100
Website: <http://www.qqi.ie/Pages/Home.aspx>

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

A CAO applicants QQI awards may be required by the CAO to process the application to the Higher Education Institution and therefore is part of CAO contract with data subject. The CAO only receives the data of applicants to the CAO.

(d) categories of personal data concerned;

- QQI Exam Number (Usually the Personal Public Service Number (PPSN))
- The name, sex and date of birth of the candidate as reported to the QQI.
- The awards obtained by the data subject as listed in QQI Learner database.

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

iii. Public Appointments Service (PAS)

(a) Contact details of the controller;

Public Appointments Service,
Chapter House,
26/30 Upper Abbey Street,
Dublin 1,
Ireland.

Main Phone Number: 1890-449999 or (01) 8587400
Website: <http://www.publicjobs.ie>

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

The result obtained by a CAO applicant in the Mature Nursing Examination is required to process the application to a place on Nursing course on a mature basis and therefore is part of CAO contract with data subject.

(d) categories of personal data concerned;

- The name and date of birth of the candidate as reported to the PAS.
- The results (score and rank) obtained in the Mature Nursing Examinations.
- The PAS exam number.

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

iv. Universities and Colleges Admissions Service (UCAS)

(a) Contact details of the controller;

Universities and Colleges Admissions Service,
Rosehill,
New Barn Lane,
Cheltenham,
GL52 3LZ,
United Kingdom.

Website: <http://www.ucas.com/>

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

The results obtained by a CAO applicant in their General Certificate of Education (GCE) may be required to process the application to the Higher Education Institution and therefore is part of CAO contract with data subject. UCAS transfer GCE results to the CAO for a number of applicants on request. The CAO only request GCE results

for CAO applicants who have indicated that they have these results from examination boards in either Wales or England.

(d) categories of personal data concerned;

- The name, sex and date of birth of the candidate as reported to the Examination board where they sat GCE examination.
- The results (level, grade and subject) obtained in the GCE.
- The GCE Exam Number of the candidate.

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

v. Council for the Curriculum, Examinations and Assessment (CCEA)

(a) Contact details of the controller;

Council for the Curriculum, Examinations and Assessment,
29 Clarendon Road,
Clarendon Dock,
Belfast,
BT1 3BG,
United Kingdom.

Website: <http://www.ccea.org.uk/>

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

The results obtained by a CAO applicant in their General Certificate of Education (GCE) may be required to process the application to the Higher Education Institution and therefore is part of CAO contract with data subject. CCEA transfers GCE results for all candidates in Northern Ireland. Non-CAO applicant's results are also transferred and the presumed legal basis for this transfer is the public interest.

(d) categories of personal data concerned;

- The name, sex and date of birth of the candidate as reported to the CCEA
- The results (level, grade and subject) obtained in the GCE.
- The GCE Exam Number of the candidate.

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

vi. Australian Council for Educational Research (ACER)

ACER administer a range of assessments on behalf of the Higher Education Institutions, these assessments include the following; Health Professions Admission Test (HPAT), Mature Student Admissions Pathway (MSAP) and Graduate Medical School Admissions Test (GAMSAT).

(a) Contact details of the controller;

Australian Council for Educational Research,
13–15 Canfield Place,
London,
NW6 3BT,
United Kingdom.

Websites;

HPAT: <https://hpat-ireland.acer.org/>

GAMSAT: <https://gamsat.acer.org/university-admission/admission-to-programmes-ie>

MSAP: <https://msap-ireland.acer.org/>

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

The results obtained by a CAO applicant in these assessments may be required to process the application to certain courses within the Higher Education Institutions and therefore is part of CAO contract with data subject. ACER transfers results of these assessments for all candidates in Ireland.

(d) categories of personal data concerned;

- The CAO number, name and date of birth of the candidate as reported to the ACER
- The results (level, grade and subject) obtained in the GCE.
- The Assessment ID of the candidate (GAMSAT ID, MSAP ID or HPAT ID).

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

vii. International Baccalaureate Organisation (IBO).

(a) Contact details of the controller;

International Baccalaureate Global Centre,
Peterson House,
Malthouse Avenue,
Cardiff Gate,
Cardiff,
CF23 8GL,
United Kingdom.
Website: <https://www.ibo.org/>

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

The results obtained by a CAO applicant in their International Baccalaureate (IB) may be required to process the application to the Higher Education Institution and therefore is part of CAO contract with data subject. The CAO download results from a secure IBO website for a number of applicants. The CAO only download details for CAO applicants who have authorised the CAO to receive their results.

(d) categories of personal data concerned;

- The name, address, sex and date of birth of the candidate as reported to the IBO
- The results (level, grade and subject) obtained in the IB.
- Schools attended by the candidate.

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

viii. National University of Ireland (NUI)

(a) Contact details of the controller;

National University of Ireland,



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49 Merrion Square,
Dublin 2,
Ireland.

Main Phone Number: (01) 439 24 66
Website: www.nui.ie

(b) Contact details of the data protection officer;

TBC

(c) the purposes of the processing for which the personal data are intended as well as the legal basis for the processing;

The exemptions from entry requirements obtained by a CAO applicant may be required to process the application to certain Higher Education Institutions and therefore is part of CAO contract with data subject. The NUI transfers the exemptions of CAO applicants who have indicated they have obtained them on their CAO application.

(d) categories of personal data concerned;

- The name, address, sex and date of birth of the candidate as reported to the NUI
- The details of the exemptions granted by the NUI.

(e) the recipients or categories of recipients of the personal data, if any;

No further recipients other than the CAO and any Higher Education Institution to which the data subject applies for entry.

Appendix 3

Data Retention Policy

Please note this Joint Controller agreement is for the purposes of providing information under GDPR. The most up to date Data Retention Policy is available on the CAO website and users should refer to that.