



Privacy Notice

Witnesses



Comhairle na nDoctúirí Leighis
Medical Council

Privacy Notice - Witnesses

The Medical Council recognises the importance of transparency when processing your personal data.

The purpose of this data privacy notice (“**Notice**”) is to provide you with the relevant information regarding how the Medical Council collects, uses, stores and transfers personally identifiable information about individuals who give evidence to the Council, including in the form of witness statements or any other related evidence, in relation to complaints received by the Medical Council against medical practitioners (“**Personal Data**”).

The scope of this Notice extends to the Personal Data of all persons who provide evidence to the Medical Council, including those who have provided such evidence before this notice was issued (“**Witnesses**”). The Medical Council is the controller responsible for the Personal Data that is collected and processed as described in this Notice.

The Medical Council is committed to ensuring that all Personal Data are:

- Processed lawfully, fairly and transparently
- Processed for specific, explicit and legitimate purposes only, and not in any manner incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Accurate and, where necessary, kept up to date
- Not kept in an identifiable form for longer than is necessary for the purposes for which the personal data are processed
- Processed in a manner that ensures appropriate security of the personal data.

Who is the controller?

The Medical Council regulates medical doctors in the Republic of Ireland. Its purpose is to protect the public by promoting and better ensuring high standards of professional conduct and professional education, training and competence among doctors. The Medical Council is primarily governed by the Medical Practitioners Act 2007. A full list of relevant legislation is available on our website at <https://medicalcouncil.ie/About-Us/Legislation/>. In this Privacy Notice, “**we**”, “**us**”, “**our**” means the Medical Council.

The Medical Council collects, uses and shares Personal Data primarily in the exercise of its regulatory functions. Those functions – and our duties and powers – are chiefly found in the Medical Practitioners Act 2007 and in the rules and regulations made under that Act.

The Medical Council handles complaints relating to a doctor's fitness to practise medicine.

What information do we process?

If you give evidence in relation to a complaint about a doctor, we will use the information you provide in the investigation of that complaint.

When the Medical Council receives a complaint about a doctor, a complaint file is created. Usually, the file will contain your identity and that of other people involved in the complaint, including the doctor concerned (the “**Respondent**”).

In investigating this complaint, the Medical Council processes your Personal Data including, but not limited to, the following categories of Personal Data:

- **Personal details and contact information:** We will collect your name and contact details, which may include your address, telephone number and email address.
- **Details relating to your evidence:** We will process personal data relating to your evidence, which may include details of your interaction with the person who has made the complaint (the “**Complainant**”), the doctor(s) about whom the complaint is made, and/or other witnesses or third parties. In this regard, your attention is directed to the procedures for the investigation of complaints which are available on the “Making a Complaint” page of the Public Information section of the Medical Council’s website (www.medicalcouncil.ie).
- **Special categories of personal data:** In certain circumstances, where it is necessary for the investigation of the complaint against the doctor, the Medical Council will collect and process certain special categories of Personal Data (“**Special Category Personal Data**”) about you. Special Category Personal Data includes information which reveals an individual’s race or ethnic origin, political opinions or religious or philosophical beliefs, membership of a trade union, physical or mental health, genetic or biometric information, sexual life or sexual orientation or their criminal convictions and offences.

How do we use your information?

The Medical Council uses your Personal Data for the purposes outlined below, except where restricted by law. In doing so, the Medical Council relies on a number of separate and overlapping legal bases to lawfully process your personal data. As a professional regulator, most of the Personal Data we process is data relating to our regulatory functions, powers and duties. We generally process data on the basis that it is necessary for the performance of a task carried out in the public interest and/or in the exercise of our statutory functions. When we process Special Category Personal Data, we do so either in the substantial public interest to achieve regulatory objectives or because we are exercising our protective functions designed to protect the public from misconduct, unfitness or incompetence.

There may be occasions where we process Personal Data to comply with legal obligations, particularly in the context of legal proceedings and/or compliance with requests by law enforcement agencies, for example; although, even in these cases, our regulatory functions will also generally be engaged. We will also make pro-active disclosures to An Garda Síochána and other authorities as part of our public interest role.

We will not generally rely on consent as a basis for processing Personal Data. In the limited circumstances where we may rely upon consent, we will specifically obtain this in the course of collecting the data.

In particular, the Medical Council uses your Personal Data (which will include Special Category Personal Data) for the following purposes to comply with its legal obligations and to perform its functions, conferred on it by the Medical Practitioners Act 2007:

- **Investigating the complaint:** managing all aspects of the investigation of the complaint relating to the doctor concerned.
- **Matters heard before the Preliminary Proceedings and Fitness to Practise Committees:** managing all aspects of Medical Council inquiries, including, but not limited to, sharing your Personal Data with members of the Medical Council's Preliminary Proceedings and Fitness to Practise Committees. All decisions of the Committees will also be shared with the board of the Medical Council, which will include the sharing of your Personal Data.
- **Administering Sanctions:** managing all aspects of the administration of sanctions ordered by the Medical Council, including, but not limited to, disclosing your Personal Data to the Courts Service and the President of the High Court
- **Legal process:** The Medical Council will use your Personal Data when it is necessary to preserve or to defend its rights in court, to respond to law enforcement requests or discovery procedures, or where required or permitted by applicable laws, court orders, government regulations, or government authorities, which may include lawful access by courts or governmental authorities outside your country of residence.

Do we share your information?

Where necessary, in order for the Medical Council to perform its functions, conferred on it by the Medical Practitioners Act 2007, your Personal Data will be shared with third parties. These will include, for example, disclosure to:

- The medical doctor who is the subject of the complaint and his/her legal advisers. We provide the doctor with the details of the complaint has been made about him or her, including witness evidence gathered during the investigation of that complaint, because the doctor has a right to respond to the concerns that have been raised against him or her.
- The Medical Council's legal advisers.
- Expert witnesses instructed by the Medical Council for the purpose of obtaining an independent expert opinion.

Under the Medical Practitioners Act 2007, a hearing before the Fitness to Practise Committee shall be held in public, unless an application is made by a Respondent or witness about whom personal matters may be disclosed at the inquiry, and the Committee is satisfied that it would be appropriate in the circumstances to hold the hearing or part of the hearing in private. If the inquiry is held in public, this may result in the disclosure of your Personal Data at a public inquiry.

The Medical Council may be required to report its finding(s) against the doctor on foot of a complaint to the President of the High Court in order that the sanction against the doctor can be confirmed. If this occurs, a public hearing may arise, which might result in the disclosure in a public courtroom of your Personal Data.

The Medical Council also uses third-party service providers to provide services to it. Examples include stenographers and couriers. When the Medical Council provides Personal Data to third-party service providers, we require those third parties to protect the Personal Data they receive with appropriate security measures and prohibit them from using the Personal Data for their own purposes or from disclosing the Personal Data to others.

How long do we keep your personal information?

The Medical Council will retain Personal Data in accordance with applicable legal requirements, and only for as long as necessary for the purposes described in section 3 or as long as required by law or to defend potential legal claims.

How do we keep personal information secure?

The Medical Council maintains appropriate technical and organisational measures to protect against accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Data (including Special Category Personal Data).

The Medical Council ensures a level of security appropriate to the risks that are presented by the processing, having all due regard to the state of the art, the costs of implementation and the nature, scope, context and purposes of the processing as well as the risk to data subjects. These measures are aimed at ensuring the on-going integrity and confidentiality of Personal Data. The Medical Council evaluates these measures on a regular basis to ensure the security of the processing.

What are your rights?

Depending on the information we hold about you, and the reason for us holding it, you have certain rights in relation to your Personal Data, which are set out below. You have a right to:

- access a copy of your personal data held by us;
- request rectification of your personal data if it is inaccurate or incomplete;
- request erasure of your personal data in certain circumstances;
- restrict our use of your personal data in certain circumstances;
- move (or port) personal data which you have given us to process; and
- object to the processing of your data in certain circumstances.

However, these rights may not be exercised in certain circumstances, such as when the processing of your data is necessary to comply with a legal obligation or for the exercise or defence of legal claims.

If you would like to exercise any of your rights or you have any questions about your rights please email our Data Protection Officer at dp@mcirl.ie. Alternatively, you can contact us by telephone or post using the contact details available below.

If you are not satisfied with our use of your Personal Data or our response to any request by you to exercise any of your rights, you have the right to lodge a complaint with the Data Protection Commission. The contact details of the Data Protection Commission are:

Office of the Data Protection Commission

Canal House

Station Road, Portarlinton

Co. Laois, R32 AP23.

Phone +353 (0761) 104 800

LoCall 1890 25 22 31

Email: info@dataprotection.ie

<https://dataprotection.ie>

International Transfers

There may be circumstances where the Medical Council is required to send your Personal Data to 'third countries' – these are countries outside the European Economic Area. We will give you further information if it is necessary for us to do this.

Contacting Us

If you have any questions regarding this Privacy Notice or our use of your Personal Data, or if you wish to avail of any of your rights as set out in section 8, please contact us using the following information:

Data Protection Officer

Medical Council

Kingram House

Kingram Place

Dublin 2

D02 XY88

Web: <https://www.medicalcouncil.ie/FOI-Data-Protection/>

Email: dp@mcirl.ie

Telephone: +353 1 4983100

Changes to this Notice

We keep this notice under regular review.

Last updated December 2018.



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