Data Processing Agreement Policy

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September 2025

An Bord Um
Chúnamh Dlíthiúil
Legal Aid Board
Providing access to justice since 1979

Policy and Procedure Document Summary

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Document Author	Dr. Brian Moss
Document Approver (Person or Group)	Executive Management Team
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Version Control				
Version No.	**Date Reviewed**	**Description of Change**	**Author**	**Approved by**
1	22/04/2024	Full Review	Brian Moss	Gareth Clifford
2	12/09/2025	Full Review	Dr. Ellen Ganly	Dr. Ellen Ganly

1. Purpose

This policy is intended to explain how the Board plans, assesses and implements data processing agreements, and the obligations and rights that arise from such activity.

2. Scope

This policy relates to the formulation of a data processing agreement between the Board and another non-state party. Agreements between the Board and other public bodies or where the Board is a joint controller with another party are not subject to this policy.

3. Target Audience

This policy is intended for Board staff, clients, and service providers to the Board. A copy of this policy is available on the Board website www.legalaidboard.ie.

4. Justification

The Board processes personal data to fulfil its tasks in the public interest, lawful authority, and to undertake research. These provide the legal basis for processing of data and the conditions under which the Board will conduct a data processing agreement to ensure all data it processes are adequately protected.

5. Responsibilities

All Business Unit Leads: have responsibility for ensuring compliance with GDPR in all contracts for services and all services purchased for use by the Board in undertaking its statutory responsibilities.

Data Protection section: advises on and monitors compliance with data protection legislation, taking timely action and making recommendations to improve the Board's performance where needed. The section manages subject access requests, breaches, and conducts data protection impact assessments where needed. The section also acts as the main contact point for the Data Protection Commission, the Irish supervisory authority on data protection. The Data Protection Officer role is located in the section and leads on these matters utilising staff support, assistance, advice, and training to enhance organisation-wide compliance with data protection.

Staff of the Legal Aid Board: all are individually responsible for reading, understanding, and complying with obligations of the GDPR, the Data Protection Act 2018, set out in this policy, and in all Board data policies in their daily work. All policies are available on www.legalaidboard.ie. Staff are also individually responsible for engaging with data protection training provided by the Board.

6. Data Processing Agreeements

The Board is entitled by law to transfer data to another entity under four possible arrangements. A data processing agreement is one of these four arrangements and occurs when the Board transfers personal data to an entity that it is not a public sector body or vice versa. The purpose in doing so is for one of the parties to process personal data on the other's behalf. In a data processing agreement the Board and the third-party will take on the role of Controller/Processor.

A data processing agreement can entail Personal Data as the primary focus of the contract (e.g. interpreter services acquired on behalf of clients) or as a secondary focus (e.g. window cleaning of LAB business sites where personal data may be present but are not central to the contracted service).

Best practice and adopted Board practice is that a written agreement is required for all data processing agreements the Board proposes to undertake, whether as Controller/Processor. Such an agreement establishes the rights, obligations, and responsibilities around the personal data that will be processed. Putting such an agreement in place before any personal data transfer provides protections to the Board and the other party for the duration of the processing activity. See Appendix 1 for details of the Board procedure for data processing agreements.

7. Contact Details

The Board's Data Protection section and Data Protection Officer can be contacted at the details below. These are also published on the Board's website www.legalaidboard.ie

Data Protection Officer
Legal Aid Board
48/49 North Brunswick Street,
Smithfield,
Dublin 7,
D07 PE0C.

Telephone: 01 6469 764
Email: dataprotection@legalaidboard.ie

8. Making a Complaint

A person dissatisfied with the Board's response to matters relating to its Data Processing Agreement Policy may then submit a complaint as follows:

Data Protection Commission
21 Fitzwilliam Square
Dublin 2.
D02 RD28
Ireland

Phone: 01 765 0100
Email: info@dataprotection.ie
Web: www.dataprotection.ie

9. Monitoring, Enforcement, and Alteration

Compliance with this policy will be monitored by the DPO and the EMT members reporting to the Board Audit and Risk Committee.

The Board reserves the right to take action it deems appropriate where individuals breach this policy. Board staff who breach this policy may be subject to disciplinary action. The Board reserves the right to remedy a breach of this policy by contractors, sub-contractors and commercial service providers via contracts in existence with them.

The Board will amend this policy regularly but may amend this policy at any time to take account of business, legislative, or organisational changes.

Any changes to the policy will be notified on the Board website.

Appendix 1

Where the Board proposes to enter into an agreement for the transfer of data with a third party, the following general practices must be adhered to:

1. The Board business unit intending to be party to the agreement (as Controller / Processor) will notify the Data Protection section at the earliest possible opportunity of its intention to enter an agreement.
2. The business unit will inform the Data Protection section of such details as are needed for it to assist, including for the section to determine the need for an agreement, the purpose of the processing, the duration of any processing, the involvement of any sub-processors, transfer of personal data beyond the EU, the nature and the categories of personal data to be processed, and the details of the third-party Data Protection Officer.
3. The Data Protection section will undertake due diligence of the third-party. This is separate from the agreement and is intended to establish the third-party's ability to safeguard any data and be compliant with GDPR. The Data Protection section will do this following a template that is standard for all agreements provided for under the GDPR. The business unit will assist the Data Protection section to complete the due diligence as necessary.

Where the Board proposes to transfer personal data to a third-party

1. The business unit must notify the Data Protection section of the intention;
2. The Data Protection section drafts an agreement;
3. It provides this to the business unit for review;
4. The business unit provides the Data Protection section with contact details of the third-party Data Protection Officer;
5. The Data Protection section engages with the third-party Data Protection section to secure answers to a set of standard questions which are included in the contract.
6. The Data Protection reviews the information and includes it within the draft agreement.
7. The Data Protection section engages in due diligence with the third-party, seeking answers to a set of standard questions. This is necessary particularly where the Board has not previously been engaged in any personal data agreement with the third-party.
8. The Data Protection section reviews the full agreement and passes this to the business unit for signing with the third-party.
9. The business unit confirms signing and commencement of the agreement with the Data Protection section.
10. The Data Protection section logs the agreement.
11. The Data Protection section will adopt an approach of reviewing all agreements at year 1, at year 2 and look to renew any agreements in full in advance of that date where they will be 3 years in operation.

Where a third-party proposes to transfer personal data to the Board

1. A business unit must notify the Data Protection section of the intention;
2. The Data Protection section must receive a copy of the agreement for review
3. The Data Protection reviews the information and checks the elements of the planned personal data transfer with the business unit.
4. The Data Protection section engages with the third-party Data Protection section to i) provide the information sought by the proposed Controller and ii) inform itself of the third-party's data awareness and adherence to GDPR. This is necessary as the Data Protection section will usually have an obligation to assist the controller

adhere to GDPR, correct any of its practices that are deficient and cooperate in the event of any breach, subject access request, or investigation by the supervisory authority (i.e. the Data Protection Commission).

5. The awareness and adherence actions by the Data Protection section with the Controller are necessary particularly where the Board has not previously been engaged in any personal data agreement with the Controller.
6. The business unit confirms signing and commencement of the agreement with the Data Protection section.
7. The Data Protection section logs the agreement.
8. The Data Protection section will adopt an approach of reviewing all agreements at year 1, at year 2 and look to renew any agreements in full in advance of that date where they will be 3 years in operation.