



Institute of Guidance Counsellors

**Constitution
and
Code of Ethics**

2004

1 NAME

- 1.1 The organisation shall be called “Institiúid na gComhairleoirí Treorach” or in English, ‘Institute of Guidance Counsellors’.

2 OBJECTIVES

- 2.1 The objectives of the Institute of Guidance Counsellors shall be

- (i) To represent the collective views of practitioners in the field of guidance and counselling on matters affecting their interests and that of the guidance and counselling profession.
- (ii) To promote the highest standards in guidance and counselling practice, training and facilities.
- (iii) To promote research in the field of Guidance and Counselling.
- (iv) To promote and assist the growth and development of regions/Branch structures and of their members.
- (v) To liaise and cooperate with allied organisations in the field of preventative health, personnel services, educational associations, psychological societies, international and national.

3. CODE OF ETHICS

There is a Code of Ethics, which may be subject to relevant subsequent amendment.

4. MEMBERSHIP

- 4.1
- (i) Membership shall be open to all persons holding qualifications deemed acceptable to the Membership & Registration Committee of the I.G.C.
 - (ii) When the membership & registration committee do not accept the applicant's qualification that said committee would indicate pathways towards acceptance to the applicant. On successful completion of these pathways, the Membership & Registration Committee will reconsider the application.
 - (iii) The decision of the Membership & Registration Committee shall be absolute & final.
- 4.2 Membership shall be Chartered and Non-Chartered.
- (i) There shall be two grades of Chartered Membership.
 - (a) Fellow
 - (b) Chartered Member

- (iv) There shall be four grades of Non-Chartered membership
 - (a) Qualified Member
 - (b) Honorary Fellow
 - (c) Student Member
 - (d) Retired Member

4.3 Fellowship

- (i) Fellow Membership (designated by the letters FIGC) denoting female and male members, shall be open to all chartered members who satisfy the Membership and Registration Committee that they have made a significant contribution to the advancement of Guidance and Counselling.
- (ii) Branches may submit suitable nominations to the Membership and Registration Committee. The National Executive shall take final decision.
- (iii) Honorary Fellowship is afforded to non-members who have made a significant contribution to the advancement of Guidance and Counselling. The National Executive must approve nominations.

4.4 Chartered Membership

Chartered Membership is afforded to qualified members who have been members of the Institute of Guidance Counsellors for a period of not less than four years and, in addition, have practised as a Guidance Counsellor for those four years. Evidence of participation in on-going In-Service training and Branch activities during these four years must be provided. The letters CMIGC designate it. The National Executive must approve nominations.

4.5 Qualified Membership

Qualified Membership is afforded to all persons with Qualifications as outlined in Article 4.1 and is designated by the letters QMIGC.

4.6 Student Membership

Student membership shall be open to all persons in the process of taking a course of not less than one academic year or its equivalent part-time in guidance & counselling, which has been approved for recognition by the I.G.C.

4.7 Retired Membership

Retired membership shall be open to Qualified and Chartered members who have retired from the profession on grounds of age or health.

4.8 Affiliate Membership [Closed]

Affiliate membership as a grade of non-chartered membership is now closed. It shall however be retained as a closed membership for those members who already hold this grade, who work in areas related to Guidance and Counselling, but who do not have the qualifications specified in Article 4.3 above.

4.9 The Membership and Registration Committee

This committee shall be drawn from the National Executive. It shall meet specifically to deal with all matters of Registration and Membership.

4.10 Application for Membership and Registration

Application shall be made either through the Branch or the National Executive. The decision of the National Executive shall be final.

4.11 Maintaining Membership

See Appendix 1 for entitlements of and conditions governing maintenance of the various grades of membership.

4.12 Register of Membership

There shall be a Register of Bona Fide Chartered Members of the Institute Of Guidance Counsellors.

4.13 Annual Membership Fee

The annual membership fee and membership year shall be determined by decision of the Annual General Meeting.

4.14 Cessation of Membership

Persons shall cease to be members of the Institute if they fail to renew membership by paying the annual membership fee one month prior to the holding of the Annual General Meeting, or if in the opinion of the National Executive their professional conduct makes it desirable that they should not be on the Membership and/or Register of Practitioners list.

5 STRUCTURE

5.1 The Institute of Guidance Counsellors shall be constituted as follows:

- (i) Annual General Meeting (AGM)
- (ii) National Executive Committee
- (iii) Branches
- (iv) Members

6 ANNUAL GENERAL MEETING

6.1 The Annual General Meeting

- (i) This meeting shall be the supreme governing body of the Institute of Guidance Counsellors.
- (ii) The Annual General Meeting shall consist of:
 - a Members and incoming members of the National Executive.
 - b Standing Orders Committee
 - c Members

6.2 Chairperson

- (i) The current President shall preside over the Annual General Meeting.
- (ii) In the absence of the President the Vice President shall take the Chair.

6.3 Convening the Annual General Meeting

- (i) The Annual General Meeting shall be convened by the Secretary of the National Executive and shall be held at a time decided upon by the National Executive. The Branch Committee of the area in which the Annual General Meeting is to take place shall be responsible for making local arrangements. A float shall be authorised by the National Executive Committee from its central fund.

6.4 Motions for General Meetings

- (i) Motions shall be accepted from the Branches not later than 3 months prior to the Annual General Meeting each year. The National Executive Committee shall have the right to submit not more than three motions.

(ii) Urgent motions may be brought before the Annual General Meeting on receiving permission from the Standing Orders Committee.

(iii) Motions regarding changes in the Constitution shall be accepted every second year only.

6.5 The National Executive Committee Shall issue to each Branch Secretary at least four weeks before opening day of the Annual General Meeting an Agenda which shall contain:

(a) Motions

(b) National Executive Committee Annual Report

(c) National Treasurer's Report

(d) Report on the implementation of resolutions passed at the previous Annual General Meeting.

6.6 Quorum

Thirty Qualified Members in addition to the National Executive shall constitute a Quorum for the Annual General Meeting.

6.7 Right of Address

Any Member may address the Annual General Meeting subject to procedures as laid down by Standing Orders.

7 STANDING ORDERS COMMITTEE

7.1 Standing Orders Committee shall consist of

(i) One Member from each Branch, excepting Members of the National Executive, whose names shall have been forwarded to the National Executive three calendar months prior to the Annual General Meeting.

(ii) One member of the National Executive shall act as a non-voting consultant to the Standing Orders Committee.

7.2 Standing Orders Committee Meeting

The Standing Orders Committee shall be convened by the National Secretary and shall hold its first meeting within one calendar month of receipt of nominations, and shall hold office for one year from the date of being convened.

7.3 Standing Orders Committee Procedure

The Standing Orders Committee shall abide by the procedures set out in Appendix II

8. EXTRA-ORDINARY GENERAL MEETINGS

- 8.1 A special or Extra-ordinary General meeting constituted under rule 6 above may be called by the National Executive Committee or on the requisition of two thirds of the branches. One calendar month shall be considered due notice for such a meeting.

9. BRANCHES

- 9.1 A Branch of the Institute of Guidance Counsellors shall be constituted in any area defined by the National Executive as a Branch Area.
- 9.2 Every Member of the Institute of Guidance Counsellors shall be a Member of a Branch of the Institute.
- 9.3 The rules governing admission to Membership of the Institute (Section 4) shall govern admission to Branches.

10. BRANCH OFFICERS AND EXECUTIVE

- 10.1 Each Branch shall elect the following officers:
- (i) Chairperson
 - (ii) Secretary
 - (iii) Treasurer
 - (iv) Public Relations Officer
- 10.2 The Branch Executive shall be constituted as follows, and shall be elected at the Annual General Meeting of the Branch to be held four months prior to Annual General Meeting
- (i) Branch Officers
 - (ii) Additional Members who may be elected on the basis of one per ten of the total branch membership
- 10.3 At least five Members shall form a quorum at any meeting that has been duly convened by the Branch Secretary. The Branch may increase, at its discretion, the number required to form a quorum.
- 10.4 Function of the Branch
- It shall be the function of each Branch to further and promote within the Branch area the objectives of the Institute of Guidance Counsellors, to uphold its Constitution and Code of Ethics and to report to the National Executive of the Institute.

- 10.5 Branch byelaws shall be submitted to the National Executive Committee for ratification.
- 10.6 The Branch Executive shall, as a rule, meet once a month and shall convene a full Branch Meeting at least three times per year.
- 10.7 Branch Finances
 - (i) Each branch shall open a banking account in the name of the branch with three named signatories, (the treasurer, one branch officer and one branch member) two of whom must sign every cheque. All transactions shall be recorded and receipted.
 - (ii) Each branch shall present an internally audited set of accounts to the Branch Annual General Meeting and shall forward a copy of it to the National Treasurer.
- 10.8 A branch shall have the right to fix the amount of any additional subscription/levy to the annual fee.
- 10.9 On the dissolution or cessation of a Branch, the moneys, property and records in its possession shall be handed over to the National Executive Committee.

11. NATIONAL EXECUTIVE COMMITTEE

- 11.1 The National Executive Committee shall consist of the duly elected President and Vice-President and at least one elected representative from each Branch. Its officers shall be President (chairperson), Vice-President/Organizer, Secretary, Treasurer, and Public Relations Officer. The outgoing President has automatic right to continue in membership of the National Executive Committee for one year following cessation of term of office.
- 11.2 Seven members shall form a quorum at National Executive meetings
- 11.3 Duties of the National Executive Committee:
 - (i) To implement the motions agreed at the Annual General Meeting.
 - (ii) To manage and direct the affairs of the Institute between Annual General Meetings.
 - (iii) To represent the Institute with any other authority.
 - (iv) To appoint the Membership and Registration Committee of the Institute.
 - (v) To adjudicate ethical issues.
 - (vi) To ratify In-Service certification.

- 11.4 The National Executive Committee may appoint sub-committees for particular purposes and shall be at liberty to appoint to such sub-committees members other than members of the National Executive Committee.
- 11.5 The National Executive Committee shall meet at least ten times a year and at such other times when issues of critical importance need to be decided. The secretary shall be required to summon a special meeting at any time on the written request of seven members of the executive.
- 11.6 During its term of office the National Executive Committee may invite Branches not represented on the Committee to nominate, within reasonable time, a member to the National Executive Committee for that year.

12 HOLDING OFFICE

- 12.1 All persons holding Chartered or Qualified Membership of the Institute of Guidance Counsellors shall be eligible for election to the National Executive Committee and shall serve for a maximum of three consecutive two-year terms, taking a break of at least one term before seeking re-election. In the case of a vacancy arising the National Executive Committee shall co-opt a member of the Institute to fill the vacancy.
- 12.2 The President and Vice-President of the Institute of Guidance Counsellors shall be elected to hold office for a continuous two-year term and they shall be eligible for re-election to these posts for one further consecutive term of office. They shall be eligible for re-election to these posts again after a lapse of at least six years following each single term or two consecutive terms holding office.
 - 12.2.1 There shall be a separate postal ballot for the election of the President and the Vice President of the Institute of Guidance Counsellors using a system of Proportional Representation, which shall take place by 1st May of the year in which the office falls vacant and the candidates elected shall assume these offices on July 1st that year.
 - 12.2.2 The newly elected President and Vice President, if not already members of the National Executive, shall have the right to attend National Executive meetings as non-voting observers prior to assuming office.
- 12.3 In the event of the office of President or Vice President becoming vacant, the National Executive Committee at its next ordinary meeting shall elect from amongst its members a new President or Vice-

President who shall hold office for the remainder of the term. The National Executive Committee shall be at liberty to co-opt a member of the Institute to fill the vacancy arising out of the election of the new President or Vice President.

12.4 Nomination to Office

Each Branch shall elect any Chartered or Qualified Member of the Institute of Guidance Counsellors to the National Executive Committee on the basis of one National Executive Member per 50 Branch members. Each Branch with a membership of less than 50 shall be entitled to elect one member to the National Executive.

12.5 Nominations shall be sent in writing from the Branch Secretary three months prior to the Annual General Meeting shall be included in the list of those eligible for ratification by the AGM for the National Executive Committee.

12.6 Each Branch shall have the right to nominate one person for the positions of President and of Vice President

12.7 Voting for Office

(i) Fellow, Chartered, Qualified and Retired Members shall all have full voting rights.

(ii) The election of President shall be decided by postal ballot of all Fellow, Chartered, Qualified and Retired Members.

(iii) The election of Vice-President shall be decided by postal ballot of all Fellow, Chartered, Qualified and Retired Members.

12.8 The election for office under 12.7 shall be conducted using a Proportional Representation system.

(i) The Standing Orders Committee, under the supervision of a representative of the External Auditors of the Institute, who shall act as Returning Officer, shall meet to count the votes for the elections of President and Vice-President at a time and place set by the National Executive which shall make provision for the secure holding of the sealed ballot papers.

12.9 Members elected to the National Executive Committee by branches shall be formally ratified at the subsequent Annual General Meeting.

12.10 National Executive Officers

The National Executive Committee shall select/elect from its membership persons to fill the positions of Secretary, Treasurer and Public Relations Officer and two of its members as Auditors who shall have the right to examine all accounts.

12.11 Only the Annual General meeting shall have the authority to add to, alter or remove any of these foregoing articles of the Constitution. A two-thirds majority of those voting shall be required to effect such changes.

APPENDIX 1

Entitlements and Conditions of each Membership Grade.

Subject to the prescriptions for membership detailed in section 4 above, any person who undertakes to accept and abide by the Constitution and Code of Ethics of the Institute in the performance of their duties may join the institute on payment of the annual membership fee and shall remain a member by:

- (a) Continuing to comply with the Institute's Code of Ethics
- (b) Renewal of the annual membership fee.

The following are the entitlements of membership and the additional requirements for maintenance of membership at each grade:

1. Student Membership:

Student Members shall be entitled to Guidelines and Journal. Their names shall be included on the mailing list for general information. They may attend conferences and seminars.

2. Affiliate Membership: [Closed Grade]

Affiliate Members shall be entitled to Guidelines and the Journal. Their names shall be included on the mailing list for general information. They may attend conferences and seminars.

3. Qualified Membership:

Qualified Members shall be entitled to all the benefits of the Institute of Guidance Counsellors. They have full voting rights and may hold office as outlined in article 12 of the Constitution. Qualified Membership will be subject to an annual review. To maintain Qualified Membership the following conditions must be met:

- 1) Five hours of In-Service training annually in an area pertinent to the work of a Guidance Counsellor, i.e. Personal/Social, Educational, Vocational Guidance and Counselling
- 2) Members must conduct the practice of Guidance and Counselling in a professional manner in compliance with the Code of Ethics of the Institute of Guidance Counsellors.
- 3) Members must comply with Branch procedure for monitoring the annual review.
- 4) The Executive Member of each Branch will liaise with the Membership Committee in order to implement and comply with these conditions.

4. Chartered Membership

Chartered Members, in addition to receiving the entitlements of Qualified Members, shall have their names included on the Register of Professional Practitioners. Chartered Membership will be subject to an annual review. To maintain Chartered membership the following conditions must be met:

- 1) Ten hours of In-Service training annually in an area pertinent to the work of a Guidance Counsellor, i.e. Personal/Social, Educational, Vocational Guidance and Counselling.
- 2) Members must conduct the practice of Guidance and counselling in a professional manner in compliance with the Code of Ethics of the Institute of Guidance Counsellors
- 3) Members must comply with Branch procedure for monitoring this annual review.
- 4) The Executive Member of each Branch will liaise with the Membership Committee in order to implement and comply with these conditions.

5 Fellow Membership:

Fellow Members shall enjoy the full entitlements of Chartered Membership and this grade shall be registered on the Register of Professional Practitioners.

6 Honorary Fellowship:

Honorary Fellows shall receive the Journal of the Institute of Guidance Counsellors and other appropriate communications as decided by the National Executive

7 Retired Members:

Retired members shall be entitled to Guidelines and the Journal. Their names shall be included on the mailing list for general information. They may attend conferences and seminars. They shall have full voting rights and shall pay half fee.

APPENDIX II

Standing Orders Protocol

1. The Chairperson of the Standing Orders Committee shall be the non-voting National Executive representative.
2. Prior to the Standing Orders Committee meeting, the Chairperson shall examine the motions submitted and allocate them to different categories to be approved by the Committee.
3. Motions must be drafted according to the format supplied by the Standing Orders Committee Chairperson and approved by the National Executive. They must be proposed and seconded by the branch members and signed by the Branch Secretary and Chairperson.
4. Branches shall be given four months notice of the Annual General Meeting / Conference together with the necessary forms for motions and nominations to Standing Orders Committee and the National Executive.
5. The Standing Orders Committee shall
 - (i) examine motions submitted for the Annual General Meeting
 - (ii) propose composite motions where appropriate
 - (iii) edit and/or re-draft any motions which are phrased ambiguously, but without altering the original meaning
 - (iv) edit and/or re-draft composite motions/amendments for submission to the Annual General meeting
 - (v) arrange motions into groups under general topic headings according to descending order of priority, and specify which motions, and in which order, are to be discussed at the Annual General Meeting.
 - (vi) decide what urgent motions if any should be brought before the annual General Meeting.
 - (vii) meet under the supervision of a representative of the External Auditors of the Institute of Guidance Counsellors, who shall act as Returning Officer, to count the votes for the elections of President and Vice-President at a time and place set by the National Executive which shall make provision for the secure holding of the sealed ballot papers

- 6 The Standing Orders Committee may make such other necessary rulings in relation to motions as are necessary for the proper conduct of the business of the Annual General Meeting.
- 7 Motions referring to pay and condition of service are dealt with by the Trade Union Movement.
- 8 The Standing Orders Committee shall decide whether or not to allow inclusion with the printed list of motions, of any supplied brief written statement or explanatory notes.
- 9 The Standing Orders Committee shall ensure that all who are issued with voting cards are bona fide Fellow, Chartered, Qualified or Retired Members of the Institute.
- 10 The Standing Orders Committee shall act as tellers during voting on motions at the Annual General Meeting, and at the request of the President they shall assist the National Executive in any other work for the proper and efficient running of the Annual General Meeting.
- 11 The Standing Orders Committee shall present a report to the National Executive after each Annual General Meeting.

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1 PREAMBLE

- 1.1 Guidance Counsellors work with clients, individually and in groups, to whom they supply professional services concerning educational, vocational and personal/social development.
- 1.2 Guidance Counsellors respect the dignity, integrity and welfare of their clients. They work in ways which promote clients' control over their own lives, and they respect clients' ability to make decisions and engage in personal change in the light of their own beliefs and values.
- 1.3 The professional services offered by Guidance Counsellors involve a special relationship of trust and confidence. Guidance Counsellors are responsible for maintaining trust by setting and monitoring appropriate boundaries in the relationship, and making this explicit to the client and relevant others.
- 1.4 It is the duty of Guidance Counsellors:
 - (a) to comply with the provisions of the Code of Ethics.
 - (b) not to engage in conduct (whether in pursuit of their profession or otherwise) which is dishonest, or which may otherwise bring to the profession of Guidance and Counselling into disrepute, or which is prejudicial to the administration of justice.
 - (c) to observe the ethics and etiquette of the profession.
 - (d) to be competent in all their professional activities.
- 1.5 The relationship with the client is the foremost concern of the Guidance Counsellor, but it does not exist in a social vacuum. For this reason, Guidance Counsellors have sensible regard for the social context of their work, which includes colleagues, the Law and the wider community.
- 1.6 Guidance Counsellors are recommended to deal with ethical dilemmas by engaging in the formal decision-making process presented in Appendix A.
- 1.7 The Institute of Guidance Counsellors strongly recommends supervision as an integral part of the professional practice of members.

2 COMPETENCE

- 2.1 Guidance Counsellors maintain and develop their professional competence.
- 2.2 Guidance Counsellors recognise the limits of their training and experience and take care not to exceed them. Where they do not feel competent, they make appropriate referral to others within or outside the profession.
- 2.3 Guidance Counsellors ensure that they accurately represent their education, training, experience and affiliation with the Institute.

3 CONDUCT

- 3.1 Guidance Counsellors engage in professional activities in such a way as not to damage clients' interests or undermine public confidence in the profession or the Institute.
- 3.2 Guidance Counsellors are mindful that their relationships with clients may involve conflicts of interest because of dual roles (e.g. responsibility to client vs. responsibility to school). Where they become aware of such conflicts, they clarify to all concerned the nature of their loyalties.
- 3.3 Guidance Counsellors do not exploit clients emotionally, sexually, financially or in any other way.

4 CONFIDENTIALITY

- 4.1 A professional relationship involving confidentiality is at the core of guidance counselling. Guidance Counsellors take all reasonable steps to ensure that consultation with clients takes place in an appropriately private environment.
- 4.2 Guidance Counsellors take all reasonable steps to preserve the confidentiality of information about clients obtained in the course of professional work. They reveal such information only with the client's consent, but with certain exceptions, which include: where concealment would result in danger to the client or others; when required by the Law or designated guidelines; or for purposes of professional consultation or supervision.
- 4.3 It is the duty of Guidance Counsellors to inform clients about legal limits on confidentiality.
- 4.4 Guidance Counsellors discuss information about clients only for professional purposes, and only with those who are clearly entitled to be consulted. Written and oral reports contain only such data as are

pertinent to the case, and every effort is made to avoid undue invasion of the clients' privacy.

- 4.5 Guidance Counsellors publish oral or written information about clients only with their written consent, or where the identity of individuals or groups is adequately disguised.
- 4.6 Subject to the law, Guidance Counsellors take all reasonable steps to safeguard the storage, retrieval and disposal of clients' records, both written and electronic. Where Guidance Counsellors' control of such records is limited, they exercise discretion over the information recorded.
- 4.7 With the exception of recording of public behaviour, Guidance Counsellors make audio, video or photographic records of clients only where these persons have given prior written agreement to the making of the record and the conditions of subsequent access.
- 4.8 Guidance Counsellors take all reasonable steps to ensure that colleagues, principals and others with whom they work understand and respect the need for confidentiality.

5 CONSENT

- 5.1 Guidance Counsellors take all reasonable steps to ensure that clients give valid consent to investigations or interventions involving them
- 5.2 Guidance Counsellors safeguard the right of clients to withdraw consent after an investigation or intervention has begun.
- 5.3 Guidance Counsellors obtain clients' consent to the attendance of trainees and other third parties not directly involved in the provision of professional services.

6 TESTING AND EVALUATION

- 6.1 Guidance Counsellors use only those tests which they are competent to administer and interpret.
- 6.2 In communicating the outcome of tests or assessments to teachers, employers or others, Guidance Counsellors strive to ensure that the results are not misused or misinterpreted.
- 6.3 Guidance Counsellors respect the rights of clients to receive a full explanation of the nature, purpose and results of tests and assessments.
- 6.4 Guidance Counsellors take all reasonable steps to protect the integrity of test materials, which depend for their validity on being kept out of the public domain.

7 RESEARCH

In addition to the above principles concerning competence, conduct, confidentiality and consent:

- 7.1 At all times, Guidance Counsellors protect the dignity and well being of research participants.
- 7.2 Guidance Counsellors take all reasonable steps to ensure that any collaborators in the research treat participants in an ethical manner.
- 7.3 Guidance Counsellors give publication credit to others in proportion to the professional contribution that they have made.

APPENDIX A

RECOMMENDED PROCEDURE FOR ETHICAL DECISION MAKING

The following procedure is based on that proposed by P. Keith-Spiegel and G.R. Koocher (1985: *Ethics in Psychology: Professional Standards and Cases*, New York: Random House). The idea is that, when faced by an ethical dilemma, Guidance Counsellors should exercise their professional judgement in a formal way:

- 1 Define the issues involved.
- 2 Consult relevant guidelines (e.g. this Code of Ethics, Department guidelines, professional colleagues, the Law, Management).
- 3 Evaluate the rights, responsibilities and welfare of all affected parties including the institution where the Guidance Counsellor is employed and, where necessary, the general public.
- 4 Generate as many alternative decisions as possible.
- 5 Carefully evaluate each possible decision
- 6 Make the decision and share it with all relevant parties
- 7 Take responsibility for the consequences of the decision.

APPENDIX B

Information And Guidelines for Members on The Data Protection Act (1988) and The Data Protection Act (Amendment) Act (2003)

The Institute of Guidance Counsellors upholds the rights and obligations, enshrined in the Data Protection Act (1988) and Amendment Act (2003). The following guidelines for members are to assist in protecting clients' privacy and ensuring that members comply with the Law in respect of personal information, which is stored electronically or in manual form. These guidelines have been drawn up in consultation with the Data Protection Commissioner's office. They should be read in conjunction with Section 4 (Confidentiality) of the Institute's Code of Ethics.

SCOPE

The Data Protection (Amendment) Act (2003) applies to all records and information held either in electronic or manual form. Manual data means information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system, i.e. structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily accessible.

The 'data controller' under the Act is the person who, either alone or with others controls the contents and use of personal data. Deciding who is the data controller in a particular case is a matter of fact, determined by examining the situation. Generally the data controller will be the school, but it could be an individual Guidance Counsellor, or indeed both the school and the individual. It is important to be clear on this point since the Act creates obligations for data controllers, which are summarised in the Guidelines below.

In addition, all data controllers are required to be registered with the Commissioner, unless exempted from this requirement under regulations made by the Minister for Justice, Equality and Law Reform. Those intended to be exempted, are those defined as 'low risk' data controllers. All public sector bodies are required to register - so VEC's and IT's will be registered, and their registration should cover any data kept by their employees.

Private practitioners and private schools outside the 'public sector' will be required to be registered if any of the information kept relates to sensitive personal data:

Physical or mental health; religious or other beliefs; sexual life; political opinion; criminal convictions or the alleged commission of an offence; trade union membership; or racial origin.

THE EIGHT RULES OF DATA PROTECTION

You must _____

1. Obtain and process information fairly
2. Keep it only for one or more specific, explicit, and lawful purposes.
3. Use and disclose it only in ways compatible with these purposes.
4. Keep it safe and secure.
5. Keep it accurate, complete and up-to-date.
6. Ensure that it is adequate, relevant, and not excessive.
7. Retain it for no longer than is necessary for the purpose or purposes.
8. Give a copy of his/her personal data to that individual on request.

PURPOSE

Guidance Counsellors are likely to hold information for purposes of personal/social, educational and vocational guidance and counselling of individuals, and associated research. It is important that members be clear on the purpose for which they collect and keep information and that they make that purpose known to their clients. The purpose for which members have the information is the touchstone for judging what information we may collect, keep, use and disclose.

More information is available from the Data Protection Commissioner at:

www.dataprivacy.ie

A copy of both Acts are available for download from the **Reference** link.

The link at the time of print May 2004;

www.dataprivacy.ie/6a.htm

