

Clare County Council Comhairle Contae an Chláir



Comhairle Contae an Chláir
Clare County Council

APPLICATION FORM FOR AN EXHUMATION LICENCE

Please ensure this application is completed in full and all necessary documentation is attached along with the application form. Please note it may be necessary to seek further information or clarification from the applicant in order to make a determination on the application.

To be included with the Application Form:

- Fee €300
- Copy of Death Certificate
- Written consent of owner or “Right of Burial” in the grave space in which the deceased is interred.
- Declaration Forms from Next of Kin

Where a licence is granted, the applicant is responsible for all costs involved in carrying out the exhumation and the subsequent re-interment.

This form, when completed, should be returned to:

Burial Grounds Unit,
Rural Development Development Directorate,
Clare County Council,
Áras Contae an Chláir,
New Road, Ennis,
Co. Clare.
V95 DXP2.

For Office Use Only – Do Not Write In This Box

Application Ref No.	ELA -	Received Date	Fee Paid
All required documentation included:			
Referred to:			

PART 1 – TO BE COMPLETED BY THE APPLICANT

APPLICANT DETAILS	
Applicant Name:	
Applicant Address:	
Relationship or connection of applicant with the deceased. It should be stated whether applicant is the nearest relative of the deceased, and, if not, why the application is not made being made by the nearest relative	
Date:	

DETAILS OF DECEASED AND CURRENT INTERMENT	
1. Name of deceased, in full:	
2. Date of death:	
3. Cause of death. (A death certificate must be enclosed with the application):	
4. State whether the deceased was married, single or widowed:	
5. Name and location of the burial ground in which the deceased is interred:	
6. Registered number or other means of identification of grave space in which the deceased is interred:	

7. Name and address of authority or person in whom the burial ground is vested:	
8. Name and address of the owner of the 'Right of Burial' in the grave space in which the deceased was interred: Written consent must be included with this application.	

DETAILS OF INTENDED RE-INTERMENT OF DECEASED

9. State whether remains are to be re-interred in the same burial ground and if not, give name and location of the burial ground in which it is proposed to re-inter the remains:	
10. Registered number or other means of identification of grave space in which it is proposed to re-inter the remains:	
11. State name of undertaker who will be engaged to carry out exhumation: (NB: Applicant is responsible for the cost of the Undertaker).	

REASON FOR EXHUMATION

In considering your *Application for Exhumation Licence*, the Local Authority must be satisfied that there are cogent and compelling reasons for doing so and that proper standards of public health are maintained. The Local Authority will, as part of considering your application, consider the view and opinions of the HSE, Gardai and any other interested persons

Please outline the cogent and compelling reasons/circumstances for seeking an exhumation

NEXT OF KIN

Name(s) of all surviving Next of Kin to the deceased (includes surviving spouse, parents, children and siblings).

Statutory Declaration(s) to be signed by all surviving Next of Kin to the deceased (ONE PER PERSON).

Full Name:		
	Relationship to Deceased	
Full Name:		
	Relationship to Deceased	
Full Name:		
	Relationship to Deceased	
Full Name:		
	Relationship to Deceased	
Full Name:		
	Relationship to Deceased	
Full Name:		
	Relationship to Deceased	

I, _____(NAME IN BLOCK CAPITALS), hereby make application for a licence for the exhumation of the remains of the deceased person named below from the grave in which they are interred, and for their removal for purposes of re-interment, and I certify that the particulars given below are true in all respects. If the application is granted I agree to carry out any conditions contained in the license.

SIGNATURE OF APPLICANT: _____

STATUTORY DECLARATION
(To be completed by surviving Next of Kin of the Deceased)

I,

(full name)
of

(address)
am the

(relationship to deceased)
of the late

(full name of deceased)

do solemnly and sincerely declare that I *consent / do not consent*

(cross out which does not apply)

to the application for Exhumation of the late

(full name of deceased)

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

.....
Signature of person making this declaration [to be signed in front of an authorised witness - eg Notary Public, Commissioners for Oaths, practicing solicitor or a person authorised by law to take and receive statutory declarations]

On this _____ day of _____ 20____

Before me,
.....
Signature of authorised witness

On this _____ day of _____ 20____

Clare County Council – Privacy Notice – Burial Ground Unit**1. Clare County Council – Privacy Notice – Burial Ground Unit**

DOCUMENT NO.	REVISION NO.	DETAILS	EFFECTIVE DATE
DP-PN-02	1	Burial Ground Unit Privacy Notice	07/02/2020

The council also has a Privacy statement which is a general document about how we approach data protection as an Organisation and is available on the council's website <https://www.clarecoco.ie/info/privacy-statement> or on request from this department.

In order to provide the most effective and targeted range of services to meet the needs of the citizens, communities and businesses of County Clare, we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being sought or provided, the information sought may include 'personal data' as defined by the Data Protection Acts and by the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past; current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect, process and use certain types of personal data to comply with regulatory or legislative requirements.

2. Why do we have a privacy statement?

Clare County Council has created this privacy statement in order to demonstrate our firm commitment to privacy and to assure you that in all your dealings with Clare County Council that we will ensure the security of the data you provide to us.

Contact Details

Clare County Council's contact details in relation to Freedom of Information are as follows:

Freedom of Information Officer

Telephone: 0656846405 or (065) 6846200

Email: foioff@clarecoco.ie

Post: Áras Contae an Chláir, New Road, Ennis, Co. Clare V95 DXP2

Data Protection Contact:

Data Protection Officer

Telephone: 0656846405 or (065) 6846200

Email: DPA@clarecoco.ie

Post: Áras Contae an Chláir, New Road, Ennis, Co. Clare V95 DXP2

Clare County Council creates, collects and processes a significant amount of personal data in various multiple formats on a daily basis. Clare County Council's commitment to you is that the personal data you may be required to supply to us is:

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Recorded, stored accurately and securely and where necessary kept up to date
- Kept only for as long as is necessary for the purposes for which it was obtained

- Kept in a form which permits identification of the data subject
- Processed only in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing

3. Service referred to in this Privacy Statement

The policy, procedure and management of data in relation to burial grounds in the ownership of Clare County Council.

4. What personal data do we need?

The types of personal data you may be asked to supply can be categorised as follows:

- Contact details to allow for efficient communication
- Details of your personal circumstances which you are required by law to supply as part of your application for a service offered by Clare County Council
- Your own financial details which you are required by law to supply as part of your application for a service offered by Clare County Council
- We will collect other information including details of the deceased including details of their death, details of the grave plot including location of burial ground, other details required under the Regulations and details of next of Kin (if applicable).

5. Specific and legitimate purpose for which the personal data is being sought

We process your data in order to comply with legal obligations to which we are subject, to perform the services you have requested of us or to take steps at your request prior to undertaking to provide services for you, because you have consented to our processing of your data or for the purposes of our legitimate interests, such as to inform you of changes to our services or to provide you with information about other services we offer.

6. Legal basis under which the information is required to be supplied

Depending on how we are processing your personal data will determine the legal basis for processing. Generally, the legal bases for processing by the Council as a public authority will be the General Data Protection Regulation 2018.

Burial Regulations

The powers and duties of Local Authorities in relation to Burial Grounds are derived, in the first instance, from the Public Health (Ireland) Act, 1878 (Part III), as amended by the Local Government (Sanitary Services) Act, 1948 and, more recently, the Local Government Act, 1994. The main rules for burial grounds are set out in the Rules & Regulations for the Regulation of Burial Grounds 1888 and amendments made to these rules in 1919, 1929 and 2013.

Burial Ground Records

Clare County Council are obliged, under the regulations referred to above, to maintain a register of all interments, plot owners and monuments erected. Records in relation to the deceased person, their Christian and Surname, time of death, sex, age, religious persuasion and occupation or rank in life together with his/her last place of residence and details as “single”, “widower”, “widow” or the “child of A.B. of & c” are held and available publicly in the burial ground register and online.

Other organisations/bodies/entities that the Council will be required to share data with, or obtain data from, in order to provide the required service

The Burial Ground Section is required share your information internally (within the Council) for processing of this application and with third parties in accordance with statutory and regulatory obligations and subject to compliance with Section 8 of the Data Protection Acts.

7. How your personal data will be kept safe from unauthorised or unlawful processing

We take our data security responsibilities seriously, employing the most appropriate physical and technical measures, including staff training and awareness. We review our data security measures and procedures regularly.

8. Record Retention Policy

The National Retention Policy for Local Authority Records has a detailed record retention policy which goes in to more detail of the time period for which your personal data will be retained by this Council and what will happen to it after the required retention period has expired.

The policy can be accessed via the following link,

http://www.lgma.ie/sites/default/files/2002_national_retention_policy_for_local_authority_records_2.pdf

9. Your Data Protection Rights

You have the right to request access to personal data held about you, obtain confirmation as to whether data concerning you exists, be informed of the content and source of data and check its accuracy. In addition, if the data held by us is found to be inaccurate you have the right to change, remove, block, or object to the use of, personal data held by Clare County Council. In certain circumstances blocking access to data may delay or remove access to a service where the data is required by law or for essential purposes related to delivery of a service to you. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. For further details on exercising your rights

To exercise these rights please see details in the document at the attached link (or available on request from the Data Protection office)

<http://www.clarecoco.ie/your-council/publications/data-protection-data-access-requests-policy-18436.pdf>

Please note that to help protect your privacy we take steps to verify your identity, before granting access to personal data.

10. Right of Complaint to the Office of the Data Protection Commissioner

If you are not satisfied with the outcome of the response you received from Clare County Council in relation to your request, then you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you.

The Data Protection Commissioner's website is www.dataprotection.ie or you can contact their Office at:

Lo Call Number: 1890 252 231

E-mail: info@dataprotection.ie

Postal Address: Data Protection,

Commissioner Canal House

Station Road

Portarlinton, Co. Laois. R32 AP23.