

## 1. Clare County Council – Privacy notice – Data Protection

DOCUMENT NO.	REVISION NO.	DETAILS	EFFECTIVE DATE
DP-PN-01	1	Data Protection privacy notice	1/1/2020

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 [http://www.clarecoco.ie/\[info\]/privacy-statement/default.html](http://www.clarecoco.ie/[info]/privacy-statement/default.html) or on request from this department.

The councils Privacy Statement will let you know how we look after your personal data. It also informs you as to our obligations and your rights under data protection law. To exercise these rights please see details in the Privacy Statement at the attached link above and the sample application forms available on our website <http://www.clarecoco.ie/your-council/how-we-manage-information/data-protection/> (or available on request from the Data Protection office).

In order to provide effective and targeted services in relation the Data Protection legislation we will be required to collect, process and use certain types of information from people applying/making requests under the legislation. Depending on the request being made the information sought may include 'personal data' as defined by the Data Protection Acts and by the General Data Protection Regulation (GDPR) and/or the Law Enforcement Directive (LED) and may relate to the personal circumstances of you (as applicant).

### 1. Why do we have this privacy notice?

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

**Data Protection Contact:** Data Protection Officer, Telephone: 0656846405 or (065) 6846200  
Email: [DPA@clarecoco.ie](mailto:DPA@clarecoco.ie) Post: Áras Contae an Chláir, New Road, Ennis, Co. Clare V95 DXP2

### 2. Legal basis for the collection, processing and sharing of personal data as part of the provision of a service under the Data Protection legislation

**Data Protection legislation:**The General Data Protection Regulation ("GDPR") was agreed in early 2016 and entered into force across the European Union on 25 May 2018(Regulation (EU) 2016/679). An accompanying Law Enforcement Directive (LED), which establishes data protection standards for the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection and prosecution of criminal offences and the execution of criminal penalties was also agreed in early 2016 (Directive (EU) 2016/680). The Directive required transposition into national law by May 2018.

Although the GDPR is directly applicable as a law in all Member States, it allows for certain issues to be given further effect in national law. In Ireland, the national law, which, amongst other things, gives further effect to the GDPR and the LED, is the Data Protection Act 2018 (DP Act) which came into force on 25/5/18. The lawful basis is therefore under Article 6 (c) of the GDPR.

### 3. Types of Personal data required and how your personal data will be used/processed by Clare County Council

A person (Data subject) may make a request for access to their personal data or otherwise to exercise their data protection rights. Data subjects must make a formal request for personal data we hold about them or otherwise to exercise their data protection rights by contacting us. We have provided sample letters which can be used to send us any such requests and these are available in hardcopy from the council or from the council's website (see link provided). Please note these are sample letters only, you may make requests to exercise your rights in whatever way you please.

A request by a data subject for access to their personal data is also known as a Subject Access Request or SAR. This is a formal procedure and the council is normally required to respond within one month. The request will be considered in accordance with the data protection legislation having regard to the exemptions and restrictions provided.

Types of data provided by persons making requests can include identity data, contact data, transaction data etc:

- Name and contact details of the requester/s and any other persons considered to be relevant to the request
- Description of personal data to which access is sought
- Details of personal records that the person considers need to be amended or deleted where the information is incorrect or misleading

There are exemptions and restrictions (where necessary and proportionate), provided for in the legislation. This means that there are specific circumstances when the requested rights may not be exercisable in full e.g. there may be circumstances where in the right of access to personal data, where certain personal data will not be released. If any of these exemptions are used to withhold personal data in an access request, the reasons will be explained to you.

Information including personal data supplied by persons making requests or exercising their rights under the Data Protection legislation or submitting queries etc. in relation to it, are collected, processed and shared only for the those purposes and in accordance with the relevant sections of the legislation.

When making a request under the Data Protection legislation you provide us with contact details such as an address, a phone number or email address. We use these to contact you and will only contact you about matters that affect your request or query.

Please note that to help protect your privacy we take steps to verify your identity, before granting access to personal data, and further proof your identity may be requested by this council.

#### **4. Processing and Storage of your data**

Data from requests and applications and related documentation under the Data Protection legislation which are emailed to this council are processed and held on the councils email system and computer network. Hard copies of these are also kept in a manual filing system and recorded in a manual register.

Hard copy requests (e.g. letters and application forms) and related documentation are scanned to these systems also to enable efficient processing. The information and data in requests that are submitted by email and in paper forms and letters, and stored in these systems, is relevant to the processing of your application or request under the legislation. Access to the data is controlled and restricted to relevant staff involved in assessing and processing the Data Protection legislation service, together with other security measures such as passwords.

The personal data you supply to this Council as part of your request, application or query under the Data Protection legislation will only be used by Clare County Council for the purposes of processing the request, application or query and for essential purposes related to delivery of the service to you. This may entail sharing your data with other departments or associated companies of Clare County Council and with any relevant third parties (e.g. county solicitor's office, relevant contractors or companies) that may be associated with your application e.g. cctv images may need to be sent to a specialist company in order to pixelate/redact images of 3<sup>rd</sup> parties. Where a requester makes a complaint to the Data Protection Commission all necessary records that they request must be supplied to that office in order for them to process the complaint.

There are no plans to transfer personal data to a third country or international organisation.

#### **5. Sharing of your data with other public bodies**

All data supplied by you as part of your request, application, or query under the Data Protection legislation will be used for the specific purpose of assessing and administering your application.

#### **6. Records Retention Policy**

Data Protection requests records are held for 10 years in accordance with the National Retention Policy for Local Authority Records which can be accessed via the following link

<https://www.lgma.ie/en/publications/corporate/national-retention-policy-for-local-authority.pdf>

#### **7. Right of Compliant to the Office of the Data Protection Commission (DPC)**

A person also has a right to complain to the Data Protection Commissioner. This information is available in the councils Privacy statement or on the DPC website.