

# SLIGO COUNTY COUNCIL DATA PROTECTION POLICY

## **1. Introduction**

- 1.1 Sligo County Council is the democratically elected Council for the County of Sligo.
- 1.2 The principal function of Sligo County Council is to provide a wide range of services to County Sligo under the following main headings.
  - Housing and Building
  - Roads, Transportation and Safety
  - Water and Sewage
  - Development incentives and controls
  - Environmental protection
  - Recreation and Amenity
  - Agriculture, Education, Health and Welfare
  - Miscellaneous

In performing its functions, Sligo County Council is required to process significant amounts of “Personal Data” within the meaning of the Data Protection Acts 1988 to 2018 (“the Acts”) and the General Data Protection Regulation (GDPR). Sligo County Council respects the privacy rights of those whose Personal Data we process and we are conscious of our obligations under the Data Protection Acts.

- 1.3 The purpose of this Policy is to disclose in a transparent way how Sligo County Council obtains and processes Personal Data so that all those who provide us with Personal Data will clearly understand our practices and procedures. It also sets out our approach to dealing with Data Access Requests under Section 91 of the Data Protection Act 2018.

## **2. Glossary**

- 2.1 Appendix 1 contains a Glossary of the key terms used in this Policy.

## **3. Types of Personal Data held by us**

- 3.1 Sligo County Council is registered as a Data Controller with the Office of the Data Protection Commissioner (Registration number 0322/A). Particulars of our registration are available online at [www.dataprotection.ie](http://www.dataprotection.ie). Sligo Co. Council is also on the Register of users of Personal Public Service Numbers PPSN held by the Department of Social and Family Affairs. This register can be viewed online at [www.welfare.ie](http://www.welfare.ie).
- 3.2 Sligo County Council would typically retain and process the following types of Personal Data, Name, address, gender, date of birth, PPSN, income, bank and financial details.
- 3.3 Sligo County Council may also process Sensitive Personal Data including health, family, disability and criminal conviction details.

#### **4. Obligations of Sligo County Council**

Sligo County Council controls the contents and use of certain Personal Data provided to it in the course of its business. Sligo County Council will usually perform its functions itself. When Sligo County Council engages third parties to process personal data on its behalf it will ensure in its contracts that such third parties will also be subject to the data protection obligations set out in the Data Protection Acts and GDPR.

#### **5. What we do with Personal Data**

Sligo County Council processes Personal Data provided to us only for the purposes of complying with our obligations as a Local Authority.

#### **6. Collection, processing, keeping, use and disclosure of personal data**

Sligo County Council is obliged to comply with the data protection principles set out in Section 71 of The Data Protection Act 2018. These obligations mean the Personal Data we hold must meet the following criteria:

(a) Must be obtained and processed fairly.

As most Personal Data obtained by us is provided directly by Customers (or their nominees) Sligo County Council will regard such data as having been fairly obtained. It must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

(b) Shall have been obtained only for one or more specified, explicit and lawful purposes.

Sligo County Council processes Personal Data that it holds only for the purposes for which it was obtained, e.g. provision of housing / planning etc. It must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes will not be considered to be incompatible with the initial purposes.

(c) Shall be adequate, relevant and not excessive.

Sligo County Council only requires Personal Data which is adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed. It does not seek, nor does it wish to receive, excessive levels of data which are not relevant to these duties.

(d) Shall be accurate, complete and kept up to date where possible.

Sligo County Council has a multiplicity of application forms for its various services. By completing and signing a form a customer is indicating that the information they have provided is true and accurate in every respect. Sligo County Council cannot accept responsibility for inaccurate information provided by any customer either in error or on purpose. Notwithstanding this Sligo County Council will endeavour to ensure that that Personal Data processed by us is accurate, complete and up to date. Sligo County Council will also comply with any data rectification requests received under Section 92 of The Data Protection Act 2018 in accordance with Section 13 below.

(e) Shall be kept for no longer than is necessary.

Personal Data will be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required to safeguard the rights and freedoms of the data subject.

(f) Must be kept secure against unauthorised access, alteration or destruction.

Sligo County Council uses robust IT management systems with restricted access to ensure the security of its data. Personal Data shall be processed in a manner that ensures appropriate security, including, by the implementation of appropriate technical or organisational measures protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Access to the Council's computer systems is restricted as follows:

1. Access only by Council authorised staff.
2. The Council's systems are password protected.
3. The Council has comprehensive back up procedures in operation.
4. In accordance with our security obligations under the Data Protection Acts, our systems are regularly backed-up so as to avoid the loss or compromise of data. Back-up data is data held specifically for the purpose of recreating a file in the event of the current data being destroyed. Back-up data will not ordinarily be provided in response to a Data Access Request.

## **7. Right of Access**

Under Section 91 of the Data Protection Act 2018, Data Subjects are entitled to the following information from Sligo County Council:

7.1 To be informed whether personal data relating to him or her have been or is being processed by or on behalf of Sligo Co. Council, and if the individual believes that personal data relating to him or her has been or is being processed and requests Sligo Co. Council by notice in writing shall be informed where such data has been or is being processed, and be provided with a description of:-

- (a) the purpose of, and the legal basis for, the processing.
- (b) the categories of personal data concerned.
- (c) the recipients or categories of recipients to whom the personal data concerned has been disclosed, and
- (d) the period of time for which the personal data concerned will be retained, or where it is not possible to determine the period at the time of the giving of the information, the criteria used to determine the period:
  1. Information detailing the right of the data subject to request from the controller the rectification or erasure of the personal data concerned.
  2. Information detailing the right of the data subject to lodge a complaint with the Data Protection Commission and the contact details of the Commission.
  3. A communication of the personal data concerned.
  4. The origin of the personal data concerned, unless the communication of that information is contrary to the public interest.

7.2 Access requests under Section 4 apply to Personal Data held by Sligo County Council in its computer systems and in manual form within a relevant filing system. However, where a document exists in duplicate, e.g. where correspondence is scanned into our systems, two copies of the same document will not be provided in response to a request.

## **8. Formalities for Data Access Requests**

8.1 A Data Access Request must meet certain requirements as specified in the Data Protection Acts:

- (a) It must be in writing;
- (b) It must include a reasonable level of appropriate information to help us to locate the information required. (However no reason for the request needs to be provided);
- (c) Sligo County Council will make reasonable enquiries to satisfy ourselves about the identity of the person making the request to ensure we are not disclosing Personal Data to a party who is not entitled to it.

8.2

- (a) Data Access Requests will be complied with within 30 days of receipt of the request. Where reasonable additional information is required to substantiate the request as described in paragraph 8.1(b) and (c), the time frame for responding runs from receipt of the additional information.
- (b) If we receive a very general Data Access Request, e.g. “please give me everything you have on me”, the Data Protection Acts allow us to seek more detailed information on the nature of the request, such as the approximate date of a particular incident, our reference number, the identity of the other party etc. However, this will be assessed on a case-by-case basis.

## **9. Information Which Will not be Provided**

Sligo County Council will not normally disclose the following types of information in response to a Data Access Request:

### **(a) Information about other People**

A Data Access Request may cover information which relates to one or more people other than the Data Subject. The information about the other person may be Personal Data about that person, to which the usual data protection rules under the Data Protection Acts, including the restrictions on disclosure, apply. In such circumstances we will not grant access to the information in question unless either:

- (i) the other person has consented to the disclosure of their data to the Data Subject
- or
- (ii) in all the circumstances it is reasonable to make the disclosure without that person’s consent. If the person’s consent is not forthcoming and it is not reasonable to make the disclosure without consent, we will make available as much Personal Data as we can without revealing the identity of the other person (for example by excluding the person’s name and/or other identifying particulars).

### **(b) Opinions given in Confidence**

Where we hold Personal Data about the Data Subject in the form of an opinion given in confidence we are not required to disclose such opinions in response a Data Access Request in all cases.

### **(c) Repeat Requests**

The Data Protection Acts provide an exception for repeat requests where an identical or similar request has been complied with in relation to the same Data Subject within a reasonable prior period. Sligo County Council will consider that if a further request is made within a period of six months of the original request and where there has been no significant change in the personal data held in relation to the individual, it will be treated as a repeat request. Accordingly, where Personal Data has recently been provided to the Data Subject or his/her legal representative, Sligo County Council will not normally provide a further copy of the same data in response to a Data Access

Request. Sligo County Council will not consider that it is obliged to provide copies of documents that are in the public domain.

(d) Privileged Documents

Where a claim of privilege could be maintained in proceedings in a court in relation to communications between an individual and his or her professional legal advisers (or between those advisers) any privileged information which we hold need not be disclosed pursuant to a Data Access Request.

Where Sligo County Council refuses a Data Access Request, it will do so in writing and will set out the reasons for refusal. Any person who is dissatisfied with the response of Sligo County Council to their request has the right to make a complaint to the Data Protection Commissioner.

**10. Conditions Applicable to Children**

- 10.1 Where services are provided directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 16 years old. <sup>2</sup>Where the child is below the age of 16 years, processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.
- 10.2 Sligo County Council will make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child.

**11. Exceptions to Right to Data**

The Data Protection Acts provide that individuals do not have a right to see information relating to them where any of the following circumstances apply:

- (a) If the information is kept for the purpose of preventing, detecting or investigating offences, apprehending or prosecuting offenders, or assessing/collecting any taxes or duties: but only in cases where allowing the right of access would be likely to impede any such activities;
- (b) If granting the right of access would be likely to impair the security or the maintenance of good order in a prison or other place of detention;
- (c) If the information is kept for certain anti-fraud functions; but only in cases where allowing the right of access would be likely to impede any such functions;
- (d) If granting the right of access would be likely to harm the international relations of the State;
- (e) If the information concerns an estimate of damages or compensation in respect of a claim against the organisation, where granting the right of access would be likely to harm the interests of the organisation.
- (f) If the information would be subject to legal professional privilege in court;
- (g) If the information is kept only for the purpose of statistics or carrying out research, but only where the information is not disclosed to anyone else, and where the results of the statistical work or research are not made available in a form that identifies any of the individuals involved.

**12. Format of the Response**

- 12.1 The Data Protection Acts provide a right of access to a permanent copy of the Personal Data that is held about the Data Subject unless this is not possible or would involve disproportionate effort.
- 12.2 The information must be communicated to the Data Subject in an intelligible form. Usually this will mean that a photocopy or printout of the Personal Data will be provided to the Data Subject. However, where a Data Subject requests, information can be provided in electronic format.

### **13. Rectification or Erasure**

If a Data Subject seeks to have any of his or her Personal Data rectified or erased, this will be done within 30 days of the request being made provided there is reasonable evidence in support of the need for rectification or erasure.

### **14. Disclosures of Personal Data Outside of the EEA**

Sligo County Council will not ordinarily transfer Personal Data to countries outside the European Economic Area (EEA). In the event that this position changes, Sligo County Council will comply with its obligations under PART 5 Chapter 5 of the Data Protection Act 2018.

### **15. Contacts**

Any data protection issues referring to Sligo Co. Council should be forwarded to :-

The Data Protection Officer  
Sligo County Council  
County Hall  
Riverside  
Sligo F91 Y763

e-mail:- [dpofficer@sligococo.ie](mailto:dpofficer@sligococo.ie)

### **16. Right of Compliant to the Office of the Data Protection Commissioner**

If you are not satisfied with the outcome of a response you receive from Sligo 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 Office of the Data Protection Commissioner's website is [www.dataprotection.ie](http://www.dataprotection.ie) or you can contact their Office at:

Lo Call Number: 1890 252 231

E-mail: [info@dataprotection.ie](mailto:info@dataprotection.ie)

Postal Address: Office of the Data Protection Commissioner

Canal House

Station Road

Portarlinton

Co. Laois. R32 AP23.

# Appendix 1

## Glossary

**GDPR** – General Data Protection Regulation

**Data** means information in a form which can be processed. It includes both automated data and manual data.

**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.

**Relevant filing system** means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information is accessible.

**Personal Data** means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data

**Controller.** This can be a very wide definition depending on the circumstances.

**Sensitive personal data** relates to specific categories of data which are defined as data relating to a person's racial origin; political opinions or religious or other beliefs; physical or mental health; sexual life; criminal convictions or the alleged commission of an offence; trade union membership.

**Data Subject** A Data Subject is the individual who is the subject of the Personal Data. Only a Data Subject is entitled to make a Data Access Request.

**Data Access Request:** A Data Access Request is a request made in writing to a Data Controller by a Data Subject pursuant to Section 4 of the Data Protection Acts.

**Processing** means performing any operation or set of operations on data, including: •

- obtaining, recording or keeping data,
- collecting, organising, storing,
- altering or adapting the data,
- retrieving, consulting or using the data,
- disclosing the information or data by transmitting, disseminating or
- otherwise making it available,
- aligning, combining, blocking, erasing or destroying the data.

**Data Controller** are those who, either alone or with others, control the contents and use of personal data. Data Controllers can be either legal entities such as companies, Government Departments or voluntary organisations, or they can be individuals such as G.P.'s, pharmacists or sole traders. For the purposes of this document the Data Controller is the legal entity known as Sligo County Council

**Data Processor** is a person who processes personal data on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of his/her employment. Again individuals such as G.P.'s, pharmacists or sole traders are considered to be legal entities.