COMHAIRLE CHONTAE LAOISE

LAOIS COUNTY COUNCIL

DATA PROTECTION POLICY

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Laois County Council reserves the right to amend or revoke policy at any time without notice and in any manner in which the Council sees fit at the absolute discretion of Laois County Council.

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1. Introduction

Laois County Council is the democratically elected unit of Local Government in County Laois. It is responsible for providing a diverse and wide range of services to meet the economic, social and cultural needs of the people of our County.

In the performance of its functions, Laois County Council is required to collect and process significant amounts of "Personal Data" within the meaning of the Data Protection Acts 1988 and 2018 and the GDPR.

The Council is fully committed to compliance with the requirements of the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (GDPR).

The Council will aim to ensure that its' employees, elected members, customers, contractors, agents, consultants, suppliers, or partners of the Council who have access to any personal data held by or on behalf of the Council, are fully aware of and abide by their duties and responsibilities under legislation.

2. General

In order to provide the most effective and targeted service to meet the needs of our customers, the Council is required to collect, process and use certain types of information about people and organisations. Depending on the service being requested or provided, the information sought may include "personal data" as defined by the Data Protection Acts 2003 – 2018 and the GDPR. It may relate to past, current and future service users, past, current and prospective employees and members of the public who engage in communications with our staff. The Council may also be required, from time to time, to collect personal data to fulfil its statutory and other legal functions or to carry out functions in the public interest.

Personal data may be held by the Council in many forms, including: database records, electronic (computer) files, emails, CCTV, photographs, on website and mobile phones.

In this context, Laois County Council is a **Data Controller**.

This data must be dealt with properly whether it is collected, recorded and used on paper, computer or other material. When collecting personal data from an individual, in either paper or electronic format, the Council has a duty to keep these details private and safe. This process is known as Data Protection.

Given the range of services and activities conducted by the Council, the full details of personal data for each process cannot be specified in the Policy. However, the personal data you may be typically asked to supply can be categorised as follows:

- Contact details to allow for effective and efficient communication,
- Details of your personal circumstances which you may be required by law to provide as part of your application for a service,
- Your own financial details which you may be required by law to provide as part of your application for a service.

3. Purpose

The purpose of this policy is to explain how the Council will fulfil its obligations in relation to Data Protection.

4. Scope

This Policy applies to all Laois County Council personnel, elected members and relevant third-party providers that use personal data in support of their work on behalf of the Council. All have a responsibility to ensure compliance with the principles of the Data Protection legislation and to adhere to this Data Protection Policy.

This policy sets out how the Council handles and processes Persona Data, gives clear guidance to Data Subjects regarding their privacy rights and outlines our data collection, processing and retention policies in an open, transparent and unambiguous manner. A glossary of terms used in this policy, and other related policies, is available in Appendix 1.

5. Responsibilities

All staff of Laois County Council who are involved in the collection, storage or processing of personal data during the course of their employment are responsible for ensuring compliance with the requirements of Data Protection.

The Council will provide support, assistance, advice and training to all relevant staff to ensure that they are in a position to comply with the legislation. The Council's Data Protection Officer will assist the Council and its staff in complying with the legislation.

All personal data processed by Laois County Council in the course of its work must be dealt with in compliance with the Principles relating to the Processing of Personal Data as outlined in Article 5 (1) of the GDPR and as outlined hereunder:

a) Must be obtained and processed lawfully, fairly and in a transparent manner

The Council is committed to ensuring that at the earliest practicable point in the collection or processing of personal data the individual is provided with written details or made aware of how to access a written statement of their privacy rights. A Privacy Statement is available on our website at www.laois.ie, at public

counters and with all our application forms to inform Data Subjects of the following:

- Who is collecting the personal data
- Why it is being collected
- What legal basis is being relied upon to process the data
- How it will be processed
- How long it will be kept for and
- Who it will be disclosed to,

In addition, Privacy Notices for each individual Business Unit of the Council will also be available on our website.

As most personal data obtained by the Council is provided directly by our Customers (or their nominees), the Council will regard such data as having been fairly obtained and where the Council has a legal obligation and it is necessary for the performance of a task carried out in the public interest or in the exercise of an official function of the Council.

In instances where the Council is relying on consent for lawful processing, the consent of the Data Subject must be freely given, unambiguous, specific, informed and given through a clear and affirmative action. Data Subjects must also be informed at the time of the giving of consent of their rights to withdraw their consent at any time.

Special categories of personal data are subject to additional protection. In accordance with Section 45 of the Data Protection Act 2018, processing of special categories of personal data shall be lawful to the extent that processing is:

- Authorised by Section 41 and Section 46 to 54 of the Data Protection Act 2018 or
- Otherwise authorised by Article 9 of the GDPR.

b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes

The Council will, except where otherwise provided for by data protection legislation take measures to ensure that the processing of personal data is limited to the purposes for which it was obtained. Disclosures of personal data to third parties will only occur in circumstances that are permitted by law.

c) Adequate, relevant and limited to what is necessary in relation to the purposes for which the data is processed.

The Council endeavours to ensure that the personal data held by it is aligned to the specific purpose for which it was obtained. The personal data collected should be adequate and not excessive for the specified purpose. All application

forms and other means which are used to capture personal data will be designed so as to ensure that the minimum amount of data required necessary to achieve the specified purpose is captured. The Council will process the personal data it holds only for the purposes for which it was obtained. The data will be obtained for purposes which are specific, lawful and clearly stated.

d) Accuracy and where necessary kept up to date

The Council must ensure that the personal data being processed is accurate and where necessary kept up to date.

By completing and signing a form, the customer is indicating that the information they have provided is true and accurate in every respect. The Council cannot accept responsibility for inaccurate information provided by the customer either in error or on purpose.

Notwithstanding this, the Council will ensure that the data is accurate, complete and kept up to date. The Council will also comply with any requests for rectification received.

If you find that the personal data that the Council hold on you is inaccurate or needs to be updated, please contact the Data Protection Officer at dataprotection@laoiscoco.ie so that it can be corrected.

In this regard and to protect your privacy, it may be necessary for the Council to take steps to verify your identity etc. and you may be required to provide documentary evidence etc. in support of same.

e) Kept in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the data was processed

The Council will retain personal data for no longer than is necessary. Retention periods are as outlined in the National Retention Policy for Local Government records issued by the Local Government Management Agency (LGMA).

f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

The Council will maintain the highest standards of technical and organisational security measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access and in particular where the processing involves the transmission of data over a network. There are a range of internal policies, controls and practices to support this principle.

The Council also maintains security by protecting the confidentiality, integrity and availability of personal data as defined hereunder:

- **Confidentiality** means that only those people who are authorised to use the data can access it,
- **Integrity** means that personal data should be accurate and suitable for the purpose for which it is processed
- **Availability** means that authorised users should be able to access the data if they need it for authorised purposes only.

Security measures will be designed in such a manner that they are proportionate to the risks and sensitivities associated with the various categories of personal data that are under the control of the Council.

The Council will ensure that it will where processing is carried out on its behalf choose a processor that provides sufficient guarantees in respect of the technical and organisational security measures that are required to protect personal data and complete an appropriate agreement in respect of same.

g) Accountability

The principle of accountability creates a duty on the Council to actively monitor and manage the processing of personal data and to demonstrate compliance with the Data Protection Acts. The Council will develop a range of organisational wide policies procedures and practices to underpin data protection compliance and will implement appropriate monitoring and reporting mechanisms.

6 Data Protection Officer

In accordance with Article 37 (1), Laois County Council as Data Controller has appointed a Data Protection Officer (DPO). The DPO's role facilitates compliance and ensures that the Council, in carrying out its functions, will protect all personal data in line with the regulatory rights of the individual. The contact details of the DPO are outlined hereunder.

The tasks of the DPO shall include:

- Inform and advise Council staff of their obligations under GDPR and Data Protection Acts 1988-2003
- Monitor compliance with GDPR in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations.
- Provide advice where requested as regards Data Protection Impact Assessments and monitor performance.
- Co-operate with the ODPC
- Act as contact point for the ODPC on issues relating to processing and to consult, where appropriate, with regard to any other matter.
- Act as the contact point for Data Subjects
- Have due regard to risk associated with processing operations, taking into account the nature, scope, context and purposes of processing.

7 Data Subject and their Rights

Data Subjects have a range of rights under the Data Protection Acts as outlined hereunder:

- The right to be informed – a Data Subject has the right to find out the description and purpose for holding their personal data.
- The right of access – a Data Subject has the right to get a copy of their personal information. This request must be submitted in writing and is known as a Data Subject Access Request.
- The right of rectification of inaccurate or incomplete data
- The right to erasure of personal data (also known as the right to be forgotten)
- The right to portability
- The right to object to the processing of personal data
- The right to restrict the processing of personal data
- Rights in relation to automated decision making including profiling
- The right to make a complaint to the Data Protection Commission, e.g. if Access Request is not responded to.

It is the policy of Laois County Council to ensure that the rights of the individual are fully protected. The Council will develop appropriate policies and procedures to assist Data Subjects to avail of these rights.

Laois County Council has a procedure in place for dealing with Subject Access Requests which can be accessed at www.laois.ie

The Data Protection (Access Modification) (Health) Regulations 1989 (S. I. No. 82 of 1989) and the Data Protection (Access Modification) (Social Work) Regulations 1989 (S. I. No. 83/1989) provide that health data and data obtained during the course of carrying out social work relating to an individual should not be made available to the individual in response to a Data Subject Access Request if it would be likely to cause serious harm to the physical or mental health of a Data Subject. In the event that these Regulations apply, the data in question will not be provided to the Data Subject but will however be furnished to the Data Subject's own medial practitioner.

8 Personal Data Breaches

The Council will take all precautions to prevent personal data breaches. In the event of a personal data breach occurring appropriate measures will be in place to ensure that the necessary steps are taken including:

- The identification of personal data breaches and their consequences,
- The notification of personal data breaches where required to the Data Subject and the Office of the Data Protection Commissioner,
- Limiting/remedying the impact of personal data breaches and

- Implementing controls to prevent a reoccurrence of the personal data breach

Laois County Council has a policy in place with regard to dealing with Data Breaches which can be access at XXXXX

9 Privacy by Design and by Default

The principles of Privacy by Design and Privacy by Default are enshrined in GDPR. This means that the Council are required to adopt internal policies and implement appropriate measures which meet these principles. Such measures will include minimising the processing of personal data, the pseudonymising of personal data as the earliest possible stage, transparency with regard to the functions and processing of personal data, enabling the Data Subject to monitor the data processing, enabling the Data Controller to create and improve security features etc.

10 Data Protection Impact Assessment

A DPIA is the process of systematically considering the potential impact that a project or initiative may have on the privacy of individuals. It enables the Council to identify potential privacy issues before they arise and devise ways to mitigate them.

The Council will develop appropriate procedures in relation to the carrying out of DPIA's and ensure that they are carried out for relevant projects.

11 CCTV

All usage of CCTV, other than in a purely domestic context, must be undertaken in compliance with the requirements of the Data Protection Acts. All uses of CCTV must be proportionate and for a specific purpose. As CCTV (and other forms of covert surveillance, e.g. for the purposes of preventing illegal dumping) can infringe on the privacy of the persons captured in the images, there must be a sound and approved basis for installing such systems. In addition and before installing any new CCTV system or carrying out any form of covert surveillance, the Data Protection Officer must be consulted and a DPIA undertaken. The requirements of Laois County Council's CCTV policy must be adhered to in full.

12 Training

Data Protection awareness training will be provided to Laois County Council through appropriate mechanisms.

13 Contractual and Partnership arrangements

Where Laois County Council enters into a contractual arrangement which involves the processing of personal data, a written contract will be put in place

to ensure that the processing is carried out in accordance with Data Protection legislation. In addition, the explicit written consent of Laois County Council will be required in the event that the contractor appointed proposes to sub-contract any of the data processing activities covered by the agreement. Laois County Council will also take reasonable steps, including site visits, audits etc. to ensure that data processing by third parties is monitored to ensure that Data Protection requirements are met.

14 Information Sharing

The collection, processing and usage of certain types of personal data to comply with regulatory or legislative requirements or to carry out functions in the public interest may also extend to sharing or disclosing personal data to other bodies to comply with our statutory obligations.

Typically, disclosure requests will involve requests from law enforcement/investigation agencies for the purpose of preventing, detecting or investigation offences, apprehending or prosecuting offenders or assessing or collecting any tax, duty or other monies owed or payable to the State, a local authority and/or to prevent injury or other damage to the health of a person or serious loss of or damage to property.

There are certain other limited circumstances where disclosure may be made. Officials of Laois County Council who perform statutory duties involving the prevention, detection or investigation of offences, the prosecution of offenders of the assessment or collection of any tax, duty or other monies owed or payable to the Council may also access personal data where it is relevant to the performance of such duties. Access of this nature is confined to those staff performing such functions and the Council has in place controls to govern such access.

Requests must be:

- In writing,
- Provide details in relation to the personal data required
- State the reason it is required
- Quote the relevant legislation which applies to the request for the data
- Be signed by a person at a senior management level within the organisation
- Request access to the minimal amount of data required.

The Council will examine each request to ensure that it can be granted and where we are obliged to apply a restriction as required by the Act to do so.

The Council will only share the minimum amount of data to achieve the purpose of sharing of data.

The Council will use exemptions under Data Protection legislation, where necessary, regarding the sharing of personal data for purposes other than which data was collected, such as:

- Preventing a threat to public security
- Preventing, investigating or prosecuting criminal offences
- Legal proceedings
- Protecting the vital interests of individuals

15 Data Protection Contact Details.

For all enquiries relating to Data Protection you can contact the Council at:

Phone:	057 866 4095
Email:	dataprotection@laoiscoco.ie
Postal Address:	Laois County Council, Aras an Chontae, James Fintan Lalor Avenue, Portlaoise, Co. Laois R32 EHP9

If you are not satisfied with the outcome of the response you receive from the Council in relation to your request, then you are entitled to make a complaint to the Data Protection Commission 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 Portarlington R32 AP23 Co. Laois.

Appendix 1 - Glossary of Terms

Consent of the Data Subject means any freely given, specific, informed and unambiguous indication of the Data Subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data;

Data Subject an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identified such as a name, an identification number, location data, an online identified or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Data Protection Commission - The "Data Protection Commission" was established by the Data Protection Acts 1988 to 2018 ('the Data Protection Acts'). Under the GDPR and the Data Protection Acts, the Commission is responsible for monitoring the application of the GDPR in order to protect the rights and freedoms of individuals in relation to processing. The tasks of the Commission include promoting public awareness and understanding of the risks, rules, safeguards and rights in relation to processing; handling complaints lodged by Data Subjects; and cooperating with (which includes sharing information with) other data protection authorities in other EU member states.

Filing system means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;

Personal data: any information relating to an identified or unidentifiable natural person (Data Subject): an identifiable natural person is one who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specified to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special categories of personal data: personal data revealing: the racial or ethnic origin of the Data Subject, the political opinions or the religious or philosophical beliefs of the Data Subject, or whether the Data Subject is a member of a trade union, genetic data, biometric data for the purposes of uniquely identifying an individual, data concerning health or personal data concerning an individual's sex life or sexual orientation. The processing of these special categories is prohibited, except in limited circumstances set out in Article 9 of the GDPR.

Personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data. **Examples include** access to personal information by an unauthorised third party; deliberate or accidental action (or inaction) by a controller or processor; sending personal data to an incorrect recipient; computing devices containing personal data being lost or stolen; alteration of personal data without permission; and loss of availability of personal data.

Profiling means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the Data Controller;

Pseudonymisation means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific date subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;

Recipient means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing;

Restriction of processing means the marking of stored personal data with the aim of limiting their processing in the future;

Supervisory authority means an independent public authority which is established by a member state pursuant to Article 51. In the case of Ireland, the supervisory authority is the Office of the Data Protection Commission.