



Comhairle Contae Chill Dara

Kildare County Council

Data Protection Act 2018 (as amended)

PRIVACY STATEMENT for Register of Electors

Who are we?

Kildare County Council (the Council) is the democratically elected unit of Local Government in County Kildare and is responsible for providing a range of services to meet the economic, social and cultural needs of the people of our County. In order to provide the most effective and targeted services to meet the needs of the citizens, communities and businesses of County Kildare we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being offered, information sought may include 'personal data' as defined by the Data Protection Acts and 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 or to carry out functions in the public interest.

Registration Authority: Specifically in the formation of the Register of Electors the Council acts as a Registration Authority. In this regard Section 69(4) (b) of the Electoral Reform Act 2022 (the Act) states: "“registration authority” means a county council, a city council or a city and county council”.

Why do we have a Privacy Statement?

This privacy statement has been created to demonstrate the Council's commitment that personal data you may be required to supply to us is;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

More detail is available in our Data Protection Policy Statement at



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<http://kildare.ie/CountyCouncil/DataProtection/> or you can request a hard copy at 045 980 200.

What is the activity referred to in this Privacy Statement?

This privacy statement relates to the processing personal data in fulfilment of the role of Registration Authority when managing the Register of Electors.

In this regard section 20 of the Electoral Act 1992 (amended by Section 97(1) of the Act) states:

“(1) Each registration authority shall, in accordance with this Part and the Second Schedule—

(a) maintain the register of electors by—

(i) entering on the register the names of persons entitled to be registered as electors,

(ii) removing from the register the names of persons not entitled to be registered as electors,

(iii) updating such details as may be necessary, and

(iv) correcting details that are found to be erroneous, as may be necessary, to ensure a complete and accurate register of electors, and

(b) subject to section 15E(3)(b), make available for inspection the register.”

In addition to the registration, following application, of eligible persons 18 years or older who may vote at an electoral event at a polling place, the Register of Electors also includes other categories, being:

- persons entitled to vote as postal voters rather than in person at their polling station due to circumstances of occupation;
- special voters whom by reason of illness or physical disability, are facilitated to vote by a special presiding officer;
- registration of anonymous electors, who subject to application must be included on the register but with omission of their names and addresses from the register as set out in Section 93 of the Act;
- registration of persons with no fixed abode;
- persons who have applied to join the Register who have reached 16 years but have not reached 18 years and who, otherwise than in relation to his or her age, meet the requirements for acceptance to the Register. The Registration Authority must maintain but not publish or make available for inspection such electors as a pending electors list set out in section 17A of the Electoral Act 1992 (as inserted by Section 95 of the Act).

What is the basis for making the processing of this personal data lawful?

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Kildare County Council in accordance with Article 6(1) of the General Data Protection Regulation, 2016.



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Specifically, the lawful basis for this process is **the Electoral Acts 1992 (as amended) and the Electoral Reform Act 2022.**

We require contact details

In order to communicate with you, you will be asked for contact details. Provision of address information is mandatory. You do not have to provide email, phone, but doing so makes it easier to communicate with us regarding your registration. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. These contact details and other personal information may also be used to verify your identity.

What other types of personal data do we need to undertake this activity?

Section 106 of the Act updates Rule 5, Part 1, Schedule 2 of the Electoral Act 1992 stating that:

(3) A registration authority may, for the purposes of its duties in relation to the maintenance and updating of the register require a person—

(a) to provide any information in his or her possession which the registration authority may require,

(b) without prejudice to the generality of subparagraph (a), to provide in respect of his or her own registration—

- (i) a personal public service number, if a person has one,*
- (ii) address and Eircode, in respect of his or her address, and*
- (iii) his or her date of birth,*

(c) to produce his or her certificate of birth, or, if that is not practicable, make a statutory declaration as to his or her age,

(d) to produce proof of his or her address, or if that is not practicable, make a statutory declaration that he or she is ordinarily resident at the address he or she has provided,

(e) to provide documentary evidence or make a statutory declaration that he or she is a person entitled to be registered as a Dáil elector under section 8,

(f) to produce a certificate of naturalisation, a valid passport issued by the Minister for Foreign Affairs or make a statutory declaration that he or she is a citizen of Ireland, or

(g) to produce a valid passport or national identity card issued by the authorities of a Member State (other than the State) or make a statutory declaration that he or she is a national of such a Member State, and where a statutory declaration is so required, any fees payable in connection with such a declaration shall be paid by the authority requiring it.



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In the case of processing of application for inclusion as a Special voter health information and medical practitioners' opinion will be processed.

Processing applications for inclusion as a postal voter will involve processing regarding circumstances of occupation.

The processing of application for anonymous electors may include processing of sensitive data on family circumstances.

The data of persons aged more than 16 year but less than 18 years will take place in the case of pending electors.

Contact details such as phone and/or email are important if information is not clear and needs to be verified efficiently.

Data is also sourced from the Department of Social Protection Death Event Publishing Service (DEPS) being in the case of a deceased person, his or her date of death, for the purposes of maintaining the Register of Electors.

What will happen if the personal data is not provided?

The elector will not be registered and therefore will be unable to vote.

Am I the only source of this personal data?

In some instances to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party.

This **APPLIES** to this activity.

Section 100 of the Act adds Section 21A to the Electoral Act 1992 stating that:

“Where a person, on inspecting the register of electors has on reasonable grounds, formed an opinion that information in the register or an entry in the register relating to details of an elector is or are inaccurate, the person may submit a third-party claim to the registration authority.”

However in such circumstances the registration authority may make such inquiries as it considers necessary to satisfy itself as to the correctness of the information in the third party claim and determine what action, if any, it should take in respect of the claim, and shall inform the claimant and any person who in the opinion of the registration authority may be affected by the proposed action, if any, that it proposes to take as a consequence of the claim.

Is personal data submitted as part of this activity shared with other organisations?

The Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations or entities (in



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Ireland or abroad). Where this is required the Council shall have regard to your rights, to the security and integrity of the data and will minimise the data shared.

Sharing **APPLIES** to this activity.

The Electoral Acts oblige the Registration Authority to provide the Register of Electors to:

The County Registrar, Elected Representatives. We are also obliged to make the Register available for inspection by the public online at www.checktheregister.ie, Council Offices, Libraries, Post Offices, Garda Stations.

Copies are also circulated to An Post, Information Communication & Technology section in Houses of the Oireachtas and Information Communication & Technology section in the Court Service.

The register available for inspection contains the name and address of the elector (except in certain elector types where less data is shown i.e. Anonymous electors).

Prior to an election/referendum, elector details are extracted by the IT department of Kildare County Council and used to generate polling cards for electors.

Section 89(2) of the Act sets out the authority for the Department of Social Protection (DSP) to assist the Registration Authority regarding maintenance of the register for the purposes of confirming information submitted to or held by the registration authority including, confirmation of a person's identifying particulars used to update, maintain and ensure the accuracy of the register. In this regard a data sharing agreement is in place between Kildare County Council and the DSP.

Data **IS NOT** transferred to another country.

How long is my data kept for?

The Local Authority sector operates under a detailed record retention policy which outlines time periods for which your personal data will be retained and what will happen to it after the required retention period has expired. The National Record Retention Policy for Local Authority Records is available:

<http://kildare.ie/CountyCouncil/DataProtection/>

Do you need to update your records?

Regarding your registration to vote, it is the **responsibility of the elector** to apply and to ensure their details are correct and up to date. Where any details such as address, or other information has changed persons should use the relevant form to notify Kildare County Council. Available here:

<https://kildarecoco.ie/Forms/RegisterofElectors/>

Also available at <https://www.checktheregister.ie/PublicPages/AppForms.aspx>



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Forms may be returned:

By post to: Kildare County Council, Corporate Services, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F

By email:

Signed, fully completed, legible forms can be accepted by email to register@kildarecoco.ie

Your rights:

You have the right to obtain confirmation as to whether data concerning you exists, to request access to personal data held about you, to be informed of the content and source of data and check its accuracy.

If the data held by us is found to be inaccurate you have the right to rectify/correct this – see above on how to update your records.

You also, subject to certain conditions being met, have the right to object to or seek restriction of the processing of personal data and to request the erasure of personal data held by the Council.

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

To exercise these rights logon to <http://kildare.ie/CountyCouncil/DataProtection/>, use one of the forms at our Counters or contact us. Completed applications should be returned to:

Kildare County Council – Data Protection Officer

Phone	045 980 200
E-mail	dataprotection@kildarecoco.ie or customercare@kildarecoco.ie
Postal Address	Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F.

Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council you are entitled to make a complaint to the Data Protection Commissioner who may



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

Telephone 01 7650100 / 1800437 737

Online <https://www.dataprotection.ie/en/contact/how-contact-us>

Postal Address 21 Fitzwilliam Square South
Dublin 2
D02 RD28
Ireland

Changes to Privacy Statement: We may make changes to this Statement. If we make changes they will be posted below.

LAST UPDATED ON: 30.9 2022.