



# Comhairle Contae Chill Dara Kildare County Council

## Data Protection Act 2018 (as amended)

### **PRIVACY STATEMENT for management of submissions made during public consultation processes in the making of Local Area Plans.**

#### **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.

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



# Comhairle Contae Chill Dara

## Kildare County Council

### **What is the activity referred to in this Privacy Statement?**

Management of submissions made during public consultation processes in the making of Local Area Plans.

### **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) (c) of the General Data Protection Regulation, 2016. Specifically the lawful basis for this process is Section 20 of the Planning & Development Acts 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

### **What types of personal data is required in this process?**

Name, address and, where relevant, the name of body or organisation represented in the submission made.

### **What will happen if personal data is not provided?**

The Council will not be able to accept a submission as valid without provision of name, address and, where relevant, the name of body or organisation represented in the submission made.

### **Including third party personal data in submissions:**

In cases where a person decides to submit the personal information of another person in their submission, they must:

- Notify that person that they are providing their personal information to the Council and obtain their permission; OR
- Provide that person with a copy of this Privacy Statement;

In addition, they must

- Promptly notify that person of any changes to this Privacy Statement that they are aware of.
- Ensure that, to the best of their knowledge, that the person's personal information is accurate and up to date, and promptly notify the Council when aware that it is incorrect.

Persons making a submission/observation on statutory plan should be aware that comments involving allegations of any kind against a named or otherwise identifiable person or organisation may be viewed as defamatory by the subject of the comments. Persons may be sued directly for any defamatory allegations in any submission/observation and should avoid making such allegations.

In the event of any potentially defamatory allegation giving rise to legal action against it, the Planning Authority will seek indemnity from the person making the allegation.



# Comhairle Contae Chill Dara

## Kildare County Council

### **What happens to my submission?**

Submissions made either online, by email or in hard copy are processed in the following manner.

Submissions are assigned a reference number within the Planning Department, in order to effectively manage the submission document and are added to an electronic system for processing of same. The submissions are considered by the Planning Authority in the context of the proper planning and sustainable development of the area to which the proposed plan relates.

In accordance with statutory requirements a report on any submissions or observations received is prepared for consideration by the elected representatives and contains a list of the persons or bodies who made submissions or observations, a summary of the issues arising from the submissions, and the response of the Council to those issues.

The elected representatives must take into consideration the report on consultation before making the plan.

**Publication of submissions online:** Persons should be advised that the Planning Authority are statutorily obliged under Section 20(3) of the Planning and Development Act (as amended) to publish on its website within 10 working days of receipt, valid submissions made on Material Alterations to Draft Local Area Plans.

In this regard persons are strongly advised to have regard to the requirements applicable at page 2 of this notice regarding *"Including third party personal data in submissions"*.

Where the Planning Authority has sufficient reason to believe a submission is libellous, vexatious or contains third party confidential information where consent to disclosure is not apparent, it may determine not to publish such submissions.

Where the Planning Authority publishes submissions it will redact personal contact information.

### **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 submissions with other organisations. 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.

Ordinarily the processing of this data is done within the Council and is not transferred to another processor or 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



# Comhairle Contae Chill Dara

## Kildare County Council

Authority Records is available: <http://kildare.ie/CountyCouncil/DataProtection/>

### **Do you need to update your records?**

Kildare County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date.

In addition, if the data held by us is found to be inaccurate you have the right to rectify/correct this.

If you find that personal data we have about you is inaccurate or needs to be updated (for instance, you may have changed your name, address, contact details etc.) then please contact us so that we can correct it. You can do this by:

**Writing to us at:** Kildare County Council, Corporate Services, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F

**Emailing us at** [customercare@kildarecoco.ie](mailto:customercare@kildarecoco.ie)

When making a request to update your records please provide evidence to support this - for example a copy of a document containing your new address – utility (Gas, Electricity, Phone) bill etc. and proof of your identity

### **Your rights:**

You have certain rights in relation to your personal information that is processed by us. These rights are listed below. These rights are not absolute and apply subject to certain conditions. Your rights include:

- the right to access personal data held by us about you;
- the right to require us to rectify any inaccurate personal data held by us about you;
- in certain circumstances, the right to require us to erase personal data held by us about you;
- in certain circumstances, the right to restrict our processing of personal data held by us about you;
- in certain circumstances, a right to receive personal data which you have provided to us in a structured, commonly used and machine readable format. You may also have the right to require us to transfer this personal data to another organisation, at your request;
- the right to object to our processing of personal data held by us about you (including for the purposes of sending marketing materials to you); and
- the right to withdraw your consent, where we are relying on it to use your personal data

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



# Comhairle Contae Chill Dara

## Kildare County Council

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 - Access to Information Officer

<b>Phone</b>	045 980 200
<b>E-mail</b>	<a href="mailto:dataprotection@kildarecoco.ie">dataprotection@kildarecoco.ie</a> or <a href="mailto:customercare@kildarecoco.ie">customercare@kildarecoco.ie</a>
<b>Postal Address</b>	Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F.

### Right of Complaint to the Data Protection Commission

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 Commission who may investigate the matter for you. The Data Protection Commission website is [www.dataprotection.ie](http://www.dataprotection.ie) or you can contact their Office at:

<b>Lo Call Number</b>	1890 252 231
<b>E-mail</b>	<a href="mailto:info@dataprotection.ie">info@dataprotection.ie</a>
<b>Postal Address</b>	Data Protection Commission Canal House Station Road Portarlinton, Co. Laois. R32 AP23.

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

**LAST UPDATED ON:** 10 April 2019.