Data Protection Act 2018

**PRIVACY STATEMENT**for managing reports of complaints for investigation of alleged offences under the Litter Pollution Act 1997 – 2009, Waste Management Act 1996 – 2013, Derelict Sites Act 1990, Local Government (Sanitary Services) Act 1964(as amended), Control of Dogs Acts 1986 & 1992, Control of Horses Act 1996, Air Pollution Act 1987, Local Government (Water Pollution Acts) 1977-1990 and Water Services Act 2007-2013.

**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 Act 2018 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.

**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 the Council and/or for compliance with a legal obligation to which the Council is subject in accordance with Article 6(1) of the General Data Protection Regulation, 2016. Specifically the lawful basis for this process is theLitter Pollution Act 1997 – 2009, Waste Management Act 1996 – 2013, Derelict Sites Act 1990, Local Government (Sanitary Services) Act 1964(as amended), Control of Dogs Acts 1986 & 1992, Control of Horses Act 1996, Air Pollution Act 1987, Local Government (Water Pollution Acts) 1977-1990 and Water Services Act 2007-2013.

 **What types of personal data do we need to undertake this activity?
The personal data we request are name, address and contact details. While anonymous complaints are not encouraged, you do not have to provide this information.**[Our Environmental complaint report form](http://kildare.ie/CountyCouncil/Forms/EnvironmentForms/) **gives you the option of confirming if you wish for your personal data to remain confidential during the investigation and subsequent proceedings should they arise or if you wish to be a witness for the Council in any eventual prosecution.
Complainants are encouraged to use the Council’s Environmental complaint report form and where there is an allegation against a person regarding potential offences under the aforementioned Acts to limit the personal data about this person to information to enable the Council to identify the person, location or vehicle in sufficient details to undertake an investigation.**

 **What will happen if the personal data is not provided?
The public play a key role in assisting the Council by making complaints or reporting pollution incidents regarding litter, illegal waste activities, water pollution, noise nuisance, air pollution, or other environmental matters. If you do not provide your name and contact details the Council will be unable to contact you to clarify information and this could compromise the investigation. Also, without such details the Council will be unable to report back to you on the investigation outcome. However, we will not reject an anonymous complaint.**

 **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 details contained in complaints, with other organisations or entities (in 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.

Data may be shared with the bodies listed below for the purposes of fulfilling their statutory functions, where required. Where this occurs, unless the Council operates under a Service Level Agreement whereby services are conducted by an agency on our behalf, only minimal data related to the complaint but excluding the complainant’s personal data will be shared. You are however advised in the first instance to report your concerns directly to the relevant agency as appropriate:

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| **Agency or Statutory Body** | **Contact Details** | **When Should You Contact Them** |
| **Environmental Protection Agency (E.P.A)**PO BOX 3000,Johnstown Castle Estate, Wexford | Tel: 053 60600Fax: 053 60699Lo-call: 1890 335599 | * If it is a facility licensed by the E.P.A.
* If you have made a complaint to the Local Authority and it has not been addressed.
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| **Health Services Executive,** The Crossings, Naas, Co. Kildare | Tel: 045 873267[www.hse.ie](http://www.hse.ie) | * Concerns regarding public health.
* Concerns that the impact of an activity may have on your health, the health of your family or wider community
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| Eastern Regional Fisheries Board15A Main Street, Blackrock, Co. Dublin | Tel: 01 2787022Fax: 01 2787025Email: info@erfb.ie | * Fish Kills or water pollution
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| **National Park and Wildlife Service**7. Ely Place, Dublin 1 | Tel: 01 8882000Fax: 01 8883272Email:natureconservation@environ.ie[www.environ.ie](http://www.environ.ie) | * Habitat protection such as damage to wildlife, flora, fauna and protected areas.
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| **Health and Safety Authority,**10 Hogan Place, Dublin 2 | Tel: 01 6147000Fax: 01 6147020[www.hsa.ie](http://www.hsa.ie) | * Health and Safety in the workplace
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| **Food Safety Authority of Ireland,**Abbey Court, Lower Abbey Street, Dublin 1 | Tel: 01 8171300Fax: 01 8171301Email: info@fsai.ie[www.fsai.ie](http://www.fsai.ie) | * Food Safety and Hygiene
 |
| **Radiological Protection Institute**3. Clonskeagh Square, Clonskeagh Road, Dublin 14. | Tel:01 2697766Fax: 01 2697437Email: rpii@rpii.ie[www.rpii.ie](http://www.rpii.ie) | * Concerned about the use of sources of ionizing radiation
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*You mentioned Coillte, Dept of Defence, OPW, Waterways Ireland etc...*

*They should only be included if they operate legislation/statutory functions related to Environmental matters that would involve investigating complaints and taking prosecutions.*

Personal data received in complaints managed by the Council 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, which is currently under review but remains applicable, is [available here](http://kildare.ie/CountyCouncil/Publications/DataProtection/2002nationalretentionpolicyforlocalauthorityrecords2.pdf)

**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

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 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/YourRights/> use one of the forms at our Counters or contact us. Completed applications should be returned to:

**Kildare County Council - Access to Information Officer**

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| **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 investigate the matter for you.  The Data Protection Commissioner’s website is [**www.dataprotection.ie**](http://www.dataprotection.ie/)or you can contact their Office at:

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| **Lo Call Number** | 1890 252 231 |   |
| **E-mail** | info@dataprotection.ie |  |
| **Postal Address** | Data Protection Commissioner Canal HouseStation RoadPortarlington, 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: July 9th 2018.**