



# Comhairle Contae Chill Dara

## Kildare County Council

### Data Protection Act 2018 (as amended)

## PRIVACY STATEMENT

for administration and enforcement of the Kildare County Council  
(Control of Consumption & Possession of Alcohol in Public Places)  
Bye-Laws 2020 (the Alcohol Bye Laws).

### 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.



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- 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 activity referred to in this Privacy Statement?**

Administration and enforcement of the Kildare County Council (Control of Consumption & Possession of Alcohol in Public Places) Bye-Laws 2020 (the Alcohol Bye-Laws).

### **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)(e) of the General Data Protection Regulation, 2016.

Specifically, the lawful basis for this process is Section 199(1) and Section 131 of the Local Government Act 2001 as inserted by Section 131A and 131B of the Local Government Reform Act 2014. This provision gives authority to Kildare County Council to make bye-laws in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control of management of Kildare County Council, or in relation to any connected matter, where Kildare County Council believe that it is desirable in the interests of the common good of the local community that certain activities should be regulated and that bye-laws should be made for that purpose.

In accordance with the above the Alcohol Bye Laws have been made and Sections 205, 206, 207 and 208 grant authority to Authorised Persons of Kildare County Council and An Garda Síochána to administer, enforce and prosecute contraventions of the bye-law and related offences.

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

In accordance with the above lawful basis, in the enforcement and administration of the Alcohol Bye Laws, where the Authorised Persons or An Garda Síochána suspects, with reasonable cause, that a person has committed, is committing or is about to commit a breach of these bye-laws or any article of it, they may demand the name and address of such person.



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Where a member of An Garda Síochána or an authorised person is of the opinion with reasonable cause that an offence is being committed or has been committed under any provision of these bye-laws, a member of the Garda Síochána or an authorised person may serve such person/persons with a notice, specifying a fixed payment, and containing:

- The name and address of the alleged offender;
- in general terms the nature of the contravention alleged to have been committed;
- the date and place of the alleged contravention.

Depending on the method of payment of a fixed notice or in the taking of proceedings for an offence under the Alcohol Bye-Laws further personal information may be processed.

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

Failure to provide the personal data necessary for An Garda Síochána or an Authorised Officer of the Council, to carry out their functions in accordance with the Alcohol Bye-Laws made under the Section 199 of the Local Government Act 2001 (as amended) is an offence as outlined in Article 8 of the Alcohol Bye Laws.

### **Am I the only source of this personal data?**

Yes, the enforcement of the Alcohol Bye-Laws shall be by Authorised Persons of Kildare County Council or An Garda Síochána, by means of them demanding the name and address of persons and noting same and other relevant particulars such as the nature of the contravention alleged to have been committed and the date and place of the alleged contravention.

### **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 Ireland or abroad).

In the case of this activity the information may be shared between An Garda Síochána, Kildare County Council and any agents who are Authorised Persons and also with the legal representatives of Kildare County Council, where an offence is being prosecuted. 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.



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Data is shared with: An Garda Síochána, Wilkinson Price Solicitors

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?

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 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.



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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

<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 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:

<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 Commissioner 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: December 4<sup>th</sup> 2020.**