



*Comhairle Chontae Uíbh Fhailí*  
Offaly County Council

# Data Protection Policy

**May 2018**

## Offaly County Council Data Protection Policy

Offaly County Councils data protection policy was formulated in May 2018. Offaly County Council is referred to in this Policy as “OCC”, “us” or “we”. This Policy provides details of the way in which we Process Personal Data in line with our obligations under Data Protection Law.

### 1. Introduction

1.1 Offaly County Council is the democratically elected unit of Local Government in County Offaly and is responsible for the provision of an extensive and diverse range of services to the people of the county.

1.2 From 1<sup>st</sup> July, 2014 under the provisions of the Local Government Reform Act, 2014, following the abolition of town councils Offaly County Council became the Data Controller for all local government activity in Offaly.

1.3 The principal function of Offaly County Council is to provide a wide range of services to the County of Offaly under the following main headings:

- Arts and Culture / Music Generation / Recreation
- Community Development / Community / Tourism / Sports
- Environment
- Finance
- Fire & Emergency Services including Civil Defence
- Heritage
- Housing
- Information Technology including Broadband
- Local Enterprise Office (LEO) / Enterprise & Business Supports
- Library
- Motor Tax
- National Waste Collection Permit Office(NWCPO)
- Planning
- Roads, Parking and Transport
- Tourism
- Water Services

1.4 In performing its functions, the Council is required to collect and process significant amounts of “personal data” and “sensitive personal data” within the meaning of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

1.5 The GDPR provides that “personal data” and “sensitive personal data” must be processed lawfully, fairly and in a transparent manner, collected for specified, explicit and legitimate purposes, adequate, relevant and limited to what is necessary, accurate and where necessary kept up to date, kept no longer than necessary in a form where a person can be

identified and securely maintained using appropriate technical and organisational measures. The Council has to be able to demonstrate compliance with the principles.

1.6 The term “data” in this policy document means both personal data and sensitive personal data. It includes all data held by Offaly County Council including electronic and paper records and all CCTV images.

1.7 This policy sets out how the Council will handle and process data, deal with a request for data by a data subject and manage a breach of data. It also references the controls in place in respect of the use of CCTV systems and requests for data images.

## **2 Purpose and Scope**

2.1 Offaly County Council must comply with the data protection principles set out in the relevant legislation. This policy applies to all personal data collected, processed and stored by Offaly County Council in relation to its staff, service providers and clients in the course of its activities. Offaly County Council makes no distinction between the rights of data subjects who are employees, and those who are not. All are treated equally under this policy.

2.2 This policy should be read in conjunction with the associated Subject Access Request procedure, the Records Management Policy, the Local Government Retention Schedule and the Data Breach Incident Procedure.

## **3 Offaly County Council as a Data Controller**

3.1 Offaly County Council is registered as a data controller with the Office of the Data Protection Commissioner (Registration Number 0371/A). Particulars of our registration are available online at [www.dataprotection.ie](http://www.dataprotection.ie). Offaly County council is also on the register of users of personal public service numbers (PPSN) held by the Department of Employment Affairs and Social Welfare. This register can be viewed online at [www.welfare.ie](http://www.welfare.ie).

3.2 In the course of its daily organisational activities, Offaly County Council obtains, processes and stores personal data in relation to:

- employees of Offaly County Council
- next of kin of employees of Offaly County Council
- customers of Offaly county Council
- third party service providers engaged by Offaly County Council
- elected members of Offaly County Council

3.3 Offaly County Council is responsible for securing the personal data it obtains, transmits, stores or processes. Offaly County Council processes personal data provided to us only for the purpose of complying with our obligations as a Local Authority.

3.4 The following list highlights the type of data that is processed by Offaly County Council and is covered by the Data Protection legislation (this list is indicative only, and is not intended to be exhaustive):

- Personal data including:
  - Name, date of birth, PPSN, private address, employer, business address, qualifications, work experience, contact details, marital/family status, employer information/self-employed information, bank details, income, benefits, details of assets and property, investments, liabilities.
- Sensitive personal data including:
  - Details of any convictions, medical information, family information, religious information.

3.5 Due to the nature of the services provided by Offaly County Council, there is regular and active exchange of personal data between Offaly County Council and its data subjects. In addition, Offaly County Council exchanges personal data with data processors on the data subjects' behalf.

3.6 This is consistent with Offaly County Council's obligations under the terms of its contract with its data processors.

3.7 This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a Offaly County Council staff member is unsure whether such data can be disclosed.

## **4 The Data Protection Principles**

4.1 The Eight Rules of Data Protection states that Offaly County Council must:

1. Obtain and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes
8. Give a copy of his/her personal data to an individual, on request

4.2 The following key principles are enshrined in the General Data Protection Regulation and Irish legislation and are fundamental to the Offaly County Council's Data Protection policy.

In its capacity as Data Controller, Offaly County Council ensures that all data shall:

**1. ...be processed lawfully, fairly and in a transparent manner.**

For data to be processed lawfully, fairly and in a transparent manner, Offaly County Council will only collect data where it 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 official functions of the Council.

At the time the data is being collected, the data subject will be made aware of:

- The identity of the data controller (Offaly County Council)
- The purpose(s) for which the data is being collected
- The person(s) to whom the data may be disclosed by the data controller
- Any other information that is necessary so that the processing may be fair.

Offaly County Council will meet this obligation in the following way.

- Offaly County Council will ensure that collection of the data is justified under one of the lawful processing conditions – legal obligation, contractual necessity, etc.;
- where Offaly County Council intends to record activity on CCTV or video, a fair processing notice will be posted in full view;
- processing of the personal data will be carried out only as part of Offaly County Council's lawful activities, and Offaly County Council will safeguard the rights and freedoms of the Data Subject;
- The data subject's data will not be disclosed to a third party other than to a party contracted to Offaly County Council and operating on its behalf.

**2. .... be collected for specified, explicit and legitimate purposes.**

Offaly County Council will obtain data for purposes which are specific, lawful and clearly stated. A data subject will have the right to question the purpose(s) for which Offaly County Council holds their data, and Offaly County Council will be able to clearly state that purpose or purposes.

**3. .... be adequate, relevant and limited to what is necessary.**

Offaly County Council will only collect necessary personal data to be processed for the purposes for which the data was acquired.

**4. .... be accurate, and where necessary, kept up to date.**

Offaly County Council will ensure that data is accurate and kept up to date and where necessary rectified if any error has been identified. Data will also be erased if it has been identified as no longer accurate for the purposes for which the data was acquired.

Offaly County Council will:

- ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy
- conduct periodic reviews and audits to ensure that relevant data is kept accurate and up-to-date. Offaly County Council conducts a review of sample data every six months to ensure accuracy; staff contact details and details on next-of-kin are reviewed and updated every two years
- conduct regular assessments in order to establish the need to keep certain personal data.

**5. ... be kept in a form which permits identification of data subjects for no longer than is necessary.**

Offaly County Council has identified an extensive matrix of data categories, with reference to the appropriate data retention period for each category. The matrix applies to data in both a manual and automated format.

Once the respective retention period has elapsed, Offaly County Council undertakes to destroy, erase or otherwise put this data beyond use.

**6. ... be processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures.**

Offaly County Council will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by Offaly County Council in its capacity as data controller.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access.

4.3 Offaly County Council will also ensure that it shall be responsible for, and be able to demonstrate compliance with the above.

Offaly County Council will demonstrate compliance to the Data Protection Principles by:

- assessing current practice and developing a data privacy governance structure
- appointing a Data Protection Officer
- creating a personal data inventory
- implementing appropriate privacy notices
- obtaining appropriate consents
- using appropriate organisation and technical measures to ensure compliance with the data protection principles
- using Privacy Impact Assessments and
- creating a breach reporting mechanism.

## **5 Rights of Individuals**

5.1 Offaly County Council will ensure that the rights of the individual are fully protected. The GDPR providing the following rights for individuals:

1. the right to be informed
2. the right of access
3. the right to rectification
4. the right to erasure
5. the right to restrict processing
6. the right to data portability
7. the right to object
8. rights in relation to automated decision making and profiling.

## **6. Subject Access Requests**

6.1 Any formal, written request by a data subject for a copy of their personal data (a Subject Access Request) will be made to the Data Protection Officer, and will be processed as soon as possible. The Data Protection Officer will ensure that the request is responded to and processed as quickly and efficiently as possible, but within not more than 30 working days from receipt of the request.

## **7. Third-Party processors**

7.1 In the course of its role as data controller, Offaly County Council engages a number of data processors to process personal data on its behalf. In each case, a formal, written contract is in place with the processor, outlining their obligations in relation to the personal data, the specific purpose or purposes for which they are engaged, and the understanding that they will process the data in compliance with the Irish Data Protection legislation.

7.2 These include:

- Information Technology Service/Software Providers
- MyPay
- Medical Professionals
- Legal professionals such as Solicitors and Barristers.

## **8. Data Protection Officer (DPO)**

8.1 Offaly County Council have appointed a DPO as required under the GDPR. The tasks of the DPO have been set out in Article 39 of the GDPR and include at least the following tasks:

(a) to inform and advise the controller or the processor and the employees who carry out processing of their obligations pursuant to this Regulation and to other Union or Member State data protection provisions;

(b) to monitor compliance with this Regulation, with other Union or Member State data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, awareness-raising and training of staff involved in processing operations, and the related audits;

(c) to provide advice where requested as regards the data protection impact assessment and monitor its performance pursuant to Article 35;

(d) to cooperate with the supervisory authority;

(e) to act as the contact point for the supervisory authority on issues relating to processing, including the prior consultation referred to in Article 36, and to consult, where appropriate, with regard to any other matter.

8.2 The data protection officer shall in the performance of his or her tasks have due regard to the risk associated with processing operations, taking into account the nature, scope, context and purposes of processing.

8.3 Offaly County Councils Data Protection Officer contact details are as follows Data Protection Officer, Áras an Chontae, Charleville Road, Tullamore, Co. Offaly. R35 F893. Contact phone number is 057 93 46800 or Email contact is [dataprotection@offalycoco.ie](mailto:dataprotection@offalycoco.ie).

## **9. Data Breach**

9.1 Offaly County Council will manage breaches of data protection in accordance with the GDPR and Data Protection Act 2018. A data protection breach occurs where “a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure or, or access to, personal data transmitted, stored or otherwise processed”. Such breaches may occur in the event of the loss of USB keys, disks, laptops, digital cameras and mobile phones, or other electronic devices on which data is held, as well as paper records containing data. A breach may also occur due to inappropriate access to such data on Offaly County Council systems or the sending of data to the wrong individuals.

9.2 The Data Protection Commissioners Office will be contacted without undue delay, not later than 72 hours after becoming aware of the breach. Notification will not occur if the breach is unlikely to result in a risk to the rights and freedoms of natural persons.

9.3 All affected individuals will be notified without undue delay unless the breach is unlikely to result in a risk to the rights and freedoms of data subjects, appropriate technical and



organisational measures in place at the time of the incident or a public information campaign or “similar measures” were deemed more proportionate and affective.

9.4 An investigation will immediately commence. The findings of the investigation and recommendations will be advised to the Data Protection Commissioners Office and to affected individuals. All recommendations will be implemented as soon as possible.

## **10. Implementation**

10.1 As a data controller, Offaly County Council ensures that any entity which processes personal data on its behalf (a data processor) does so in a manner compliant with the Data Protection legislation.

10.2 Failure of a data processor to manage Offaly County Council’s data in a compliant manner will be viewed as a breach of contract, and will be pursued through the courts.

10.3 Failure of Offaly County Council’s staff to process Personal Data in compliance with this policy may result in disciplinary proceedings.

## Definitions

As with any legislation, certain terms have particular meaning. For the avoidance of doubt, and for consistency in terminology, the following definitions will apply within this Policy. The following are some useful definitions:

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<b>Data</b>	<p>This means information in a form which can be processed. It includes both automated data and manual data.</p> <p>Automated data means, broadly speaking, any information on computer, or information recorded with the intention of putting it on computer.</p> <p>Manual data means information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system.</p>
<b>Personal Data</b>	<p>Information which relates to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller. (If in doubt, Offaly County Council refers to the definition issued by the Article 29 Working Party, and updated from time to time.)</p>
<b>Sensitive Personal Data</b>	<p>A particular category of Personal data, relating to: Racial or Ethnic Origin, Political Opinions, Religious, Ideological or Philosophical beliefs, Trade Union membership, Information relating to mental or physical health, information in relation to one's Sexual Orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.</p>
<b>Data Controller</b>	<p>A person or entity who, either alone or with others, controls the content and use of Personal Data by determining the purposes and means by which that Personal Data is processed.</p>
<b>Data Subject</b>	<p>A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.</p>
<b>Data Processor</b>	<p>A person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract, but who is not an employee of the Data Controller, processing such Data in the course of his/her employment.</p>
<b>Data Protection Officer</b>	<p>A person appointed by Offaly County Council to ensure compliance with the GDPR. The tasks include advising their colleagues and monitoring their organisation's GDPR/privacy law/policy compliance, including via training and awareness</p>

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raising, running audits, advising regarding PIAs and cooperating with supervisory authorities.

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**Relevant Filing System** Any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.

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