

Data Protection Policy



Comhairle Cathrach Chorcaí
Cork City Council

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1. Who is Cork City Council and why does it require your Personal Data?

- 1.1 Article 28A of the Irish Constitution recognises the role of local governments in providing democratic representation of local communities. Local Governments operate through a network of directly elected local authorities which provide, among other things, a forum for the democratic representation of local communities, giving expression to local identity, identifying local concerns and setting local priorities.
- 1.2 Cork City Council is one such public service organisation which provides services to service users and customers in, inter alia, the following areas (“Directorates”):-
 - Roads and Transportation
 - Housing and Community
 - Strategic Planning and Economic Development
 - Environment and Recreation
 - Tourism
 - Libraries, Museum and Archives
 - Fire and Building Control
 - Property
- 1.3 The provision of these services is supported from the following directorates:-
 - Corporate and External Affairs
 - Human Resources
 - Finance
 - City Architects
 - Law
 - ICT & Business Services
- 1.4 Cork City Council seeks to promote the economic, social and cultural development of Cork City (the “City”) and in doing so contribute significantly to improving the quality of life of the people of the City.
- 1.5 The delivery of high quality services, tailored to meet the needs of all our customers, remains one of Cork City Council’s core objectives and is included in our Corporate Plan. This quality service includes not only the level and quality of service given to our customers, but also the quality of our decision-making processes, the efficiency and effectiveness of our corporate operations, standard of our facilities and our ability to adapt in an ever-changing environment.
- 1.6 In order to provide the most effective and targeted range of services to meet

the needs of the citizens, communities and businesses of the City we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being sought or provided the information sought may include ‘personal data’ as defined by the Data Protection Acts and by 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.

- 1.7 This Policy has been created in order to demonstrate Cork City Council’s firm commitment to privacy and to assure you that in all your dealings with Cork City Council that it will ensure the security of the data you provide to it. In doing so this policy sets out the obligations of Cork City Council regarding data protection and the rights of data subjects when dealing with personal data, in order to ensure it complies with its requirements under Irish and European Data Protection laws¹.
- 1.8 For the purpose of GDPR and the Acts Cork City Council is a Data Controller, complies with Data Protection Law and this policy applies to personal data collected, processed and stored by it.
- 1.9 This privacy notice, together with our cookie policy is designed to help you to understand why we capture the personal information we do and how we process it.
- 1.10 The table at Appendix 1 identifies some of the terms referred to in this document.

2. How will Cork City Council collect your Personal Data?

- 2.1 “Personal Data” is defined as any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 2.2 Cork City Council need to collect and use personal data for a variety of purposes and creates and collects Personal Data about individuals from a number of sources including:-
 - directly from the individual or from persons acting on their behalf,
 - from applications and requests for goods and/or services provided or otherwise facilitated by Cork City Council ,

¹ As set out under the European General Data Protection Regulation (the “GDPR”) and the Irish Data Protection Acts 1988 to 2018 (the “Acts”).

- from third parties to facilitate Cork City Council's compliance with its statutory and legal obligations, and,
- from third parties in the defence of claims made against Cork City Council.

2.3 Such Personal Data may include, but is not be limited to:-

- personal identification data including name, age, gender, nationality, marital status, address, phone numbers, email contact details and relevant national identification numbers,
- details of personal circumstances,
- emergency contact details,
- data relating to dependants,
- data relating to your financial circumstance;
- bank account details – Sort code, account numbers and IBAN,
- online identification data, including: IP address.

2.4 Personal Data collected may also include, but is not be limited to:-

- data in relation to physical and emotional health,
- data in relation to criminal convictions, offences and anti-social behaviour,
- data in relation to political, religious and ethnic beliefs,
- data in relation to a person's sexual orientation,
- data in relation to a person's employment and trade union membership, and
- financial data relating to individuals and their financial means.

3. How will Cork City Council use your Personal data?

3.1 Any and all personal data collected by Cork City Council is collected in order to ensure that it can provide its services including but not limited to the provision of social housing, housing loans, housing assistance, grants and in its compliance with statutory and legal obligations in the best possible manner.

3.2 The processing of Personal Data for the purposes outlined include:-

- applications and requests by you or on your behalf for the provision of goods or services to you or your dependents;
- direct provision and use of facilities, goods or services to you or your dependents by or on behalf of Cork City Council ;
- resolving issues arising in respect of the provision and use of facilities, goods or services to you or your dependents;
- proposals by you in relation to the provision of goods or service to Cork City Council ;

- the obtaining of goods or services from you;
- resolving issues arising in respect of proposals for or the obtaining of goods or services from you;
- processing of payments;
- implementing any changes to services, billing or information as requested by you;
- informing or updating you of the status of our goods and/or services;
- the promotion and marketing of Cork City and region for business, recreation, sport, tourism, and social purposes;
- for the maintenance of public registers; and
- complying with and fulfilling statutory and legal obligations as a local authority.

3.3 When you contact us, we may request your affirmative, positive consent to use your contact information for marketing or other business purposes. In the event you do not consent to the use of your contact information, your data will not be used for those purposes. If you provide your consent but subsequently do not wish to receive notifications, you will be able to modify your preferences by following the instructions on any marketing correspondence.

4. Will Cork City Council disclose Personal Data to anyone else?

4.1 When undertaking its legal functions Cork City Council may publish Personal Data of individuals such as applicants for planning permission and share such Personal Data with third parties where it is necessary, lawful and/or appropriate.

4.2 Personal data may be disclosed internally when passed from one Directorate to another in accordance with the data protection principles and this Notice. Personal data is not passed to any internal department or any individual that does not reasonably require access to that personal data with respect to the purpose(s) for which it was collected and is being processed.

4.3 Except as disclosed in this Privacy Notice, Cork City Council will not disclose Personal Data that it collects to any parties other than for the purpose of providing goods or service, fulfilling its statutory obligation or in compliance with a legal obligation, without your consent. Categories of such third parties may include:-

- subcontractors;
- legal advisors;
- ICT system and service providers;

- auditors;
 - authorities to whom Cork City Council is legally obliged to disclose personal data, e.g. law enforcement, tax authorities, etc.
- 4.4 Whenever we disclose information to third parties, we will only disclose that amount of personal data that is necessary. Third parties that receive Personal Data from us must satisfy us as to the measures taken to protect and keep it secure.
- 4.5 Appropriate measures will be taken to ensure that all such disclosures or transfers of Personal Data to third parties will be completed in a secure manner and pursuant to contractual safeguards.
- 4.6 Cork City Council may provide information, when legally obliged to do so and in response to properly made requests, for the purpose of the prevention and detection of crime, and the apprehension or prosecution of offenders. Cork City Council may also provide information for the purpose of safeguarding national security. In the case of any such disclosure, Cork City Council will only do so in accordance with Data Protection Law.
- 4.7 Cork City Council has obligations under the Local Authority Act 2001 to make arrangements for the proper management, custody, care and conservation of local records and local archives and to make them available for inspection by the public. Once local records are more than 30 years old and not certified for disposal they will be transferred to the City and County Archivist where they may be available for public inspection.
- 4.8 Cork City Council may transfer data to legal counsel where same is necessary for the defence of legal claims.

5. What are Cork City Council's responsibilities when processing your Personal Data?

- 5.1 Cork City Council has appointed Mrs. Noreen Mulcahy as its Data Protection Officer (“DPO”)² in. The DPO’s role and contact details are outlined at paragraph 16 of this Policy.
- 5.2 All Cork City Council staff have responsibilities for ensuring that Personal Data

² Article 37 of the GDPR and Section 88 of the Data Protection Act 2018

is collected, stored and handled appropriately. Each Directorate must ensure that it has in place processes for handling and processing personal data in line with this Policy and the Principles of the GDPR outlined below.

Each Directorate will be required to nominate a suitable member(s) of staff to be responsible for co-ordinating Data Protection Compliance matters within their respective areas.

- 5.3 Staff, contractors and Members of Cork City Council are also required to take appropriate precautions to ensure that Personal Data is not disclosed deliberately or accidentally either orally or in writing to any unauthorised third party.

6. Data Protection Principles:

GDPR sets out the following principles with which any party processing Personal Data must comply. Article 5 in the GDPR states that all Personal Data must be:

- processed lawfully, fairly and in a transparent manner in relation to the data subject;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes subject to appropriate safeguards, and provided that there is no risk of breaching the privacy of the data subject
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- accurate and where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, is erased or rectified without delay;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by GDPR in order to safeguard the rights and freedoms of the data subject;
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and

against accidental loss, destruction or damage, using appropriate technical or organisational measures;

7. How does Cork City Council process your Personal Data?

7.1 GDPR seeks to ensure that Personal Data is processed lawfully, fairly and transparently, without adversely affecting the rights of the data subject. GDPR states that processing of personal data by Cork City Council shall be lawful if at least one of the following applies:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- 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 controller;
- processing is necessary in order to protect the vital interest of the data subject or another natural person; or
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. Local Authorities cannot rely on “legitimate interest” as a lawful basis for processing where it is carrying out its tasks as a public authority.

7.2 Section 71 of the Data Protection Acts outlines additional legal basis for processing including, under section 71(2(a) where the processing is necessary for the performance of a function of a controller in relation to the prevention, investigation, detection or prosecution of a criminal offence, including the safeguarding against, and the prevention of, threats to public security, and the execution of criminal penalties.

7.3 Cork City Council rely on the following legal bases under Data Protection Law in processing your Personal Data:

Legal Basis	Example
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Consent	Cork City Council will process your Personal Data where you provide your consent for the provision and use of facilities, goods or services.
In compliance with legal obligations	Cork City Council will process your Personal Data for the purpose of maintaining and transferring local records more than 30 years old to the City and County Archivist where they will be available for public inspection.
Performance of a task in the public interest	Cork City Council will process your Personal Data for the purpose of promoting business, recreation, sport, tourism, or other social purposes.
To protect the vital interest of the data subject or another natural person	Cork City Council will process your Personal Data for the purpose of the investigation and enforcement of building control regulation.
Performance of a contract	Cork City Council will process your Personal Data to the extent required to provide goods and in the delivery of services requested.

7.4 Cork City Council will not process the Special Categories of Personal Data as defined under GDPR and the Acts³ and as further set out at paragraph 2.4 above without one of the following lawful basis for doing so.:-

- obtaining the explicit consent of the Data Subject;
- where the processing is necessary to prevent injury, loss or damage to the Data Subject or their property;
- where the processing relates to Personal Data which are manifestly made public by the Data Subject;
- where the processing is necessary for the administration of justice, the performance of a function confirmed on Cork City Council under an enactment or the performance of a function of the Government or a Minister of the Government;
- where the processing is necessary for the purpose of providing or obtaining of legal advice in relation to current or perspective legal claims or proceeding, or otherwise establishing or defending a legal right;

³ Article 9 of the GDPR and Section 69 of the Data Protection Act 2018.

- where the processing is necessary for the purpose of exercising or performing any rights or obligations conferred on Cork City Council by law or on the Data Subject in connection with employment or social welfare law;
- where the processing is necessary for archiving purpose in the public interest, for scientific or historical research purposes or statistical purposes on the basis that appropriate safeguards are in place; and,
- The processing is authorised under Regulation under the Data Protection Act 2018.

8. How will Cork City Council keep your Personal Data Accurate and up to date:

Cork City Council will seek to ensure that all Personal Data collected and processed by it is kept accurate and up-to-date. The accuracy of data will be checked when it is collected. Where any inaccurate or out-of-date data is identified, reasonable steps will be taken to have the data amended or erased, as appropriate.

9. How long will Cork City Council keep your Personal Data?

9.1 Cork City Council in its capacity as a local authority is required⁴ to make arrangements for the proper management, custody, care and conservation of local records, and local archives and for inspection by the public of local archives.

9.2 Local Archives” is defined as including:-

- a) such records and documents (including copies) as are, at the commencement of this section, held by any local archives service operated by any local authority (whether alone or in co-operation with another person or body),
- b) archival material acquired by a local authority under subsection (3), and
- c) other local records which are more than 30 years old, except such records as are certified, in accordance with directions under subsection (4), to be unsuitable for classification as local archives.

9.3 Section 80 further defines “Local Records” as including books, maps, plans, drawings, papers, files, photographs, films, micro-films and other micrographic records, sound recordings, pictorial records, magnetic tapes, magnetic discs, optical or video discs, other machine-readable records, other documentary or processed material made or received, and held in the course of

⁴ Under Section 80(2) of the Local Government Act 2001

its business or as successor to any other body by a local authority and includes copies of any such records duly made, but does not include—

- a) grants, deeds or other documents of title relating to property for the time being vested in the local authority, and
- b) any part of the permanent collection of a library, museum or gallery.

9.4 Cork City Council retains all Local Records until destruction is approval by senior management and/or the Archivist.

9.5 Once local records are more than 30 years old they will be transferred to the City and County Archivist where they will be available for public inspection.

9.6 Where destruction has been approved Cork City Council will verify whether any other statutory data retention periods exist in relation to the type of processing e.g., personal data may need to be kept in order to comply tax, health and safety regulations etc. and once no longer required the data will be securely deleted/destroyed in the absence of a sound lawful basis to retain it.

9.7 Cork City Council is in the process of preparing retention policies for all of its' services. These will outline the timeframe for which your personal data will be retained and what will happen to it after the required retention period has expired. These policies will be published, when available, on our website www.corkcity.ie.

A copy of the National Retention Policy for Local Authority Records can be accessed via the following link,

[National Retention Policy for Local Authority Records](#)

10. How does Cork City Council keep your Personal Data secure?

Cork City Council will ensure that Personal Data collected and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage. Technological development, the cost of implementing the measures, the nature of the data concerned and the degree of harm that might result from unauthorised or unlawful processing are all taken into account when Cork City Council determines the security measures that are put in place.

11. How can you exercise your rights in respect the Personal Data Cork City Council holds belonging to you?

11.1 Cork City Council has implemented a Data Subject Access Request procedure to manage requests in an efficient manner and within the timelines stipulated in GDPR. You can download a copy of Cork City Council's Data Protection Access Request from the link below:

[Data Protection Access Request Form](#)

11.2 As part of day-to-day operations, Cork City Council's staff members engage in active and regular exchanges of information with Data Subjects. Where a formal request is submitted by a Data Subject in relation to the data held by Cork City Council, such a request gives rise to access rights in favour of the Data Subject. Cork City Council staff are required to ensure that, where necessary, such requests are forwarded to the DPO in a timely manner, so that they are processed efficiently as possible.

11.3 GDPR sets out the following rights applicable to data subjects. These rights are restricted in certain circumstances as prescribed under Article 23 of the GDPR and the Acts:

- the right to be informed;
- the right of access;
- the right of rectification;
- the right to restrict processing;
- the right to data portability;
- the right to object;
- rights with respect to automated decision-making and profiling;
- the right to withdraw consent; and
- the right to erasure (also known as the "right to be forgotten").

12. How to contact Cork City Council or make a complaint about the use of your Personal Data?

Complaints on the use, retention and disposal of personal data can submitted via email [or by post](#) to:-

Address: Data Protection Officer
Cork City Council,
City Hall,

Anglesea Street,
Cork

Email: dataprotection@corkcity.ie

Telephone: 021 4394037

As a customer you also have the right to lodge a complaint with your national data protection supervisory authority.

13. How can you appeal a decision of Cork City Council ?

You can appeal to the Data Protection Commissioner if you are not satisfied with the response of Cork City Council.

Contact details are as follows:
Office of the Data Commissioner
Canal House,
Station Road,
Portarlinton,
Co. Laois.

Local: 1890 252 231,
Telephone: 057 8684800
E-mail: info@dataprotection.ie

14. How does Cork City Council keep your Personal Data Secure when transferring it to a country outside the Economic European Area (EEA)?

All requests from staff members of Cork City Council or contractors acting on behalf of Cork City Council to transfer personal data outside the EEA (“transfer” includes making available remotely) must be formally made in writing to the DPO before any authorisation can be provide to transfer personal data to countries outside the EEA.

15. Data Breach Notification

Cork City Council has in place a procedure for data breach notifications along with an incident log and form. Cork City Council treats data breaches very seriously and any staff members who become aware of potential or actual data breaches, must notify the DPO or a member of the Executive Management Team immediately.

16. Data Protection Officer (DPO)

Address: Mrs. Noreen Mulcahy
Cork City Council,
City Hall,
Anglesea Street,
Cork

Email: dataprotection@corkcity.ie

Telephone: 021 4394037

A key role of the DPO is to monitor the ongoing data processing and storage of Personal Data by Cork City Council , through:

- acting as a contact point for the DPC on issues relating to the processing of Personal Data;
- co-operate with the Data Protection Commissioner;
- the collection of information to identify processing activities;
- maintaining a ‘record of processing operations’, which details all the Personal Data processing activities of Cork City Council ;
- raising awareness and ensuring that ongoing internal data protection training for staff and management is provided.
- providing advice and guidance at each stage of any DPIA’s.
- informing, advising, and issuing recommendations to staff and management in relation to their obligations under the GDPR and the Data Protection Acts; and
- coordinating responses to data subject access requests.

17. Training and Development

Data Protection training will be provided through staff presentations, attendance at Data Protection-specific training events and seminars where appropriate, staff briefings and information notices. The DPO is responsible for overseeing such training.

18. Document Management

This Policy will be reviewed regularly in light of any legislative or other relevant corporate developments and at a minimum on an annual basis.

Appendix-1 Glossary

The following table identifies some of the terms referred to within this policy.

Term	Description
Data	<p>This includes both automated and manual data.</p> <p>Automated data means data held on computer, or stored with the intention that it is processed on computer.</p> <p>Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.</p>
Personal Data	<p>Any information relating to an identified or identifiable natural person (data subject); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person</p>
Sensitive Personal Data	<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>
Pseudonymous Data	<p>This data is still treated as personal data because it enables the identification of individuals albeit via a key.</p>
Anonymous Data	<p>This data is rendered anonymous because there is no way that an individual can be identified from this data. Therefore, the GDPR does not apply to such data.</p>
Data Controller	<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>
Data Subject	<p>A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.</p>
Data Processor	<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>
Data Protection Officer	<p>A person appointed by the Company to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members and service recipients.</p>

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.