

2024

# Cork City Council Data Protection Policy

Data Protection Policy

Document Version  
Number:

V2

Issue Date:

February 2024



Comhairle Cathrach Chorcaí  
Cork City Council



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## Revision History

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CURRENT DOCUMENT VERSION		
Version No:	Date:	Reasons for Issue:
V2	February 2024	Updating of policy to reflect – revised organisation structure, revised national retention policies for LA records from 2002 policies, updated phone contact details for DPC.

REVISION APPROVAL			
Process Owner	Signature:	Print Name:	Date:
DPO			February 2024
SEO/SE/ Cognate	Signature:	Print Name:	Date:
Corporate Services Group			14 <sup>th</sup> March 2024
Director of Services	Signature:	Print Name:	Date:
Senior Management Team approval			26 <sup>th</sup> March 2024

PREVIOUS VERSIONS		
Version No.	Date	Reason for Issue
1	June 2018	Introduction of GDPR


## 1. Introduction/Background

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Cork City Council provides services to service users and customers in, inter alia, the following areas (“Directorates”): -

- Operations
- Housing Operations
- Housing capital and Regeneration
- Strategic and Economic Development
- Community Culture and Placemaking
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The provision of these services is supported by the following functional areas-

- Corporate Affairs & International Relations
- People and Organisation Development
- Finance
- City Architects
- Legal affairs
- ICT & Business Services

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. 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.

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.

The table at Appendix 11 identifies some of the terms referred to in this document.

## **2. Relevant Legislation**

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Articles 12-14 GDPR 2016 and the Data Protection Acts 1988- 2018 set out what should be contained in a data protection policy.

## **3. Purpose & Scope**

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This Policy has been created 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, to ensure it complies with its requirements under Irish and European Data Protection laws.

## 4. Policy Details

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### 4.1 How will Cork City Council collect your personal data?

Cork City Council needs to collect and process personal data for a variety of purposes and creates and collects Personal Data about individuals from several sources including: -

- directly from an 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,
- 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.
  - from CCTV and new technologies

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

- personal identification data including name, age, DOB, gender, nationality, marital status, address, phone numbers, photos, images, email details and national ID numbers i.e. PPSN.
- details of personal circumstances,
- 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.

Special category data may also be collected and refers to the following types of data:

Race, Ethnic origin, Politics, Religion, Trade union membership, Genetics, Biometrics, Health, Sex life or sexual orientation.

### 4.2 How will Cork City Council use your Personal data?

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 assistance, various grants, permits and licences and in compliance with statutory and legal obligations in the best possible manner.

The processing of Personal Data for the purposes outlined include but are not limited to :-

- applications and requests by you or on your behalf for the provision of goods or services to you or your dependents.
- resolving issues arising in respect of the provision and use of facilities, goods or services to you or your dependants
- 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 on our 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.

### **4.3 Will Cork City Council disclose Personal Data to anyone else?**

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.

Personal data may be disclosed internally in accordance with the data protection principles and this policy. Personal data will not be shared with 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.

Except as disclosed in this Policy, 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
- data processors we engage to process data on or behalf,
- 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.

Whenever we disclose information to third parties, we will only disclose that amount of personal data that is necessary and proportionate. Third parties that receive Personal Data from us must satisfy us as to the measures taken to protect and keep it secure.

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.

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.

Cork City Council has a statutory obligation under the Local Government Act 2001 to make arrangements for the proper management, custody, care and conservation of local records and local archives and to make local archives available for inspection by the public. Local archives include all records that have not been certified for destruction under the National Retention Policy for Local Authority Records, or by the Archivist. Local records and archives will be transferred to the City and County Archives Service where they may be available for public inspection once they reach 30 years



old, with access restrictions for up to 100 years in place in relation to research access, copying and use of personal data that may be present in the records/archives.

Cork City Council may transfer data to legal counsel where same is necessary for the defence of legal claims.

#### **4.4 What are Cork City Council’s responsibilities when processing your Personal Data?**

Cork City Council has appointed a Data Protection Officer (“DPO”). The DPO’s role and contact details are outlined at paragraph 4.14 of this Policy.

All Cork City Council staff have responsibilities for ensuring that Personal Data 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.

Staff, contractors, data processors 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.

#### **4.5 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.

#### 4.6 How does Cork City Council process your Personal Data?

GDPR sets out the following legal bases with which any party processing Personal Data must comply. Article 6(1)GDPR states processing shall only be lawful only if and to the extent that at least one of the following applies:

- a) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes.
- b) 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.
- c) processing is necessary for compliance with a **legal obligation** to which the controller is subject.
- d) processing is necessary in order to protect the **vital interest** of the data subject or another natural person.
- e) processing is necessary for the performance of a **task carried out in the public interest** or in the interest of official authority vested in the controller.
- f) 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.

Section 71 of the Data Protection Acts outlines additional legal bases 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.

Cork City Council will not process the Special Categories of Personal Data as defined under Article 9 GDPR and the S69 Data Protection Act 2018 and as further set out at 4.1 above without one of the following lawful bases 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;
- 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.

#### **4.7 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.

#### **4.8 How long will Cork City Council keep your Personal Data?**

Cork City Council in its capacity as a local authority is required Under Section 80(2) of the Local Government Act 2001 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.

Cork City Council will adhere to the agreed National retention policies for Local Authority records. These 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](http://www.corkcity.ie).

#### **4.9 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 considered when Cork City Council determines the security measures that are put in place.

#### **4.10 How can you exercise your rights in respect the Personal Data Cork City Council holds belonging to you?**

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”).

Cork City Council has implemented a **Data Subject Access Request**(DSAR) procedure to manage requests in an efficient manner and within the timelines set out in GDPR. You can download a copy of Cork City Council’s Data Protection Access Request from the link below:

<https://www.corkcity.ie/en/media-folder/public-info/data-subject-access-request-form-pdf.pdf>

You can also request your personal data by emailing [dataprotection@corkcity.ie](mailto:dataprotection@corkcity.ie) or

By post addressed to the Data Protection Officer, Cork City Council, City Hall, Cork.

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.

#### **4.11 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 be submitted by post to the Data Protection Officer, Cork City Council, City Hall, Cork or Email: [dataprotection@corkcity.ie](mailto:dataprotection@corkcity.ie)

As a customer you also have the right to lodge a complaint with the Data Protection Commission.

#### **4.12 How can you appeal a decision of Cork City Council?**

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

Office of the Data Protection Commission:

21 Fitzwilliam Square South

Dublin 2, D02 RD28

Tel +353 (0)1 7650100 1800 437 437. Further information is available at [www.dataprotection.ie](http://www.dataprotection.ie)

#### **4.13 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 the nominated member(s) of staff responsible for co-ordinating Data Protection Compliance matters within their respective area immediately.

#### **4.14 Data Protection Officer (DPO)**

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

Email: [dataprotection@corkcity.ie](mailto: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 introduction of policies to ensure compliance with GDPR and the Data Protection Acts
- 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.

#### **4.15 Training and Development**

Data Protection training will be provided by various means- staff briefings ,information notices and meetings, online and in person training , attendance at Data Protection-specific training events and seminars where appropriate.

## **5. Roles & Responsibilities**

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All Staff in Cork City Council have a role to familiarise themselves with the contents of this policy.

All staff in Cork City Council have responsibility to ensure that any personal data they process is only processed in accordance and in compliance with this policy.

## **6. Monitoring/ Review/ Reconciliation**

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This Policy will be reviewed regularly considering any legislative or other relevant corporate developments and at a minimum on an bi- annual basis by the GDPR Implementation Group.

## **7. Communications Plan**

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This policy will be considered by the GDPR implementation Group plan for recommendation to the Corporate Services Group (CSG). The CSG will then make a recommendation to Senior Management Team for approval.

Once approved by Senior Management Team the policy will be issued to all staff by email. It will be placed on the Circulars, Policies, Procedures, and Guidelines site on SharePoint. It will also be published on the City Council website.

## **8. Appendix 2 – Change Log**

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V2- Changes to organisation structure, updating of links and record retention policies.

## 9. Appendix II – Glossary of Terms

### Glossary

<b>Term</b>	<b>Description</b>
<b>Data</b>	<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>
<b>Personal Data</b>	<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>
<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>Pseudonymous Data</b>	<p>This data is still treated as personal data because it enables the identification of individuals albeit via a key.</p>
<b>Anonymous Data</b>	<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>
<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 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>

