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<hr/> <i>Policy Owner</i> <hr/>	Corporate Services
<hr/> <i>Consultation Process</i> <hr/>	Senior Executive Officer of Corporate Services  Management Team
<hr/> <i>Policy Approved by &amp; Date of Approval</i> <hr/>	Management Team  4 July 2023
<hr/> <i>Next Review Date</i> <hr/>	July 2023

Policy Revision History		
Version	Revision Details	Implementation Date
F0.1	Original	June 2018
F0.2	Reviewed by Data Protection & Information Compliance Officer	Nov 2020
F0.3	Reviewed by the Data Protection & Information Compliance Officer. Updates made to: Roles & responsibilities Policy Communication, Awareness & Training Further Information	May 2022
F0.4	Reviewed by the Data Protection & Information Compliance Officer. Updates made to: <ul style="list-style-type: none"> <li>• Privacy Policy</li> <li>• Request extension of review period for 2 years.</li> <li>• Included under roles and responsibility “Ensure appropriate Data Protection Agreements are in place with third parties as per the Local Government Auditor’s recommendation</li> </ul>	July 2023

## Purpose

The purpose of this Policy document is to outline how Longford County Council fulfils its obligations and responsibilities to ensure Personal Data is processed in accordance with the Data Protection Principles contained within legislation.

## Scope

The scope of this document applies to all Longford County Council employees.

## Applicability

This policy applies to all Personal Data held by Longford County Council both in physical and electronic format relating to members of the public, customers, suppliers, employees, and elected members.

## Definitions

*Data Controller:* means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of Personal Data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

*Data Subject:* is an individual who is the subject of Personal Data

*Personal Data:* any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as 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.

Personal Data may be held by the Council in many forms, including hardcopy files, database records, electronic files, emails, CCTV, photographs, on the website and mobile phones.

*Personal Data Breach:* a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to Personal Data transmitted, stored, or otherwise processed.

*Processing:* means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

*Processor:* a natural or legal person, public authority, agency, or other body which process Personal Data on behalf of Longford County Council.

*Special Categories of Personal Data:* is Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data concerning health and data concerning a natural person's sex life or sexual orientation.

*Third Party:* means a natural or legal person, public authority, agency, or body other than the data subject, controller, processor, and persons who, under the direct authority of the controller or processor are authorised to process Personal Data

## Policy

It is the policy of Longford County Council to ensure that Personal Data is processed in accordance with the principles of the Data Protection legislation.

## Data Protection Principles

1. Lawfulness, Fairness and Transparency
2. Purpose Limitation
3. Data Minimisation
4. Accuracy
5. Storage Limitation
6. Integrity & Confidentiality
7. Accountability

### 1. Lawfulness, Fairness and Transparency

Longford County Council shall process Personal Data lawfully, fairly and in a transparent manner in accordance with our data protection obligations.

Processing of Personal Data shall be lawful only if and to the extent that at least one of the following applies.

- Processing is necessary for compliance with a legal obligation
- Processing is necessary for the performance of a contract to which the data subject is party to or in order to take steps at the request of the data subject prior to entering a contract.
- Processing is necessary in order to protect the vital interests of the data subject or of another natural person.
- 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 Data Controller.
- The data subject has given consent to the processing of their Personal Data for one or more specific purposes

It is important to note that in particular instances, the Council may be relying on consent as the lawful basis for processing. In such instances, the data subject's consent must be freely given, unambiguous, specific, informed and given through a clear and affirmative action. An example of a situation where the Council may be relying on consent as their legal basis would be when taking photographs at Council events.

Data subjects must be informed, at the time of the giving of consent, of their rights to withdraw consent at any time and how to withdraw consent. This should be reflected on all forms and or communication/promotional material with an opt out option to be made available to the Data Subject.

Line Mangers shall seek guidance and advice from the Data Protection & Information Compliance Officer on consent documentation.

### 2. Purpose Limitation

Longford County Council shall process Personal Data only for the specific, explicit, and legitimate purposes for which the data was collected and should not be processed for any other purposes.

### 3. Data Minimisation

Longford County Council shall as far as possible only process Personal Data that is adequate, relevant,

and limited to what is necessary.

#### **4. Accuracy**

Longford County Council shall ensure that Personal Data is accurate, and that every reasonable step is taken to ensure that the Personal Data is kept up to date. The Council will have in place appropriate measures to ensure that personal data that is inaccurate or rectified without undue delay

#### **5. Storage Limitation**

Longford County Council shall retain Personal Data in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the Personal Data was obtained. 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.

#### **6. Integrity & Confidentiality**

Longford County Council shall keep Personal Data safe and secure by using appropriate technical or organisational measures that ensure appropriate security of the Personal Data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage.

#### **7. Accountability**

The principal of accountability creates a positive duty on the Council to actively monitor and govern the management of Personal Data. The Council must be able to demonstrate that it is in a position to comply with Data Protection legislation.

The Council shall develop and maintain a range of organisational policies, procedures and work practices designed to achieve compliance and implement appropriate monitoring and reporting mechanisms to facilitate the demonstration of compliance.

Every section within the Council shall carry out an annual review of their Records of Processing Activity reports. These reports shall then be reviewed by the Data Protection & Information Compliance Officer with recommendations issued to each section on any areas where improvements are required.

The Data Protection Principles are reflected and embedded as part of the Council's Governance Framework. Data Protection is a standing item on the Management Team's agenda where the Data Protection & Information Compliance Officer reports bi-annually to the Chief Executive and the Management Team. Data Protection is included in the Council's published monthly Management Reports.

### **Data Protection Impact Assessment & Privacy by Design**

Longford County Council will arrange for a Data Protection Impact Assessment (DPIA) to be conducted in respect of new projects, new technologies, new processes or changes to existing technologies or processes within the Council which are likely to cause a privacy risk to one or more individuals.

The overall aim of the Council is to apply solutions and mitigating actions where a processing activity is deemed likely to cause a Privacy risk to one or more individuals. The mitigating actions are then implemented into the project plan and then reassessed to ensure that the risks are eliminated or

reduced to an acceptable level.

Where a DPIA report indicates that the processing involved will or is likely to, result in a **high** risk to an individual(s) and the Council is unable to mitigate such risk(s) with appropriate measures or controls, the Data Protection & Information Compliance Officer will consult with the Data Protection Commission prior to the processing taking place.

Line Mangers shall seek guidance and advice from the Data Protection & Information Compliance Officer when completing a DPIA in respect of any new projects, new technologies, new processes or changes to existing technologies or processes within the Council.

### Data Protection Principles – Data Sharing or Processing by Third Party Contractors

The Council will ensure as far as possible that appropriate Data Protection Agreements are in place with third-party contractors outlining roles and responsibilities in regards the processing of Personal Data and compliance with Data Protection legislation.

The Council will arrange for Data Protection Agreements to be reviewed where necessary by the Data Protection & Information Compliance Officer prior to issue.

### Policy Communications, Awareness & Training

Longford County Council will ensure arrangements are in place for Policy communication, awareness, and delivery of training to employees.

Training will include.

- General Policy Communication and awareness training shall be delivered through Longford County Council's Metacompliance platform which is designed to provide an overview of policies, procedures, and best practices
- Specialised training and development for appropriate employees having regard to their role and responsibilities
- Mandatory Data Protection Training for all employees

### Associated Policies

Longford County Council has an approved Policy Framework in place to assist in ensuring it fulfils its obligations as provided for under Data Protection legislation.

This Policy should be read in conjunction with the Council's [Privacy Policy](#) and the following Council Data Protection Policies:

- [Personal Data Breach Policy](#)
- [Data Subjects Rights Policy](#)
- [Clean & Clear Desk Policy](#)
- [Representations Policy](#)

## Responsibilities

### Management Team

- Ensure Longford County Council have in place appropriate and approved organisational systems, policy framework, policies, and work practices to ensure processing of Personal Data in accordance with the Data Protection Principles.

### Senior Officers

- Implement the requirements of this policy.
- Contribute to policy development and review where appropriate.
- Assist and advise employees in their area of responsibility as necessary to ensure that the requirements of this policy and organisational measures are implemented.
- Ensure up to date Records of Data Processing Activities are maintained within their area of responsibility.
- Ensure an appropriate file management process is in place within your section to ensure all records are available and easily accessible.
- Ensure a Data Protection Impact Assessment (DPIA) is completed for all new projects, technologies and processes or changes to systems and or processes within your area of responsibility.
- Review and implement recommendations provided by the Data Protection & Information Compliance Officer based on her review of each sections annual Records of Processing Activity reports
- Ensure appropriate Data Protection Agreements are in place with third party contractors/suppliers with whom personal data is shared or processed by on behalf of the Council.
- Attend and participate in policy communication awareness and training through Metacompliance and formal training courses as required.

### Line Managers

- Implement the requirements of this policy.
- Ensure all employees in their area of responsibility are made aware of their responsibilities and obligations as outlined in the policy and that the requirements of this policy are implemented
- Ensure that organisational measures on processing of personal data are implemented by employees in their section(s).
- Ensure an appropriate file management process is in place within your section to ensure all records are available and easily accessible
- Maintain an up-to-date Record of Data Processing Activities within their section(s) and review annually to ensure any new categories of Personal Data collected are recorded.
- Ensure employees who have access to personal data are fully aware of their responsibility and where necessary are provided with guidance or training on the handling, storage, and retention of such personal data.
- Attend and participate in policy communication awareness and training through Metacompliance and formal training courses as required.
- Ensure appropriate Data Protection Agreements are in place with third parties

- Ensure a Data Protection Impact Assessment (DPIA) is completed for all new projects, technologies and processes or changes to systems and or processes within your area of responsibility.

#### All Employees

- Familiarise yourself and comply with the requirements of this policy.
- Seek advice or guidance from your Line Manager or the Data Protection & Information Compliance Officer.
- Respect and protect the privacy and confidentiality of the personal data being processed.
- Bring to the attention of your Line Manager non-compliance issues immediately upon becoming aware.
- Attend and participate in policy communication awareness and training through Metacompliance and formal training courses as required.

#### Human Resources

- Make available a copy of the policy to all new employees and provide induction training on policy requirements as part of the induction process and retain signed confirmation

#### Information Systems

- Ensure secure technical measures are in place on all Council Laptops and organisational systems to protect Personal Data processed by the Council.
- Ensure technical security policies are in place and training provided with all who have access to council systems.

#### Facilities Management

- Supply and maintain secure storage spaces and filing cabinets to enable employees to securely lock away documentation containing Personal Data.

#### Data Protection & Information Compliance Officer

- Ensuring Longford County Council is compliant with Data Protection legislation
- Promoting a Data Protection culture across all levels of the organisation
- Planning of practical and effective methods both preventative and remedial, to promote work practices that comply with data protection requirements.
- Developing or revising as required, internal policies and procedures in relation to the protection of personal data
- Developing an appropriate data audit process
- Act as Longford County Council's contact person for the Data Protection Commission
- Acting as the point of contact for Data Subjects
- Preparing and delivering data protection training to employees
- Advising and monitoring all aspects of data privacy across the organisation

#### Confidentiality

Longford County Council take appropriate measures when processing Personal Data (physical and electronic). Personal Data shall not be shared or disclosed to any persons who do not require access to the Personal Data.



## Data Protection

Longford County Council is committed to respecting the privacy rights of individuals whose Personal Data the Council process in accordance with applicable law.

## Internal Review

Employees have the right to request an internal review of actions and measures taken to implement this Policy within their area and can make their request to the Senior Executive Officer, Corporate Services.

## Policy Review

This Policy will be subject to review every two years from its implementation date or earlier if required.

## Further Information

For further information or guidance on this Data Protection Policy please contact your Line Manager or the Council's Data Protection & Information Compliance Officer [dpo@longfordcoco.ie](mailto:dpo@longfordcoco.ie).

