



<hr/> <p><i>Policy Title & Ref Number</i></p> <hr/>	<p><i>Representations Policy</i></p> <p><i>Doc Ref: DP-015</i></p> <p><i>Final v0.4</i></p>
<hr/> <p><i>Policy Prepared By</i></p> <hr/>	<p>Data Protection & Information Compliance Officer</p>
<hr/> <p><i>Policy Owner</i></p> <hr/>	<p>Corporate Services</p>
<hr/> <p><i>Consultation Process</i></p> <hr/>	<p>Senior Executive Officer of Corporate Services</p> <p>Management Team</p>
<hr/> <p><i>Policy Approved by & Date of Approval</i></p> <hr/>	<p>Management Team 4 July 2023</p>
<hr/> <p><i>Next Review Date</i></p> <hr/>	<p>July 2025</p>

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: <ul style="list-style-type: none"> ➤ 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"> • Request extension of review period for 2 years 	July 2023

Purpose

The purpose of this Policy document is to outline how Longford County Council and Elected Representatives shall process personal data to enable an Elected Representative to perform his or her functions in the exercise of their official duty as an Elected Representative in accordance with Data Protection legislation.

Scope

This policy document applies to all Elected Representatives and Longford County Council employees.

Applicability

This policy applies to all Personal Data processed by Longford County Council and Elected Representatives both in physical and electronic format relating to members of the public.

Definitions

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.

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.

Sensitive/Special Categories of Personal Data: is Personal Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, 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

Elected Representatives for the purposes of this Policy: means a member of Longford County Council and any Local Authority, a member of either of the House of the Oireachtas, a member of the European Parliament.

Policy

It is the policy of Longford County Council to ensure that the processing of Personal Data and Sensitive/Special Categories of Personal Data of an individual, shall be lawful where an Elected Representative makes a representation on behalf of their constituent or from another party on behalf of the constituent under section 40 of the Data Protection Act 2018 where;

- the Elected Representative either receives a request or representation directly from their constituent, **or where**
- the Elected Representative receives a request or representation from another person on behalf of their constituent and the elected representative can demonstrate that they are compliant with the principles of data protection.

Section 40 of the Data Protection Act 2018 is the lawful basis underpinning processing of representations from Elected representatives

For purposes of this policy, Representations can be broadly classified as follows:

1. Representations requiring the release of Personal Data which does not fall under Sensitive/Special Categories of Personal Data.
2. Representations requiring the release of Sensitive/ Special Categories of Personal Data.
3. Verbal Representations.

1. Representations requiring the release of Personal Data which do not fall under Sensitive/Special Categories of Personal Data

Representations by an Elected Representative to Longford County Council requiring the release of personal data that does not fall within the policy definition of *Sensitive/Special Categories of Personal Data*, shall be made in writing.

Email representations will only be accepted by Longford County Council employees from Elected Representatives corporate email accounts longfordcoco.ie or official political email addresses.

An Elected Representative in making such representation shall formally confirm in writing to the Council that the Elected Representative holds consent from the constituent(s) to act and make representation on their behalf.

Where such written/email representation is made by an Elected Representative(s) on behalf of a constituent on foot of Section 40, Longford County Council will accept the bona fides of Elected Representatives that the constituent has given their permission for the release of personal data.

Where the Elected Representative is unable to confirm consent, a Longford County Council employee will respond directly to the constituent

2. Representations requiring the release of Sensitive/Special Categories of Personal Data

Representations requiring the release of personal data that falls within the policy definition of Sensitive/Special Categories of Personal Data shall submit their representations via the Council's Data Protection form called 'Elected Representatives – Request for Release of Sensitive/Special Categories of Personal Data' (Appendix A).

This form must be signed by the Elected Representative and by the constituent. Given the nature of such data and to ensure limitations on access, this is the only means by which the Council can facilitate provision of such data to any Elected Representative.

If the Elected Representative is unable to obtain written consent, a Longford County Council employee will respond directly to the constituent.

3. Verbal Representations

If a Representation is not made in writing, the relevant Council employee will issue a reply directly to the constituent or the 3rd party legitimately acting on behalf of the constituent, for example a Solicitor, next of kin etc referencing the Elected Representative's representation.

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 for all employees

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.

Corporate Policy Group

- Contribute to Policy development and review
- Manage all representations in accordance with this policy.

Elected Representatives

- Manage all representations in accordance with this policy
- Ensure to hold the constituents' consent before submitting Representations to the Council
- Process Personal Data in accordance with Data Protection legislation as Elected Representatives are Data Controllers in their own right
- Ensure they have appropriate security measures in place to protect the Personal Data in respect of their representations and responses to same.

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.
- Implement an efficient Representations process within your area
- Ensure an appropriate file management process is in place within your area of responsibility section to ensure all records are available and easily accessible
- 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
- Ensure your team who have access to Personal Data are fully aware of their responsibilities and have completed necessary data protection training
- Attend and participate in policy communication awareness and training through Metacompliance and formal training courses as required.

All Employees

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

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.

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 to all who have access to council systems.

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 Council
- Planning of practical and effective methods both preventative and remedial, to promote work practices that comply with data protection requirements for the Council.
- Developing or revising as required, internal policies and procedures in relation to the protection of personal data within the Council.

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.

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 or



Appendix A

Elected Representations -

Request for release of Sensitive/Special Categories of Personal Data

The following describes the enquiry that the Elected Representative will make on my behalf. I consent to my Elected Representative receiving my Personal Data from Longford County Council in accordance with the provisions of Section 40 of the Data Protection Act 2018, for the purpose of a response.

Details of enquiry: (or attach written request, where relevant)

Signature (of person(s) making request): _____ (not the Elected Representative)

Date: _____

To assist in confirmation of the subject's identity, please provide:

Name of Person(s) subject of the request (PRINT) _____

Address of Person(s) subject of the request (PRINT) _____

Request by a Third Party: *Where the request is not made by the subject (Please attach written consent of the subject(s) or a statement (with supporting documentation') as to why consent cannot be provided and why a representation is in their interests)*

Please print name of person making request for the subject: _____

State relationship to the subject: _____

ELECTED REPRESENTATIVE DECLARATION.

I confirm that I will take suitable and specific measures to safeguard the fundamental rights to the privacy of person(s) this representation relates to and process the data in accordance with Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

Name: Cllr. /Deputy/Senator/MEP _____

Signature: _____

Date: _____

NOTICE TO CONSTITUENT – YOUR PRIVACY RIGHTS

For further information on how to change your details and how your personal data is managed please contact your Elected Representative.