



## **PRIVACY STATEMENT**

### **for statutory functions related to the Electoral Register**

#### **Who are we?**

Carlow County Council is a democratically elected organisation whose principal function is to provide a broad range of services in areas such as Housing, Roads & Transportation, Flood Prevention, Water Services, Economic Development & Tourism, Planning & Conservation, Environmental Protection, Heritage & the Arts, Library Services, Community & Culture, Amenity, Sport & Recreation, Fire Services, Energy, Older People & Age Friendly, Children & Younger People, Financial Management & Customer Services development.

In performing its functions, Carlow County Council is required to collect and process significant amounts of "personal data" within the meaning of the General Data Protection Regulations [GDPR] and of the Data Protection Acts 1988 to 2018. The Council respects the privacy rights of those whose personal data we process and is conscious of its obligations under the Data Protection Acts. Carlow County Council is a Registration Authority. We are required by law to prepare and publish a Register of Electors every year.

#### **Why do we have a privacy statement?**

Carlow County Council has created this privacy statement in order to demonstrate its firm commitment to privacy and to assure you that in all your dealings with Carlow County Council, it will ensure the security of the data you provide to it. Carlow County Council creates, collects and processes a significant amount of personal data in various multiple formats on a daily basis. Carlow County Council's commitment is that the personal data you are required to supply to us is;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Recorded, stored accurately and securely and where necessary kept up to date
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Kept in a form which permits identification of the data subject
- Processed only in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing

## Data Protection Policy

Carlow County Council has a detailed Data Protection Policy which outlines how we as a public body are committed to ensuring the security of any personal data you provide to us.

<http://www.carlow.ie/wp-content/documents/uploads/Data%20Protection%20Policy%20GDPR%20Carlow%20Co%20Co%2013th%20June%202018.pdf>

### What is the activity referred to in this Privacy Statement?

This activity is a statutory process for the preparation and publication of the Electoral Register and related functions as a Registration Authority in accordance with the Electoral Act 1992 (as amended).

*All electors who are resident in the County at the 1<sup>st</sup> September and who will be 18 years or over on the following 15<sup>th</sup> February are eligible for entry on the Register of Electors.*

*Personal Data will be required under the 2<sup>nd</sup> Schedule of the Electoral Act 1992 – “Any person may claim to have a correction made in a draft register, including in particular a claim to have the name of a person added to or deleted from the draft register.”*

*When the Draft is published on 1<sup>st</sup> November a person may submit a correction up to the 25<sup>th</sup> November. Then this information is verified and adjudicated on by the County Registrar at the annual claims court held in December. Regardless of who is making the “Claim” – the person in question is written to & notified.*

### What is the basis for making the processing of personal data in this activity lawful?

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Carlow County Council (Article 6 (1) (c) and 6(1)(e) of the General Data Protection Regulations, 2016). Specifically, the lawful basis for this process is the Electoral Act 1992 (as amended) and regulations made thereunder.

### What personal data do we need to provide and why do we need to provide it?

To be able to vote in an election or referendum, a person’s name must be entered on the register of electors for the locality in which the elector ordinarily resides. Registration authorities are required to prepare and publish a register of electors every year. To determine eligibility for inclusion on the Register of Electors persons wishing to be included are required to provide personal data;

- A person must be at least 18 years of age on the day the register comes into force (15<sup>th</sup> February)
- **Citizenship:** While every adult resident is entitled to be registered, the registration authority needs to know a person’s citizenship because it is citizenship that determines the elections at which a person can vote. The qualifying date for citizenship is the 1<sup>st</sup> September preceding the coming into force of the register.
- **Residence:** a person must be ordinarily resident at the address in question on 1<sup>st</sup> September preceding the coming into force of the register. A person may be registered at one address only.

On the basis of the above the various forms require your full name, date of birth, full postal address, Eircode, and certain other data. More information on this process, along with various forms required, is available on the Council’s website or checktheregister.ie

<https://www.checktheregister.ie/PublicPages/Default.aspx?uiLang=>

**This personal data will be used for the following purpose(s):**

All the information is necessary to validate each application for entry on the Register of Electors. Contact details are required in the event that information is not clear and needs to be verified.

**Is the personal data submitted as part of this activity shared with other organisations?**

Carlow County Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations. Where this is required Carlow County Council shall have regard to the security and integrity of the data and will minimise the data shared. Information in this area is not processed in another country.

To assist in the compilation of the Electoral Register, where persons have made applications notifying a local authority of a change of address to a location outside the County, the local authority receiving such application will, where relevant, share such applications with the local authority responsible for managing that person's registration. This form of sharing may also occur where such applications are forwarded by the Court Services by persons.

Copy of the Register of Electors is circulated to prescribed Bodies, TD's, Senators, and Elected Members, in accordance with the 2nd Schedule of the Electoral Act 1992 (as amended). The published Register is available to view by the public online at [www.checktheregister.ie](http://www.checktheregister.ie), Council Offices, Libraries, Main Post Office, Burrin Street, Carlow, Carlow Garda Station & Carlow Courthouse. However, if you have consented when completing your registration form, the Edited Register may be used for direct marketing purposes. Copies of the Register are provided free to elected public representatives and election candidates, for electoral purposes, in accordance with provisions of the Act. In addition, the Council shall, on payment of a fee, supply to any person a copy of the register or draft register. Other than the use of the edited register as above it is an offence under Section 13A (3) of the Electoral Act 1992 (as amended by Section 4 of the Electoral (Amendment) Act, 2001) for a person to use the register for other than electoral or other statutory purposes.

In this activity, if the personal data is to be transferred to a different country, it will be transferred to the following countries (if there are no countries listed, it is not intended to transfer the personal data abroad):

N/A

**How long is this personal data held by Carlow County Council?**

Carlow County Council has a detailed record retention policy which goes in to more detail of the time period for which your personal data will be retained by Carlow County Council and what will happen to it after the required retention period has expired.

<http://www.carlow.ie/wp-content/uploads/National%20Retention%20Policy%20for%20Local%20Authority.pdf>

The data processed as part of this activity will be retained for as long as your name remains on the register.

## **What will happen if the requested personal data is not provided?**

The elector will not be registered and therefore unable to vote and the Register of Electors will be an inaccurate Register.

## **Your Rights**

You have the right to request access to personal data held about you, obtain confirmation as to whether data concerning you exists, be informed of the content and source of data and check its accuracy. In addition, if the data held by us is found to be inaccurate you have the right to change, remove, block, or object to the use of, personal data held by Carlow County Council. You also have the right to data portability. In certain circumstances blocking access to data may delay or remove access to a service where the data is required by law or for essential purposes related to delivery of a service to you. To exercise these rights, you should contact Carlow County Council (Data Controller), Contact Details are as follows:

**Phone Number:** +353 56 7794277  
**E-mail:** dpo@Carlowcoco.ie  
**Website:** www.Carlowcoco.ie  
**Postal Address:** Carlow County Council, County Buildings, Athy Road, Carlow R93 E7R7

## **Right of Compliant to the Office of the Data Protection Commissioner**

If you are not satisfied with the outcome of the response you received from Carlow County Council in relation to your request, then you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you.

The Data Protection Commissioner's website is [www.dataprotection.ie](http://www.dataprotection.ie) or you can contact their office at:

**Lo Call Number:** 1890 252 231  
**E-mail:** Info@dataprotection.ie  
**Postal Address:** Data Protection Commissioner  
Canal House  
Station Road  
Portarlinton, Co. Laois. R32 AP23.

## **Review**

This Statement will be reviewed regularly in light of any legislative or other relevant indicators.

**Dated: 12/11/2019**