

C A R L O W
C O U N T Y C O U N C I L

COMHAIRLE CHONTAE CHEATHARLOCHA



Carlow County Council

Data Protection Policy

Adopted February 2015

Introduction

Data Protection is defined as safeguarding the privacy rights of individuals in relation to the processing of their personal data. It is governed by the Data Protection Acts 1988 – 2003 and in very exceptional circumstances by specific legislation. All organisations that store or process personal data must comply with Data Protection Legislation.

Carlow County Council is committed to protecting the rights and privacy of individuals in accordance with this and any subsequent Data Protection Legislation

Background

Legislation: Data Protection Acts 1988 & 2003

Registration: All Local Authorities must register with the Data Protection Commissioners Office. This registration is publicly viewable and shows the types of personal data processed. This registration is renewed annually. Carlow County Council's registration reference is 0.843/A.

Definitions

- **Data Protection:** Safeguarding of privacy rights of individuals in relation to the processing of their personal data.
- **Data:** Information in a form that can be processed. It can be manual or automated. This includes computerised systems, paper based filing systems, photographs and CCTV images.
- **Data Controller:** An individual or organisation that collects, stores or processes data about living people on any computerised or structured filing system.
- **Data Processor:** A person/individual who processes data on behalf of a data controller. (They are not employees of Data Controller) e.g. Outsourcing payroll services etc. It is responsibility of the Data Controller to ensure that the Data Processor signs confidentiality agreements etc.
- **Personal Data:** Data relating to a living individual who can be identified from the data which is in possession of a data controller.

Data Protection Rules

The following eight rules are fundamental to data protection law and outline the responsibilities of the Data Controller

1. Obtain and process the information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with the purposes for which it was given to you initially
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it no longer than is necessary for the specified purpose or purposes for which it was obtained.
8. Give a copy of his/her personal data to any individual, on request.

Rights of individuals

1. Right to find out if Carlow County Council holds personal data. A data subject also has the right to find out the description & purpose for holding this data. This request must be in writing and is free of charge.
2. Right of Access. A data subject has the right to get a copy of personal information. This request must be submitted in the form of a written request known as "Access Request". There may be a fee of up to €6.35 for this information.
3. Right of rectification or erasure and blocking, if data is no longer relevant or inaccurate.
4. Right to have your name removed from a direct marketing list e.g. edited version of Electoral Register
5. Right to complain to the Data Protection Commissioner e.g. if Access Request is ignored
6. Right to seek compensation through the Courts, e.g. if damage is suffered by a data subject through mishandling of data.

Personal Data Requests

All personal data requests must be complied with within 40 days of the date of the request.

All requests for personal data will be channeled through the Data Protection Officer, who will maintain a register of all requests, acknowledge receipt of the

request within 7 days, and forward the request to the relevant Department Heads/Data Controllers to formulate the appropriate response.

The response should be returned to the Data Protection Officer within 28 days to enable him/her to co-ordinate and issue the reply to the requestor within the permitted 40 days from the date of the request.

Any request for personal data from a Third Party must not be complied with without first obtaining full written permission from the relevant data subject.

The Data Protection Officer is the Senior Executive Officer, Corporate Affairs.

Volume Data Transfer to External Person/Body

Any transfer of data which contains personal Data e.g. to printing company must be preceded by a written agreement with that company/body, which clearly:

- Outlines the exact purpose for which the data may be used
- The maximum period for which the data may be retained
- The method which will be used to dispose of the data.

All electronic data transfers outside of the organisation must first be encrypted without exception.

Data Protection Breach

A data protection breach includes the loss of USB Keys, Disks, Laptops, Digital Cameras and Mobile Phones. A breach may also be inappropriate access to personal data on Carlow County Council systems or the sending of personal data to the wrong individuals

In the event of a Data Protection Breach measures must be taken to prevent a repetition of the incident.

All affected individuals must be notified immediately. The Data Protection Commissioners Office must also be notified immediately and an investigation be commenced forthwith. The findings of the report and recommendation must be made known to the Data Protection Commissioners Office and to affected individuals. All recommendations must be implemented as soon as possible.

Roles/Responsibilities

Carlow County Council has overall responsibility for ensuring compliance with the Data Protection legislation. However, all employees of the Council who collect and/or control the contents and use of personal data are also responsible for compliance with the Data Protection legislation. The Council will provide support, assistance and advice to all staff to ensure it is in a position to comply with the legislation.

Carlow County Council is registered as a Data Controller in compliance with law.

Review

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