



Comhairle Contae
Ros Comáin
Roscommon
County Council



COMHAIRLE CONTAE ROS COMÁIN ROSCOMMON COUNTY COUNCIL

Corporate Data Protection Policy

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1.0 Purpose

The General Data Protection Regulation (GDPR), which came into effect on 25th May 2018, and the Data Protection Act 2018 which gives further effect to this Regulation impose obligations on Roscommon County Council to protect all personal data under its control. The purpose of this document is twofold as follows:

- To outline Roscommon County Council's policy for fulfilling its obligations under data protection legislation;
- Act as a foundation for the development of appropriate processes, practices and procedures to support Roscommon County Council to discharge its data protection responsibilities.

2.0 Definitions

For the purposes of this policy document the following definitions apply:

- **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 a 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 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, adaptation 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 processes personal data on behalf of Roscommon 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; biometric data processed for the purpose of uniquely identifying a natural person; data concerning health and data concerning a natural person's sex life or sexual orientation.

3.0 Scope

This scope of this document applies to all personal data held by Roscommon County Council in physical or electronic format relating to members of the public, service users, suppliers and employees.

4.0 Policy

It is the policy of Roscommon County Council to ensure that:

- a) The following GDPR principles are strictly adhered to and underpin all of Roscommon County Council's data protection processes, practices and procedures:

- Lawfulness, Fairness and Transparency;
- Purpose Limitation;
- Data Minimisation;
- Accuracy;
- Storage Limitation;
- Integrity and Confidentiality;
- Accountability.

b) The rights of data subjects are fully respected and protected.

c) Measures exist to respond appropriately to personal data breaches.

d) Mechanisms exist to ensure full compliance with data protection legislation.

e) Appropriate data protection training and development is delivered to all members of management and staff.

4.1 Lawfulness, Fairness and Transparency

4.1.1 Roscommon County Council is committed to ensuring that the personal data it collects from data subjects is obtained lawfully, fairly and in a transparent manner. Consequently, at the time it collects personal data from data subjects or, in instances where data is obtained from a third party, as soon as practical and before the commencement of processing of such data, the County Council will make them aware of the following:

- The personal data being obtained;
- Who the County Council may obtain data from;
- The purpose for obtaining and processing their personal data;

- Who is processing the data;
- Who and in what circumstances their personal data will be disclosed;
- Details of how long their personal data will be retained.

4.1.2 The specified purpose for which personal data is being obtained must be lawful. Lawful processing conditions for personal data are as follows:

- The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- The processing is necessary for compliance with a legal obligation to which Roscommon County Council is subject;
- The processing of the personal data is necessary in order to protect the vital interests of the data subject or of another natural person;
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority which is vested in Roscommon County Council;
- The processing is necessary for the purposes of the legitimate interests pursued by Roscommon County Council or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

4.1.3 In instances where Roscommon County Council is relying on the consent as a lawful processing condition the data subject's consent must be freely given, unambiguous, specific, informed and given through a clear and affirmative action.

4.1.4 Data subjects must be informed, at the time of the giving of consent, of their rights to withdraw consent at anytime. The method of withdrawing consent must be as easy as giving it.

4.1.5 Special categories of personal data are subject to additional protection. In accordance with Section 45 of the Data Protection Act 2018, processing of special categories of personal data shall be lawful to the extent that processing is authorised by Section 41 and Sections 46 to 54 of the Data Protection Act 2018 or otherwise authorised by Article 9 of the GDPR.

4.2 Purpose Limitation

4.2.1 Roscommon County Council will, except where otherwise provided by data protection legislation, take measures to ensure that the processing of personal data is limited to the purposes for which it was obtained.

4.2.2 Disclosures of personal data to third parties will only occur in circumstances that are permitted by law.

4.3 Data Minimisation

Roscommon County Council will put in place appropriate measures to ensure that the personal data held by it is proportionate for the specified purpose that it was obtained. The personal data collected should therefore be adequate and not excessive for the specified purpose. Consequently all application forms and other means that are used to capture personal data will be designed so that they capture the minimum amount that is necessary to achieve the specified purpose.

4.4 Accuracy

Roscommon County Council will implement appropriate measures to ensure that errors in personal data are identified, reported and corrected in as timely a manner as possible. These will include measures that will:

- Periodically check personal data for its accuracy;
- Focus on personal data that is time-sensitive, i.e. likely to become inaccurate over time unless it is updated;
- Ensure that the Council's databases are kept up-to-date.

4.5 Storage Limitation

Roscommon County Council will retain personal data for no longer than is necessary. Retention periods will be determined by reference to guidelines issued by the Local Government Management Agency (LGMA).

4.6 Integrity & Confidentiality

4.6.1 Roscommon County Council will maintain the highest standards of technical and organisational security measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorised disclosure or access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing.

4.6.2 In order to achieve the highest standards of technical and organisational security appropriate policies and procedures will be developed which will outline the specific security measures to be implemented and responsibilities within the organisation in terms of their implementation.

4.6.3 Security measures will be designed in such a manner that they are proportionate to the risks and sensitivities associated with the various categories of personal data that are under the control of the County Council.

4.6.4 Roscommon County Council shall ensure that it will, where processing is carried out on its behalf, choose a processor that provides sufficient guarantees in respect of the technical and organisational security measures that are required to protect personal data.

4.7 Accountability

The principal of accountability creates a positive duty on Roscommon County Council to actively monitor and govern the management of personal data. The County Council must not only comply but must also be able to demonstrate that it is in a position to demonstrate GDPR compliance. Consequently the County Council will:

- Develop and maintain a range of organisational wide policies, procedures and practices that designed to achieve GDPR compliance;
- Implement appropriate monitoring and reporting mechanisms to facilitate the demonstration of compliance with GDPR.

4.8 Data Subject Rights

Data subjects have a range of rights under GDPR. These include the following:

- The right to be informed;
- The right of access;
- Right to rectification of inaccurate or incomplete data;
- The right to erasure (also known as the 'right to be forgotten') of personal data;
- The right to portability;
- The right to object to the processing of personal data;
- The right to restrict the processing of personal data;
- Rights in relation to automated decision making, including profiling.

Roscommon County Council will develop appropriate policies and procedures to assist data subjects to avail of these rights.

4.9 Personal Data Breaches

4.9.1 Roscommon County Council aims to ensure that in the event of a personal data breach occurring that appropriate measures exist to facilitate:

- The identification of personal data breaches and their consequences;
- The notification of personal data breaches;
- Limiting and / or remedying the impact of personal data breaches;
- Implementing controls to prevent a reoccurrence of the personal data breach.

4.9.2 Appropriate policies and procedures will be developed by the County Council to facilitate it to respond appropriately to personal data breaches.

4.10 Co-ordination and Compliance

Roscommon County Council will appoint a Data Protection Officer. The role of the Data Protection Officer will include:

- Providing advice to the organisation on the measures that are necessary to achieve and retain GDPR compliance;
- Facilitating the development and maintenance of appropriate policies and procedures in relation to the protection of personal data;
- Providing advice on the carrying out, where necessary, of data protection impact assessments;
- Acting as a contact point for data subjects with regard to the exercise of their rights under GDPR;
- Liaising and co-operating with the Data Protection Commission as appropriate.

4.11 Training and Development

Roscommon County Council will arrange the delivery of the following training and development on an on-going basis:

- General awareness raising training designed to provide an overview of data protection policies, procedures and practices to all management and staff members;
- Specialized training and development focusing on specific aspects of data protection for appropriate management and staff members.

5.0 Monitoring and Review

Provisions contained in this policy document will be subject to on-going monitoring and review.

6.0 Further Information

6.1 Further information and advice on the operation of this policy document is available from the Data Protection Officer, Roscommon County Council.

6.2 Contact details for the County Council's Data Protection Officer are as follows:

Phone: 090 6637100
E-mail: dataprotection@roscommoncoco.ie
Website: www.roscommoncoco.ie
Postal Address: Roscommon County Council
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F42 VR98.