



**Comhairle Contae
Ros Comáin**
Roscommon
County Council

COMHAIRLE CONTAE ROS COMÁIN
ROSCOMMON COUNTY COUNCIL

Privacy Statement
Planning Department

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1. Introduction

The role of the Planning Department is to deliver a quality planning and development service to the customers of Roscommon County Council. It achieves this through providing the following services/functions:

- Development Management;
- Forward Planning;
- Planning Enforcement;
- Unfinished Housing Development Resolution.

2. Purpose of Privacy Statement

The purpose of this privacy statement is to describe, in clear and concise terms, the personal data the Planning Department may collect about individuals, why it is needed, how it is used and how individuals may interact with the Planning Department in relation to their personal data. It also outlines the rights of individuals under data protection legislation in relation to the processing of their personal data.

3.0 Definitions

For the purposes of this privacy statement the following definitions apply:

- **Data Subject:** is an identified or identifiable natural person to whom personal data relates.
- **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.

- **Special Categories of Personal Data:** 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.

4.0 Scope

This statement applies to all personal data processed by the Planning Department in physical or electronic format. This data primarily relates to planning applicants / developers, planning agents/ consultants / solicitors and persons who engage in making submissions or observations or complaints on any aspect of the planning system. The foregoing may provide personal data in the course of their engagement with Roscommon County Council in respect of any of the following planning functions:

- Development Management;
- Forward Planning;
- Planning Enforcement;
- Unfinished Housing Development Resolution.

5.0 Data Protection Policy

Roscommon County Council creates, collects and processes a significant amount of personal data in various formats on a daily basis.

It is the policy of Roscommon County Council that:

- It will seek to act at all times in full compliance with data protection legislation in its processing of personal data;
- GDPR principles are respected and strictly adhered to;
- The rights of data subjects are fully respected and protected;
- Measures exist to respond appropriately to personal data breaches;
- Appropriate governance mechanisms exist to oversee compliance with data protection legislation.

Roscommon County Council is fully committed to ensuring that the personal data processed by its Planning Department 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 the purposes 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.

Roscommon County Council has developed a ***Corporate Data Protection Policy and Procedures*** which go in to more detail as to how it intends meeting these commitments.

6.0 What Personal Data is Processed

Details of personal data processed by each of the services/functions of the Planning Department are contained in the following tables:

Table 6.1	
Service/Function	Personal Data Processed
Development Management (Including planning applications submitted under Section 34 of the Planning and Development Act 2000 (as amended), Section 5 Declarations of Exempted Development, Section 57 Declarations in respect of Protected Structures, Section 97 Certificates of Exemption, and Section 254 Licensing of Appliances, Cables etc. on Public Roads)	<p><u>Planning Applicants</u></p> <ul style="list-style-type: none"> • Standard required information as per Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended): <ul style="list-style-type: none"> - Name, address, contact details (telephone, fax, e-mail); - Where applicant is a company – names of company directors; - Part V financial proposals.

	<ul style="list-style-type: none"> • Miscellaneous information which may be submitted by applicants (in support of their pre-planning proposal or planning application): <ul style="list-style-type: none"> - Employment details; - Land / property ownership information; - Location of familial dwellings; - Health related information; - Business accounts and / or other financial information; - Other miscellaneous supporting information– examples include information relating to date of birth, school records, club memberships, employment, marital status, financial records, documents verifying proof of address, property lease information etc. (The type of information is not prescribed by the Planning Authority and is submitted at the discretion of the applicants); - Bank details and PPS Number (in connection with the processing of refunds or in relation to development contribution payments). <p><u>Planning Agents / Consultants</u></p> <ul style="list-style-type: none"> • Names, address, contact details (telephone, fax, e-mail). <p><u>Third Party Submissions</u></p> <ul style="list-style-type: none"> • Name, address, contact details (may include telephone or e-mail address); • Miscellaneous information, volunteered by a person as part of their third party submission.
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Table 6.2	
Service/Function	Personal Data Processed
Forward Planning	<p><u>Statutory Plan Preparation</u></p> <ul style="list-style-type: none"> • Persons making submissions / observations during the Plan making process: <ul style="list-style-type: none"> - Name; - Address; - Contact details (may include telephone or e-mail address); - Other miscellaneous information which may be voluntarily submitted, for example land / property ownership details. <p><u>Vacant Site Register</u></p> <ul style="list-style-type: none"> • Persons engaging with the Planning Authority in relation to the Vacant Site Register: <ul style="list-style-type: none"> - Name; - Address; - Contact details (may include telephone or e-mail address); - Land / property ownership details; - Company / directorship details; - Financial information. <p><u>Residential Zoned Land Tax</u></p> <ul style="list-style-type: none"> • Persons engaging with the Planning Authority in relation to the Residential Zoned Land Tax: <ul style="list-style-type: none"> - Name; - Address;

	<ul style="list-style-type: none"> - Contact details (may include telephone or e-mail address); - Land / property ownership details; - Company / directorship details; - Miscellaneous information that persons may voluntarily wish to provide.
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Table 6.3

Service/Function	Personal Data Processed
Planning Enforcement (including Debt Collection arising from Development Contributions)	<p><u>Planning Enforcement</u></p> <ul style="list-style-type: none"> • Complainants: <ul style="list-style-type: none"> - Name; - Address; - Contact details (may include telephone or e-mail address); - Other miscellaneous information which may be voluntarily submitted, for example land / property ownership details, photographic records etc. • Persons alleged to be undertaking / have undertaken unauthorised development: <ul style="list-style-type: none"> - Name; - Address (refers to the address of the person(s) alleged to be undertaking / have undertaken unauthorised development and where different, the address of the lands at which the alleged unauthorised development is / has been undertaken); - Contact details (may include telephone number and / or e-mail address);

	<ul style="list-style-type: none"> - Miscellaneous information as deemed relevant by the person in response to enforcement communications from the Planning Authority. Examples include land / property ownership details, employment details, financial information, medical information, social media information, photographic records, company / directorship information etc. <p><u>Debt Collection relating to Development Contributions</u></p> <ul style="list-style-type: none"> • Name; • Address; • Contact details (may include telephone or e-mail address); • Other miscellaneous information e.g. bank details, PPS Numbers, herd numbers, Land Registry information etc.
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Table 6.4	
Service/Function	Personal Data Processed
Unfinished Housing Development Resolution	<p><u>Information relating to Taking in Charge Applications</u></p> <ul style="list-style-type: none"> • Name; • Address; • Contact details (may include telephone or e-mail address); • Land / property ownership details; • Financial information in relation to receivership / liquidation of developers; • Insurance information; • Company / directorship details.

	<p><u>Information provided in relation to Tender submissions for works in Unfinished Housing Developments</u></p> <ul style="list-style-type: none"> • Name; • Address; • Contact details (may include telephone and / or e-mail address); • Tax details, • Insurance details; • Business/Company account details; • Health and Safety details; • Details (names, addresses and telephone numbers) of technicians and technical bodies available to tenderer; • Details of tenderers' previous works and services together with contract values pertaining to same; • Record of relevant courses, educational qualifications and grades obtained (management and personnel of business/company submitting tender); • Curriculum Vitae of key personnel; • PPS Numbers; • Driving Licence details.
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Table 6.5	
Service/Function	Personal Data Processed
Miscellaneous Services	<p><u>Planning Searches</u></p> <ul style="list-style-type: none"> • Solicitor or Agent on behalf of client / individual requestor: <ul style="list-style-type: none"> - Name; - Address (subject property); - Land Registry information.

7.0 Why Personal Data is Processed

- 7.1** Personal data is processed by the Planning Department in order to assess compliance with planning policy, assist in planning for the future sustainable development of the area, ensure matters of unauthorised development are investigated and resolved, achieve the satisfactory completion of housing developments to a standard which renders them capable of being taken in charge by the Local Authority, undertake planning searches, process development contribution related discounts and write offs, ascertain land ownership and make additions to the Vacant Site Register.
- 7.2** If the Planning Department proposes to process personal data for a purpose other than that for which it was obtained it will, prior to such processing, provide the data subject with information on that purpose and any other relevant information.

8.0 The Legal Basis for Processing Personal Data

- 8.1** Under Articles 6 and 9 of the GDPR, the processing of personal data requires a legal basis. The legal basis for the Planning Department's processing of personal data includes any one or more of the provisions contained in these Articles and in particular any one or more of the following:
- Article 6(1)(a) of the GDPR where the data subject has given consent to the processing of his or her personal data for one or more specific purposes. Generally, the number of occasions whereby Roscommon County Council relies on consent for the processing of personal data is very limited. In such circumstances the data subject has the right to withdraw consent to the processing of his or her personal data at any time.
 - Article 6(1)(c) of the GDPR where the processing is necessary for compliance with a legal obligation to which Roscommon County Council is subject.

- Article 6(1)(e) of the GDPR where the processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority vested in Roscommon County Council.

8.2 *Appendix A* provides details of the full range of lawful conditions for which Roscommon County Council may process personal data under Articles 6 and 9 of the GDPR.

8.3 Art 2(2)(d) of the GDPR however provides that *'this Regulation does not apply to the processing of personal data by Competent Authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security'*. The Law Enforcement Directive 2016/680 provides for the processing of personal data for such purposes.

9.0 How Personal Data is Obtained

9.1 Most of the personal data collected by the Planning Department is obtained directly from applicants, agents, persons making submissions, owners of sites and properties, workshop attendees, agencies and bodies consulted and owners or occupiers of properties on the Record of Protected Structures.

9.2 However, it may on occasion be necessary for the Planning Authority, in undertaking its functions, to obtain information from other sources such as other sections of Roscommon County Council, the Public Participation Network (PPN), the Property Registration Authority (PRA) or the Companies Registration Office (CRO).

10.0 How Personal Data is Processed

The processing of personal data by staff within the Planning Department is generally carried out by its staff and IT systems. Details of the IT systems that are used by the Planning Department to process personal data are as follows:

- E-planning system;
- Microsoft office packages – primarily Word and Excel;
- Idocs;
- Iplan;
- GIS MapViewer;
- Agresso;
- Milestone 7;
- Contribution and Bond System (CBS);
- Managers Order system.

11.0 Sharing Personal Data with Third Parties

The sharing of personal data with third parties will only occur in circumstances that are permitted by law.

Details of the sharing of personal data by the Planning Department with third parties are contained in the following tables:

Table 11.1	
Service/Function	Third Parties with whom Personal Data is Shared
Development Management	<ul style="list-style-type: none">• All planning application files are publically available (some aspects of information provided will be maintained as confidential and not made available for public viewing);• An Bord Pleanála (in the event of an appeal against a decision / determination made by the Planning Authority).

Table 11.2	
Service/Function	Third Parties with whom Personal Data is Shared
Forward Planning	<p><u>Statutory Plan Preparation</u></p> <ul style="list-style-type: none"> • Submissions made as part of the Plan making process are publically available. <p><u>Vacant Site Register</u></p> <ul style="list-style-type: none"> • An Bord Pleanala (in the event of an appeal against relevant aspects of the Vacant Site Levy). <p><u>Residential Zoned Land Tax</u></p> <ul style="list-style-type: none"> • An Bord Pleanala (in the event of an appeal against a decision to include lands on a map for the purpose of the tax measure).

Table 11.3	
Service/Function	Third Parties with whom Personal Data is Shared
Planning Enforcement (including Debt Collection arising from Development Contributions)	<p><u>Planning Enforcement</u></p> <ul style="list-style-type: none"> • Roscommon County Council's legal advisors; • Court officials (in the event of enforcement action proceeding to court). <p><u>Debt Collection relating to Development Contributions</u></p> <ul style="list-style-type: none"> • Roscommon County Council Accounts Payable; • Contracted debt collection agents.

Table 11.4	
Service/Function	Third Parties with whom Personal Data is Shared
Unfinished Housing Developments Resolution	<ul style="list-style-type: none"> • Consultants / contractors engaged by Roscommon County Council.

Table 11.5	
Service/Function	Third Parties with whom Personal Data is Shared
Miscellaneous Services	<p><u>Planning Searches</u></p> <ul style="list-style-type: none"> All planning application files are publically available (some aspects of information provided will be maintained as confidential and not made available for public viewing).

12.0 Records Retention Policy

The Planning Department will retain personal data only for as long as is necessary for the purposes for which it was obtained. Roscommon County Council has developed detailed ***Record Retention Policies*** which go into more detail regarding the time period for which personal data will be retained.

13.0 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 of personal data (also known as the 'right to be forgotten');
- 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's ***Corporate Data Protection Policy and Procedures*** provide more detailed information on these rights and how to exercise them.

14.0: Complaints to the Data Protection Commission

14.1 Data subjects may make a complaint in the following circumstances:

- a) If they experience a delay outside of the prescribed timeframe for making a decision on a request to exercise their data subject rights;
- b) If they are dissatisfied with a decision by Roscommon County Council on their request to exercise their data subject rights;
- c) If they consider that Roscommon County Council's processing of their personal data is contrary to data protection legislation.

14.2 Contact details for the Data Protection Commission are as follows:

Phone Number: 01 7650100 / 1800 437737.

Postal Address: Data Protection Commission
21 Fitzwilliam Square South
Dublin 2
D02 RD28.

Online: www.dataprotection.ie provides details for online contact.

15.0 Monitoring and Review

Provisions contained in this statement shall be subject to on-going monitoring and review.

16.0: Further Information

Further information and advice on the operation of this privacy statement is available from the Data Protection Officer, Roscommon County Council. 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
Áras an Chontae
Roscommon
F42 VR98.

Appendix A: Lawful Processing Conditions

(a) Lawful Processing Conditions – Personal Data

Under Article 6 of the GDPR the processing of personal data is lawful only if at least one of the following conditions apply:

- 1) The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- 2) 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;
- 3) The processing is necessary for compliance with a legal obligation to which the controller is subject;
- 4) The processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- 5) The 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 Controller;
- 6) The processing is necessary for the purposes of the legitimate interests pursued by the Controller or by a third party (Processor), 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. This condition shall not apply to processing carried out by public authorities in the performance of their tasks.

(b) Lawful Processing Conditions – Special Categories of Personal Data

Under Article 9 of the GDPR the processing of Special Categories of Personal Data is lawful only if at least one of the following conditions apply:

- 1) The data subject has given explicit consent to the processing of those personal data for one or more specified purposes;
- 2) The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the Controller or of the data subject in the field of employment and social security and social protection;
- 3) The processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- 4) The processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on the condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- 5) The processing relates to personal data which are manifestly made public by the data subject;
- 6) The processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- 7) The processing is necessary for reasons of substantial public interest;
- 8) The processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services pursuant to contract with a health professional;
- 9) The processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices; or
- 10) The processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with the Regulation.