

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL



General Data Protection Regulation and Data Protection Act 2018

PRIVACY STATEMENT

Planning Department

Approved by the Departmental Controller for the Planning Department on the [2 January 2023]

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1.0 Introduction

The Role of the Planning Department is to deliver a quality planning and development service to the customers of Dún Laoghaire-Rathdown County Council.

This is achieved through the provision of the following services/functions:

- 1.1 Development Management
- 1.2 Planning Enforcement
- 1.3 Forward Planning
- 1.4 County Planning Initiatives
- 1.5 Outdoor Event Licences
- 1.6 Vacant Site Register
- 1.7 Building Control (taking in charge)
- 1.8 Building Control Authority Functions
- 1.9 Building Control Functions of the European Union (Energy Performance of Buildings)
- 1.10 Market Surveillance Authority Functions
- 1.11 Financial Compliance
- 1.12 Public Counter

* In respect of enforcement and prosecution functions, Building Control and Planning Enforcement , the Council processes personal data under the Law Enforcement Directive

2.0 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:

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- 3.1 **Data Subject:** is an identified or identifiable living individual who is the subject of personal data
- 3.2 **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 person.
- 3.3 **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.
- 3.4 **Processing:** is widely defined under the GDPR and means performing any operation or set of operations on personal data, whether or not by automated means, including:
- the collection, recording, organisation, structuring or storing of the data;
 - the adaptation or alteration of the data;
 - the retrieval, consultation or use of the data;
 - the disclosure of the data by their transmission, dissemination or otherwise making the data available;
 - the alignment or combination of the data; or
 - the restriction, erasure or destruction of the data
- 3.5 **Data concerning health:** means personal data relating to the physical or mental health of an individual, including the provision of health care services to the individual, that reveal information about the status of his or her health.

4.0 Scope

This statement applies to all personal data processed by the Planning Department in physical or electronic format relating to the services/functions outlined in Section 1.0. Approved by the Departmental Controller for the Planning Department on the [2 January 2023]

The data primarily relates to planning applicants/developers, planning agents/consultants, and persons who engage in making submissions or observations on any aspect of the planning system.

5.0 Data Protection Policy

The Planning Department process significant amount of personal data in various formats on an on-going basis. Dún Laoghaire-Rathdown County Council is committed to ensuring that personal data processed by its Planning Department is:

- Obtained lawfully, fairly and in a transparent manner;
- Obtained for a specified, explicit and legitimate purposes only;
- Adequate, relevant and limited to what is necessary for the 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 in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

Dún Laoghaire-Rathdown County Council's Data Protection Policy goes into more detail as to how it intends meeting these commitments.

6.0 What Personal Data is Processed?

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

Table 6.1	
Services/Function	Personal Data processed
Development Management	

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<p>Planning Applicants: (Required)</p> <p>(Miscellaneous information which may be submitted by applicants in support of their pre-planning proposal or planning application)</p> <p>Planning Agents/Consultants:</p> <p>Third party submissions:</p>	<p>Personal Data</p> <ul style="list-style-type: none"> • Name, • Address, • Contact details (telephone, fax, email); ▪ Where applicant is a company – names of company directors; ▪ Part V financial proposals. <ul style="list-style-type: none"> ▪ Employment details; ▪ Land/property ownership information; ▪ Location of familial dwellings; ▪ Herd Numbers / REP numbers; ▪ Business accounts and/or other financial information; ▪ Records – Birth, School, Employment. Club Memberships ▪ Marital Status <p>Special Category Data</p> <ul style="list-style-type: none"> ▪ Health related information <ul style="list-style-type: none"> ▪ Name ▪ Address, ▪ Contact details (telephone, fax, email) <ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Miscellaneous information volunteered by a person as part of their third party submission
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Table 6.2

Services/Function	Personal Data processed
<p>Planning Enforcement</p> <p><u>Complaints</u></p>	<ul style="list-style-type: none"> ▪ Name ▪ Address

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<p>Persons alleged to be undertaking / have undertaken unauthorised development:</p> <p>*In respect of these functions, the Council processes personal data under the Law Enforcement Directive</p>	<ul style="list-style-type: none"> ▪ Contact details (telephone, email) ▪ Miscellaneous information volunteered by a person as part of an enquiry or complaint ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Miscellaneous information volunteered by a person as part of a response to correspondence received from Planning Enforcement
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Table 6.3	
Services/Function	Personal Data processed
<p>Forward Planning (Persons making submissions/observations during the County Development Plan making process)</p>	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Other miscellaneous information which may be voluntarily submitted, e.g. land/property ownership details

Table 6.4	
Services/Function	Personal Data processed
<p>County Planning Initiatives</p>	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email)

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	<ul style="list-style-type: none"> ▪ Other miscellaneous information which may be voluntarily submitted, e.g. land/property ownership details
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Table 6.5	
Services/Function	Personal Data processed
Outdoor Event Licences (Persons making submissions/observations)	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email)

Table 6.6	
Services/Function	Personal Data processed
Active Land Management Vacant Site Register (Persons engaging with the Planning Authority in relation to Vacant Site Register)	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Land/property ownership details ▪ Financial information
RZLT (Residential Zoned Land Tax)	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Land/property ownership details

Table 6.7	
Services/Function	Personal Data processed
<p>Building Control (Taking-in-charge)</p> <p>Applicants (Developers)</p> <p>Consultants (Design team)</p> <p>Residents</p>	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) <ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) <ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email)

Table 6.8

Services/Function	Personal Data processed
<p>Building Control (Building Control Authority Functions) Persons or agents making enquiries in relation to various applications (Fire Safety Certificates, Disability Access Certificates or dispensations), BCAR (Building Control Amendment Regulations) documentation or complaints</p> <p>General Public</p> <p>Owner/Builder/Assigned Certifier/Design Certifier</p> <p>Agents</p> <p>*In respect of these functions, the Council processes personal data under the Law Enforcement Directive</p>	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Miscellaneous information volunteered by a person as part of an enquiry or complaint ▪ EFT forms to process refunds <ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ EFT forms to process refunds ▪ <ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ EFT forms to process refunds ▪

Table 6.9	
Services/Function	Personal Data processed
<p>Building Control Functions of the European Union (Energy Performance of Buildings) Regulations 2012 (as amended)</p> <p>*In respect of these functions, the Council processes personal data under the Law Enforcement Directive</p>	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Miscellaneous information volunteered by a person as part of an enquiry or complaint

Table 6.10	
Services/Function	Personal Data processed
<p>Market Surveillance Authority (Functions of the Market Surveillance Authority, as per European Union (Construction Products) Regulations 2013, as amended)</p> <p>*In respect of these functions, the Council processes personal data under the Law Enforcement Directive</p>	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Miscellaneous information volunteered by a person as part of an enquiry or complaint

Table 6.11	
Services/Function	Personal Data processed
<p>Financial compliance (Bonds and Contributions)</p>	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email)

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	<ul style="list-style-type: none"> ▪ Financial information (may include bank account details) ▪ Other miscellaneous information which may be legal representative/agent details
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Table 6.12	
Services/Function	Personal Data processed
Public Counter (Generic email accounts /postal queries and requests including Identity Certs and Section 57 – Protected Structures requests for Declaration).	<ul style="list-style-type: none"> ▪ Name ▪ Address ▪ Contact details (telephone, email) ▪ Other miscellaneous information which may be voluntarily submitted

7.0 Why Personal Data is Processed

Personal data is processed by the Planning Department in order to deliver the services/functions outlined in section 1.0.

If the Planning Department proposes to process personal data for a purpose other than what it was obtained for, 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

The legal basis for processing personal data by the Planning Department is contained in the following legislation:

- Planning and Development Act 2000 (as amended)
- Planning and Development Regulations 2001 (as amended)
- Urban Regeneration and Housing Act 2015
- Planning and Development (Housing) & Residential Tenancies Act 2016

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- Building Control Act 1990 (as amended) - Article 8(2)
- Building Control Regulations 1997, as amended
- European Union (Construction Products) Regulations 2013 (as amended) Part 3
European Union (Energy Performance of Buildings) Regulations 2012 (as amended) Part 5
- Local Government Act 2001 - Section 54(2) and 65

If any person has a query about the lawful basis for a service listed in this privacy notice, they should contact the Council's data protection officer at dataprotectionofficer@dlrcoco.ie.

9.0 How Personal Data is Obtained

Most of the personal data collected by the Planning Department is obtained directly from the persons availing of the services/functions outlined at section 1.0-

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 Dún Laoghaire-Rathdown County Council, the Public Participation Network (PPN), agents, persons making submissions or the Property Registration Authority (PRA).

If a person seeking to avail of a service from the Council as set out in this Privacy Notice does not provide the necessary personal data required by the Council to provide the service, then it will not be possible for the Council to provide the service to that person.

10.0 How Personal Data is Processed

The processing of personal data by staff within the Planning Department is carried out through the use of:

- Hard copies files
- Electronic files
- Databases (Customer Relationship Management, APAS/Zylab, Milestone 4, GIS Map Viewer, Consultation Hub, Enforcement Register, Financial Contribution System, BCMS, Sharepoint /dlrDocs)
- Productivity Applications (Microsoft Office)

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- Collaboration Applications (Microsoft Teams, Microsoft Outlook)

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	
Services/Function	Third Parties with whom Personal Data is Shared
Development Management	<ul style="list-style-type: none"> • Members of the Public - All planning application files are publicly available (some aspects of information provided will be maintained as confidential and not made available for public viewing).

Table 11.2	
Services/Function	Third Parties with whom Personal Data is Shared
Planning Enforcement	<ul style="list-style-type: none"> • Members of the Public – Statutory Planning notices served under Planning Enforcement legislation Part VIII of the Planning Development act 2000, as amended, are publicly available (some aspects of information provided will be maintained as confidential and not made available for public viewing).

Table 11.3	
Services/Function	Third Parties with whom Personal Data is Shared
Forward Planning	<ul style="list-style-type: none"> • Members of the Public - Submissions made as part of the Plan making process are publicly available.

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Table 11.4	
Services/Function	Third Parties with whom Personal Data is Shared
County Planning Initiatives	<ul style="list-style-type: none"> • Consultants – For the purposes of planning initiatives.

Table 11.5	
Services/Function	Third Parties with whom Personal Data is Shared
Outdoor Event Licences	<ul style="list-style-type: none"> • Members of the Public – All submissions/observations made are publicly available (some aspects of information provided will be maintained as confidential and not made available for public viewing).

Table 11.6	
Services/Function	Third Parties with whom Personal Data is Shared
Vacant Site Register	<ul style="list-style-type: none"> ▪ An Bord Pleanála - DLR is required by law to supply data, some of which may be personal ▪ Valuation Tribunal - DLR is required by law to supply data, some of which may be personal ▪ Department of Housing ▪ Other Council Departments - In the carrying out of our legal obligations, personal data may also be shared internally with the Legal Services Department and the Finance Department

Table 11.7	
Services/Function	Third Parties with whom Personal Data is Shared
Building Control (taking in Charge)	<ul style="list-style-type: none"> ▪ N/A

Table 11.8	
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Services/Function	Third Parties with whom Personal Data is Shared
Building Control Authority functions	Members of the public at the public counter or where copies are requested for the purpose of enabling the material to be inspected at another time or place, or otherwise facilitating the exercise of any right for the purpose of which the requirement is imposed

Table 11.9	
Services/Function	Third Parties with whom Personal Data is Shared
Building Control Functions of the European Union (Energy Performance of Buildings) Regulations	<ul style="list-style-type: none"> ▪ N/A

Table 11.10	
Services/Function	Third Parties with whom Personal Data is Shared
Market Surveillance Authority Functions	<ul style="list-style-type: none"> ▪ N/A

Table 11.11	
Services/Function	Third Parties with whom Personal Data is Shared
Financial Compliance	<ul style="list-style-type: none"> ▪ N/A

Table 11.12	
Services/Function	Third Parties with whom Personal Data is Shared
Public Counter	<ul style="list-style-type: none"> ▪ Members of the Public - All planning application files are publicly available (some aspects of information provided will be maintained as confidential and not made available for public viewing).

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12.0 Records Retention Policy

The Planning Department's practices in relation to the retention of personal data are guided by the Local Government Management Agency's (LGMA) National Retention Policy for Local Authority Records and any updates that are issued by the LGMA. A copy of this retention policy can be found at <https://www.lgma.ie/en/publications/corporate/national-retention-policy-for-local-authority.pdf>

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 (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.

If you wish to exercise any of these rights, you should contact the Council's Data Protection Co-ordinator in the Council's Freedom of Information Unit; Contact details below:

Data Protection Co-Ordinator
Dún Laoghaire-Rathdown County Council
Marine Road
Dún Laoghaire
County Dublin
Tel.: 01 2054700
E-mail: dataprotection@dlrcoco.ie

14.0 Further Information

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Further information and advice on the operation of this privacy statement is available from the Data Protection Officer, Dun Laoghaire-Rathdown County Council. Contact details for the County Council's Data Protection Officer are as follows:

Data Protection Officer,
Dun Laoghaire-Rathdown County Council
Marine Road
Dun Laoghaire
County Dublin
Tel.: 01 2054700
E-mail: dataprotectionofficer@dlrcoco.ie

15.0 Complaints to the Data Protection Commission

If a Data subject is not satisfied with any aspect of this statement they may make a complaint to the Council's Data Protection Officer. The contact details for the Data Protection Officer are outlined at 14.0 above. However, a data subject may also make a complaint to the Data Protection Commission in following circumstances:

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

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

Data Protection Commission,
21 Fitzwilliam Square South
Dublin 2
D02 RD28

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Tel.: +353 578 648 800 or +353 761 104 800

E-mail: info@dataprotection.ie

Website: www.dataprotection.ie

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