

# **DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL**



## **General Data Protection Regulation and Data Protection Act 2018**

# **PRIVACY STATEMENT**

## **Architects Department**

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### **1.0 Introduction**

The role of the Architects' Department is to undertake certain statutory functions of the Council and to provide inter departmental support within the Council in the provision of services which enhance the quality of life for all in the County.

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

- 1.1 Dangerous Buildings
- 1.2 Conservation Services
- 1.3 Grants
- 1.4 Small Works
- 1.5 Annual Home Energy Seminar

## **2.0 Purpose of Privacy Statement**

The purpose of this privacy statement is to describe, in clear and concise terms, the personal data the Housing Department may collect about individuals, why it is needed, how it is used and how individuals may interact with the Architects' 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:

- 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 Architects' Department in physical or electronic format, relating to the services and functions outlined in Section 1.0.

#### **5.0 Data Protection Policy**

The Architects' Department processes personal data in various formats on an on-going basis. Dun Laoghaire-Rathdown County Council is committed to ensuring that personal data processed by its Architects' 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.

Dun Laoghaire-Rathdown County Council 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 Architects' Department are contained in the following tables:

<b>Table 6.1</b>	
<b>Service/Function</b>	<b>Personal Data processed</b>
<b>Dangerous Buildings</b>	<ul style="list-style-type: none"> <li>• Name</li> <li>• Address / Eircode</li> <li>• Contact Details (Phone no, Email address)</li> </ul>

<b>Table 6.2</b>	
<b>Service/Function</b>	<b>Personal Data processed</b>
<b>Conservation Services (reporting on planning applications)</b>	<ul style="list-style-type: none"> <li>• Name</li> <li>• Address / Eircode</li> <li>• Contact Details (Phone no, Email address)</li> </ul>

<b>Table 6.3</b>	
<b>Service/Function</b>	<b>Personal Data processed</b>
<b>Grants</b> (Conservation Grants and Historic Structures Funds Grants)	<ul style="list-style-type: none"> <li>• Name</li> <li>• Address / Eircode</li> <li>• Contact Details (Phone no, Email address)</li> <li>• Bank details</li> <li>• PPS number</li> <li>• Tax Clearance Certificate</li> <li>• Name of Contractor</li> <li>• Name of Conservation Architect</li> </ul>

<b>Table 6.4</b>	
<b>Service/Function</b>	<b>Personal Data processed</b>
<b>Small Works (data is collected by the Housing Department)</b> (disabled persons grants, small extensions, upgrades and alterations)	Personal Data <ul style="list-style-type: none"> <li>• Name</li> <li>• Address / Eircode</li> <li>• Contact Details (Phone no, Email address)</li> <li>• Family composition</li> </ul> Special Category Data <ul style="list-style-type: none"> <li>• Health/Medical data – Occupational Therapist Report</li> </ul>

<b>Table 6.5</b>	
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<b>Table 6.5</b>	
<b>Service/Function</b>	<b>Personal Data processed</b>
<b>Annual Energy Seminar</b>	<ul style="list-style-type: none"> <li>• Name</li> <li>• Email address</li> </ul>

## **7.0 Why Personal Data is Processed**

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

If Architects' Department proposes to process personal data for a purpose other than 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**

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

- Local Government (Sanitary Services) Act 1964 - Section 3 and 15
- Planning & Development Act 2000 (as amended) - Section 34(8)
- Local Government Act 2001 - Sections 65 and 66

[Approved by the Data Controller for the Architects Department - January 2023]

- Housing (Disabled Persons and Essential repairs Grants) Regulations 1993
- Housing (Disabled Persons and Essential Repairs Grants) Regulations 2001
- Housing (Adaption Grants for Older people and People with a Disability) Regulations 2001

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](mailto:dataprotectionofficer@dlrcoco.ie).

## **9.0 How Personal Data is Obtained**

Most of the personal data collected by the Architects' Department is obtained directly from individuals availing of the services/functions outlined in section 1.0. However, personal data may also be collected from the Council's Referencer in order to establish ownership of a dangerous structure.

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 Architects' Department is carried out through the use of:-

- Hard Copy office files
- Electronic files
- Databases (Customer Relationship Management)
- Productivity Applications (Microsoft Office)
- 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 Architects' Department with third parties are contained in the following tables:

<b>Table 11.1</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Dangerous Buildings</b>	<ul style="list-style-type: none"> <li>• Consultant Engineers – to carry out a report on the dangerous structure.</li> <li>• Contractors – to carry out emergency work on the dangerous structure</li> </ul>

<b>Table 11.2</b>	
<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Conservation Services</b> (Protected structures)	<ul style="list-style-type: none"> <li>• Members of the Public - Reports on planning applications are available to the public to view on a planning file.</li> </ul>

<b>Table 11.3</b>	
<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Grants</b> (Conservation Grants and Structures at Risk Grants)	<ul style="list-style-type: none"> <li>• Department of Culture, Heritage and the Gaeltacht - To reclaim the cost of the grants</li> </ul>

<b>Table 11.4</b>	
<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared (data is collected by the Housing Department)</b>
<b>Small Works Section</b> (disabled persons grants, small extensions, upgrades and alterations)	<ul style="list-style-type: none"> <li>• Contractors – To enable them tender for the work</li> <li>• Auditors – As part of the procurement process.</li> <li>• Consultants – To carry out reports relating to the works</li> <li>• Suppliers</li> </ul>

<b>Table 11.5</b>	
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<b>Service/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
Home Energy Seminar	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

## **12.0 Records Retention Policy**

The Architects' Department's practices in relation to the retention of personal data are guided by the Local Government Management Agency's 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](mailto:dataprotection@dlrcoco.ie)

#### **14.0 Further Information**

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](mailto:dataprotectionofficer@dlrcoco.ie)

#### **15.0 Complaints to the Data Protection Commission**

If a Data subject is not satisfied with any aspect of this statement 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

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

E-mail: [info@dataprotection.ie](mailto:info@dataprotection.ie)

Website: [www.dataprotection.ie](http://www.dataprotection.ie)

January 2023