

# **DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL**



## **PRIVACY STATEMENT** **Planning Department**

23 March 2021

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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 Forward Planning
- 1.3 County Planning Initiatives
- 1.4 Outdoor Event Licences
- 1.5 Vacant Site Register
- 1.6 Building Control
- 1.7 Financial Compliance
- 1.8 Public Counter

## **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:

- 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

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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.

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

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## **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:

<b>Table 6.1</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<p><b>Development Management</b></p> <p>Planning Applicants: (Required)</p> <p>(Miscellaneous information which <b>may be</b> 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"> <li>• Name,</li> <li>• Address,</li> <li>• Contact details (telephone, fax, email);</li> <li>▪ Where applicant is a company – names of company directors;</li> <li>▪ Part V financial proposals.</li> </ul> <ul style="list-style-type: none"> <li>▪ Employment details;</li> <li>▪ Land/property ownership information;</li> <li>▪ Location of familial dwellings;</li> <li>▪ Herd Numbers / REP numbers;</li> <li>▪ Business accounts and/or other financial information;</li> <li>▪ Records – Birth, School, Employment. Club Memberships</li> <li>▪ Marital Status</li> </ul> <p>Special Category Data</p> <ul style="list-style-type: none"> <li>▪ Health related information</li> </ul> <ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address,</li> <li>▪ Contact details (telephone, fax, email)</li> </ul> <ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Contact details (telephone, email)</li> <li>▪ Miscellaneous information volunteered by a person as part of their third party submission</li> </ul>
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<b>Table 6.2</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<b>Forward Planning</b> (Persons making submissions/observations during the County Development Plan making process)	<ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address</li> <li>▪ Contact details (telephone, email)</li> <li>▪ Other miscellaneous information which may be voluntarily submitted, e.g. land/property ownership details</li> </ul>

<b>Table 6.3</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<b>County Planning Initiatives</b>	<ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address</li> <li>▪ Contact details (telephone, email)</li> <li>▪ Other miscellaneous information which may be voluntarily submitted, e.g. land/property ownership details</li> </ul>

<b>Table 6.4</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<b>Outdoor Event Licences</b> (Persons making submissions/observations)	<ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address</li> <li>▪ Contact details (telephone, email)</li> </ul>

<b>Table 6.5</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<b>Vacant Site Register</b>	<ul style="list-style-type: none"> <li>▪ Name</li> </ul>

(Persons engaging with the Planning Authority in relation to Vacant Site Register)	<ul style="list-style-type: none"> <li>▪ Address</li> <li>▪ Contact details (telephone, email)</li> <li>▪ Land/property ownership details</li> <li>▪ Financial information</li> </ul>
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<b>Table 6.6</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<b>Building Control</b> (Taking-in-charge)	<ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address</li> <li>▪ Contact details (telephone, email)</li> </ul>

<b>Table 6.7</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<b>Financial compliance</b> (Bonds and Contributions)	<ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address</li> <li>▪ Contact details (telephone, email)</li> <li>▪ Financial information (may include bank statements, credit/debit card details)</li> <li>▪ Other miscellaneous information which may be legal representative/agent details</li> </ul>

<b>Table 6.8</b>	
<b>Services/Function</b>	<b>Personal Data processed</b>
<b>Public Counter</b> (Generic email accounts /postal queries and requests including Identity Certs and Section 57 – Protected Structures requests for Declaration).	<ul style="list-style-type: none"> <li>▪ Name</li> <li>▪ Address</li> <li>▪ Contact details (telephone, email)</li> <li>▪ Other miscellaneous information which may be voluntarily submitted</li> </ul>



## **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 & Development Act 2000 (as amended)
- Planning & Development Regulations 2001 (as amended)
- Urban Regeneration and Housing Act 2015
- Planning & Development (Housing) & Residential Tenancies Act 2016
- Building Control Act 1990 (as amended) - Article 8(2)
- Local Government Act 2001 - Section 54(2) and 65

## **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).

## **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:

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- 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)
- 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:

<b>Table 11.1</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Development Management</b>	<ul style="list-style-type: none"> <li>• 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).</li> </ul>

<b>Table 11.2</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Forward Planning</b>	<ul style="list-style-type: none"> <li>• Members of the Public - Submissions made as part of the Plan making process are publicly available.</li> </ul>

<b>Table 11.3</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>County Planning Initiatives</b>	<ul style="list-style-type: none"> <li>• Consultants – For the purposes of planning initiatives.</li> </ul>

<b>Table 11.4</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Outdoor Event Licences</b>	<ul style="list-style-type: none"> <li>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).</li> </ul>

<b>Table 11.5</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Vacant Site Register</b>	<ul style="list-style-type: none"> <li>An Bord Pleanála - DLR is required by law to supply data, some of which may be personal</li> <li>Valuation Tribunal - DLR is required by law to supply data, some of which may be personal</li> <li>Department of Housing</li> <li>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</li> </ul>

<b>Table 11.6</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Building Control</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

<b>Table 11.7</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>
<b>Financial Compliance</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

<b>Table 11.8</b>	
<b>Services/Function</b>	<b>Third Parties with whom Personal Data is Shared</b>

<b>Public Counter</b>	<ul style="list-style-type: none"> <li>▪ 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).</li> </ul>
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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.

## **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.

Dún Laoghaire-Rathdown County Council has developed a Data Subject Rights Policy and Procedures document which provides more detailed information on the rights of a data subject and how to exercise them.

## **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](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 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](mailto:info@dataprotection.ie)

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

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