

Data Protection and representations made by Elected Members

A European Union-wide framework known as the General Data Protection Framework came into force across the EU on 25 May 2018. The purpose of the Regulation is to oversee the use of personal data by organisations and control such use to protect the personal data and special category personal data.

Personal data

Under the GDPR, personal data is data that relates to or can identify a living person, either by itself or together with other available information. Examples of personal data include a person's name, phone number, bank details and medical history.

Special category personal data

Special category personal data (known as sensitive personal data under previous Irish legislation) means personal data relating to any of the following:

- The data subject's racial or ethnic origin, their political opinions or their religious or philosophical beliefs
- Whether the data subject is a Member of a trade union
- The data subject's physical or mental health or condition or sexual life
- Whether the data subject has committed or allegedly committed any offence
- Any proceedings for an offence committed or alleged to have been committed by the data subject, the disposal of such proceedings or the sentence of any court in such proceedings

Most of the Council's special category personal data relates to data relating to individuals' health.

The Council has also decided that for the purpose of representations made by Elected Members to the Council, PPS details, financial data and data on criminal investigations and convictions will be dealt with in the same manner as special category personal data.

Data Subject

A data subject is the individual to whom the personal data relates. This is the Elected Member's constituent in the case of a representation made to the Council by an Elected Member.

Data Controller

A data controller is a person or an organisation that, alone or with others, who determines the means or the purposes of the processing of personal data.

Individual Elected Members of a Local Authority are Data Controllers in respect of personal data that they process in respect of their constituents and they are obliged to comply with the GDPR in respect of their processing of this personal data.

Elected Members

Section 40 of the Data Protection Act 2018 deals with the processing of personal data where Elected Representatives make representations on behalf of their constituents. A link to section 40 of the Data Protection Act 2018 is located **here**.

Elected Members must obtain consent from their constituents to make representations on their behalf.

The Data Protection Commission published Guidelines on the processing of personal data by Elected Representatives under section 40 of the Data Protection Act 2018. A link to these guidelines is located **here**.

As a result of these Guidelines, the Council has put in place suitable and specific measures to safeguard the fundamental rights and freedoms of the personal data processed as a result of representations received from Elected Members. Some of these measures have been built into this platform. If you have any queries about the processing of personal data under section 40 of the Data Protection Act 2018, please contact the Council's Data Protection Officer at dataprotectionofficer@dlrcoco.ie.

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