

DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL



Planning Department

General Data Protection Regulation and the Data Protection Act 2018

PRIVACY STATEMENT for processing of personal data contained in submissions on the Draft Map for the Residential Zoned Land Tax

Who we are and why do we require your information?

Dun Laoghaire Rathdown County Council (“the Council”) seeks to promote the economic, social and cultural development of the County of Dun Laoghaire Rathdown and in doing so contribute significantly to improving the quality of life of the people of the County. The delivery of high quality services, tailored to meet the needs of all our customers, remains one of the Council’s core objectives and is included in our Corporate Plan. In order to provide the most effective and targeted range of services to meet the needs of the citizens, communities and businesses of the County of Dun Laoghaire Rathdown, we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being used, the information sought may include ‘personal data’ as defined by the Data Protection Acts and by the General Data Protection Regulation (GDPR) and may relate to current, past and future service users, past, current and prospective employees/suppliers, and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect, process and use certain types of personal data to comply with regulatory or legislative requirements.

Why do we have a privacy statement?

This privacy statement has been created in order to demonstrate our commitment to privacy and to assure you that in all your dealings with the Council we will ensure the security of the data you provide to us. The Council creates, collects and processes a significant amount of personal data in various formats on a daily basis. The Council’s commitment to you is that the personal data you may be required to supply to us 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 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 only in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

More detail is available in our Data Protection Policy Statement at <https://www.dlrcoco.ie/en/governance/gdpr-data-protection-and-privacy>.

What is the activity referred to in this Privacy Statement?

The Finance Act 2021 introduces the Residential Zoned Land Tax (RZLT) taxation measure to activate land which is suitably zoned and connected to, or has access to services for the provision of housing. This will incentivise the commencement of construction of existing planning permissions on such lands, in addition to encouraging engagement with Planning Authorities on seeking planning permission.

Section 653C of the Finance Act 2021 sets out the legislation for the preparation of the "Draft Map" for the purpose of identifying land that is to be potentially subject to the residential zoned land tax. The Planning Authority are to invite submissions on the draft map.

The draft map is the first stage in producing a "final map" as set out in Section 653K of the Finance Act 2021. The draft map must identify all land satisfying the relevant criteria as set out in Section 653B of the Finance Act 2021 and specify the date on which the land first satisfied the relevant criteria where that date is after 1st January 2022, as well as the total area in hectares identified on the map.

The submissions received on the draft map will be evaluated and determined whether the subject land shall be included or excluded on the "final map", and the date on which the subject land first satisfied the relevant criteria, as per Section 653E of the Finance Act 2021. Submissions requesting a change to the zoning of lands included in the draft map shall be evaluated and consideration shall be given as to whether to propose to make a variation under Section 13 of the Planning and Development Act of 2000, as amended, as per Section 653I of the Finance Act 2021.

The Planning Authority must publish a supplemental map showing any additional lands that were proposed during the submission stage on the draft map and deemed to have met the criteria set out in Section 653F of the Finance Act 2021 for inclusion on the supplemental map. The supplemental map must be published by 1st of May 2023.

What is the basis for making the processing of this personal data lawful?

Processing is necessary for compliance with a legal obligation to which Dún Laoghaire Rathdown County Council is subject in accordance with Article 6 (1)(c) of the GDPR.

Specifically, the lawful basis for this process is Section 653C & 653I of the Finance Act 2021 and Section 13(3A) of the Planning and Development Act 2000, as amended

What types of personal data is required in this process?

Name, postal address and where the submitter is the owner of the site the submission shall be accompanied by a map prepared by Ordnance Survey Ireland at a scale at which the site can be accurately identified.

We require contact details

You will be asked for contact details in order for us to communicate with you; you do not have to provide all contact details but providing more, such as email address, makes it easier to communicate.

We require that those submitting to the public consultation provide their personal details for the following reasons:

- To confirm the identity of the person entering a submission;
- To acknowledge receipt of a submission;
- To ensure that submissions are legitimate;
- To ensure that any further information required can be requested by the Local Authority, and is returned within the statutory time limit of 21 days from date of receipt of the request by the submitter, as per Section 653E(2) & (3) of the Finance Act 2021;
- To request such evidence as is necessary to prove the submitter's ownership of the site, as per Section 653D(3) of the Finance Act 2021.

What will happen if the personal data is not provided?

The Council may need to contact you in relation to your submission. Failure to provide your contact details may result in the Council's inability to process your submission.

It may result in the Local Authority not being able to seek further information from you on your submission, which will inhibit the evaluation and determination process set out in 653E of the Finance Act 2021

What other types of personal data do we need to undertake this activity?

None

Am I the only source of this personal data?

In some instances, to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party.

This DOES NOT APPLY to this activity.

Publication of submissions online:

Persons should be advised, as per Section 653D(2) of the Finance Act 2021, as amended, that the Planning Authority are required to publish, no later than 11 January 2023, on the website maintained by it, the submissions (other than such elements of a submission which may constitute personal data), received by it in accordance with Section 653(1) of the Finance Act 2021.

Where your submission relates to a request to rezone land that is included on the draft map the Local Authority shall publish your submission within 10 working days, as per Section 13(3A) of the Planning and Development Act 2000, as amended. This publication date is subject to the Local Authority not being of the opinion that the submission is vexatious, libellous, containing confidential information relating to a third party, or if the Local Authority has sought legal advice on the above matters.

Is personal data submitted as part of this activity shared with other organisations?

The Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations or entities (in Ireland or abroad). Where this is required the Council shall have regard to your rights, to the security and integrity of the data and will minimise the data shared.

Where a submission raises issues relating to the servicing of the land or other particular criteria such as contamination, the Local Authority may refer the contents of the submission along with the relevant section of the draft map to Irish Water, TII or other relevant bodies identified under Article 28 of the 2001 Planning and Development Regulations, requesting further information on the serviced status of the land or otherwise, as per Section 653E(2) of the Finance Act 2021.

Where a future appeal is made to An Bord Pleanála in relation to a determination made by the Local Authority under section 653E of the Finance Act 2021, the information provided as part of any submission connected with that appeal will be shared with An Bord Pleanála to allow them to assess all aspects of the appeal, as per Section 653J of the Finance Act 2021.

The Planning Authority will exercise the principles of data minimisation to the personal information collected during this process when sharing the information. The information shared will be what is directly relevant and necessary to accomplish a specified purpose, namely the seeking of further information from prescribed bodies (section 653E of the Finance Act 2021) and the sharing of information with An Bord Pleanála to allow an assessment of an appeal (section 654J of the Finance Act 2021).

How long is my data kept for?

The Local Authority sector operates under a detailed record retention policy which outlines time periods for which your personal data will be retained and what will happen to it after the required retention period has expired. The National Record Retention Policy for Local Authority Records is available online at: <https://www.lgma.ie/en/publications/corporate/national-retention-policy-for-local-authority.pdf>

Do you need to update your records?

Dún Laoghaire Rathdown County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date. In addition, if the data held by us is found to be inaccurate you have the right to rectify/correct this. If you find that personal data we have about you is inaccurate or needs to be updated (for instance, you may have changed your name, address, contact details etc.) then please contact us so that we can correct it. You can do this by writing to us at Dún Laoghaire-Rathdown County Council, County Hall, Marine Road, Dún Laoghaire, Co.Dublin, A96 K6C9 / emailing info@dlrcoco.ie / or phone (00353-1) 205 4700.

Your Rights

You have the right to request access to personal data held about you, obtain confirmation as to whether data concerning you exists, be informed of the content and source of data and check its accuracy. In addition, if the data held by us is found to be inaccurate you have the right to change, remove, block, or object to the use of, personal data held by the Council. In certain circumstances blocking access to data may delay or remove access to a service where the data is required by law or for essential purposes related to delivery of a service to you. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. To exercise these rights use you should take the following steps,

Subject data requests can be made via the following [link](#)

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

Right of Complaint to the Office of the Data Protection Commissioner

If you are not satisfied with the outcome of the response you received from the Council in relation to your request, then you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you.

The Data Protection Commissioner's website is www.dataprotection.ie

or you can contact their Office at:

Lo Call Number: 1890 252 231

E-mail: info@dataprotection.ie

Postal Address:

Data Protection Commissioner Canal House Station Road Portarlinton, Co. Laois.
R32 AP23

LAST UPDATED ON: 1st of November 2022