



## **Wicklow Uplands Council Data Protection Policy**

This policy is a statement of Wicklow Uplands Council's commitment to protect the rights and privacy of individuals in accordance with the Data Protection Acts.

### **Individuals' Responsibilities**

Any staff member of Wicklow Uplands Council who is involved in the collection, storage or processing of personal data has responsibilities under data protection legislation. Any staff member involved in the processing and/restoring of personal data should make sure;

- To obtain and process personal data fairly.
- To keep such data only for explicit and lawful purposes.
- To disclose such data only in ways compatible with these purposes.
- To keep such data safe and secure.
- To keep such data accurate, complete and up-to-date.
- To ensure that such data is adequate, relevant and not excessive.
- To retain such data for no longer than is necessary for the explicit stated purpose.
- To give, on request, a copy of the data to the individual to whom they relate, such a request is known as an Access Request

Any data access requests received should be forwarded immediately to the Coordinator. A fee of €6.35 (currently) applies to any application for information under the Data Protection Acts.

### **Individual Rights**

The individuals for whom Wicklow Uplands Council stores personal data have the following rights:

- To have their personal data obtained and processed fairly.
- To have personal data kept securely and not illegitimately disclosed to others.
- To be informed of the identity of the Data Controller and of the purpose for which the information is held.
- To get a copy of their personal data.
- To have their personal data corrected or deleted if inaccurate.
- To prevent their personal data from being used for certain purposes, for example, one might want to have the data blocked for research purposes where it is held for other purposes.
- Under Employment Rights, not to be forced to disclose information to a prospective employer. No one can force another person to make an access request, or reveal the results of an access request, as a condition of recruitment, employment or provision of a service. Where vetting for employment purposes is necessary, this can be facilitated where the individual gives consent to the data controller to release personal data to a third party.
- It should be noted that under the Freedom of Information Acts (1997 and 2003) records containing personal information may be released to a third party, where the public interest so requires.

### **Principles of the Acts**

Wicklow Uplands Council will administer its responsibilities under the legislation in accordance with the eight stated data protection principles outlined in the Act as follows:

- **Obtain and process information fairly.** Wicklow Uplands Council will obtain and process personal data fairly and in accordance with the fulfilment of its functions.
- **Keep data only for one or more specified, explicit and lawful purposes.** Wicklow Uplands Council will keep data for purposes that are specific, lawful and clearly stated and the data will only be processed in a manner compatible with these purposes.
- **Use and disclose data only in ways compatible with these purposes.** Wicklow Uplands Council will only disclose personal data that is necessary for the purpose(s) or compatible with the purpose(s) for which it collects and keeps the data.
- **Keep data safe and secure.** Wicklow Uplands Council will take appropriate security measures against unauthorised access to, or alteration, disclosure or destruction of, the data and against their accidental loss or destruction. Wicklow Uplands Council is aware that high standards of security are essential for all personal data.
- **Keep data accurate, complete and up-to-date.** Wicklow Uplands Council will have procedures that are adequate to ensure high levels of data accuracy. Wicklow Uplands Council will examine the general requirement to keep personal data up-to-date. Wicklow Uplands Council will put in place appropriate procedures to assist staff in keeping data up-to-date.
- **Ensure that data is adequate, relevant and not excessive.** Personal data held by Wicklow Uplands Council will be adequate, relevant and not excessive in relation to the purpose(s) for which it is kept.
- **Retain data for no longer than is necessary for the purpose or purposes for which they are kept.** Wicklow Uplands Council will have a policy on retention periods for personal data.
- **Give a copy of his/her personal data to that individual, on request.** Wicklow Uplands Council will have procedures in place to ensure that data subjects can exercise their rights under the Data Protection legislation.

### **Roles/Responsibilities**

Wicklow Uplands Council has overall responsibility for ensuring compliance with the Data Protection legislation. However, all employees of Wicklow Uplands Council who collect and/or control the contents and use of personal data are also responsible for compliance with the Data Protection legislation.

Wicklow Uplands Council will provide support, assistance, advice and training to all relevant Departments, Offices and staff to ensure it is in a position to comply with the legislation.

### **Procedures and Guidelines**

This policy supports the provision of a structure to assist in Wicklow Uplands Council's compliance with the Data Protection legislation, including the provision of best practice guidelines and procedures in relation to all aspects of Data Protection.

### **Review**

This Policy will be reviewed annually in light of any legislative or other relevant indicators.

### **Definitions**

The following definitions are taken from the Data Protection Acts 1998 and 2003. Full copies of the act are available at the Data Protection Commissioner web site [www.dataprotection.ie](http://www.dataprotection.ie)

Personal data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the data controller.

Sensitive personal data means personal data as to -

- The racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject.
- Whether the data subject is a member of a trade union.
- The physical or mental health or condition or sexual life of the data subject.
- The commission or alleged commission of any offence by the data subject, or 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.