



Dublin City Council  
Comhairle Cathrach Bhaile Átha Cliath

# **DUBLIN CITY COUNCIL**

## **DATA PROTECTION**

### **CODE OF PRACTICE**

April 2009

## 1. Introduction

1.1 Dublin City Council is the democratically elected organisation that governs Dublin City. It is the largest Local Authority in Ireland.

1.2 The principal function of Dublin City Council is to provide a wide range of services to the City of Dublin under the following main headings.

- Housing and Building
- Roads, Transportation and Safety
- Water and Sewage
- Development incentives and controls
- Environmental protection
- Recreation and Amenity
- Agriculture, Education, Health and Welfare
- Miscellaneous
- 

In performing its functions, Dublin City Council is required to process significant amounts of "Personal Data" within the meaning of the Data Protection Acts 1988 and 2003 ("the Acts"). Dublin City Council respects the privacy rights of those whose Personal Data we process and we are conscious of our obligations under the Data Protection Acts.

1.3 The purpose of this Code of Practice is to disclose in a transparent way how Dublin City Council obtains and processes Personal Data so that all those who provide us with Personal Data will clearly understand our practices and procedures. This Code also sets out our approach to dealing with Data Access Requests under Section 4 of the Data Protection Acts.

## 2. Glossary

2.1 Appendix 1 contains a Glossary of the key terms used in this Code of Practice.

## 3. Types of Personal Data held by Us

3.1 Dublin City Council is registered as a Data Controller with the Office of the Data Protection Commissioner (Registration number 0483/A).

Particulars of our registration are available online at

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

Dublin City Council is also on the Register of users of Personal Public Service Numbers (PPSN) held by the Department of Social and Family Affairs. This register can be viewed online at [www.welfare.ie](http://www.welfare.ie)

3.2 Dublin City Council would typically retain and process the following types of Personal Data, Name, address, gender, date of birth, PPSN, income, bank and financial details

3.3 Dublin City Council also processes Sensitive Personal Data including health, family, disability and criminal conviction details.

#### **4. Obligations of Dublin City Council**

4.1 Dublin City Council controls the contents and use of certain Personal Data provided to it in the course of its business. Dublin City Council will usually perform its functions itself. When Dublin City Council engages third parties to process personal data on its behalf it will ensure in its contracts that such third parties will also be subject to the data protection obligations set out in the Data Protection Acts.

#### **5. What we do with Personal Data**

5.1 Dublin City Council processes Personal Data provided to us only for the purposes of complying with our obligations as a Local Authority.

#### **6. Collection, processing, keeping, use and disclosure of personal data**

Dublin City Council is obliged to comply with the data protection principles set out in Section 2 of the Data Protection Acts. These obligations mean the Personal Data we hold must meet the following criteria:

(a) Must be obtained and processed fairly

As most Personal Data obtained by us is provided directly by Customers (or their nominees) Dublin City Council will regard such data as having been fairly obtained. Reference to this Code and details on how to request/view a copy is provided on our website [www.dublincity.ie](http://www.dublincity.ie) and to customers on request.

(b) Shall be accurate, complete and kept up to date

Dublin City Council has a multiplicity of application forms for its various services. By completing and signing a form a customer is indicating that the information they have provided is true and accurate in every respect. Dublin City Council cannot accept responsibility for inaccurate information provided by any customer either in error or on purpose. Notwithstanding this Dublin City Council will endeavour to ensure that that Personal Data processed by us is accurate, complete and up to date. Dublin City Council will also comply with any data rectification requests received under Section 4 of the DPA in accordance with Section 12 below.

(c) Shall have been obtained only for one or more specified, explicit and lawful purposes

Dublin City Council processes Personal Data that it holds only for the purposes for which it was obtained e.g. provision of housing/planning/waste collection etc. Further details regarding how we process Personal Data are set out in this Code of Practice.

(d) Must not be further processed for incompatible purposes

I. Dublin City Council will not process Personal Data for purposes otherwise than in compliance with and in discharge of its functions.

II. Dublin City Council will not disclose Personal Data to third parties unless the Data Subject has consented to this disclosure or unless the disclosure to the third party is necessary for the Council's functions (in such circumstances, the third party is bound by similar data protection requirements), or is otherwise required by law.

(e) Shall be adequate, relevant and not excessive for those purposes  
Dublin City Council only requires Personal Data which is relevant to the performance of its duties. It does not seek, nor does it wish to receive, excessive levels of data which are not relevant to these duties.

(f) Shall be kept for no longer than is necessary  
Dublin City Councils subscribes to the National Retention Policy for Local Authority Records. This policy sets out the retention guidelines for the various categories of records held by local authorities. Copies of the policy can be obtained from the Local Government Management Services Board. Dublin City Council will retain statistical factual information indefinitely, but such data will not be "personal data" as defined in the Data Protection Acts.

(g) Must be kept secure against unauthorised access, alteration or destruction

Dublin City Council uses robust IT management systems with restricted access to ensure the security of its data. Dublin City Council has established appropriate security provisions to ensure that: -

1. Access to the Council's computer systems is restricted to Council authorised staff.
2. The Council's systems are password protected.
3. The Council has comprehensive back up procedures in operation.
4. In accordance with our security obligations under the Data Protection Acts, our systems are regularly backed-up so as to avoid the loss or compromise of data. Back-up data are data held specifically for the purpose of recreating a file in the event of the current data being destroyed. Back-up data will not ordinarily be provided in response to a Data Access Request.

## **7. Right of Access**

7.1 Under Section 4 of the Data Protection Acts, Data Subjects are entitled to the following information from Dublin City Council:

- a) Confirmation as to whether we keep Personal Data relating to them.
- b) A description of the categories of Personal Data processed.
- c) A copy of such Personal Data in intelligible form.
- d) A description of the purpose(s) behind the processing of the Personal Data.
- e) The identity of those to whom we have disclosed (or currently disclose) the data. and
- f) The source of the Personal Data (unless this is contrary to the public interest)

7.2 Access requests under Section 4 apply to Personal Data held by Dublin City Council in its computer systems and in manual form within a relevant filing system. However, where a document exists in duplicate, e.g. where correspondence is scanned into our systems, two copies of the same document will not be provided in response to a request.

7.3 The Data Protection (Access Modification) (Health) Regulations, 1989 (S.I. No. 82 of 1989): The Data Protection (Access Modification) (Health)

Regulations, 1989 (S.I. No. 82 of 1989) provide that health data relating to an individual should not be made available to the individual, in response to a Data Access Request, if it would be likely to cause serious harm to the physical or mental health of the Data Subject. In the event that these Regulations apply, the health data in question will not be provided to the Data Subject but will, however, be furnished to the Data Subject's own medical practitioner.

## **8. Formalities for Data Access Requests**

8.1 A Data Access Request must meet certain requirements as specified in the Data Protection Acts:

- (a) It must be in writing;
- (b) It must include a reasonable level of appropriate information to help us to locate the information required. (However no reason for the request needs to be provided);
- (c) Dublin City Council will make reasonable enquiries to satisfy ourselves about the identity of the person making the request to ensure we are not disclosing Personal Data to a party who is not entitled to it.
- (d) Dublin City Council may charge the statutory fee of €6.35 before it will deal with a Data Access Request.

### 8.2

- a) Data Access Requests will be complied with within 40 days of receipt of the request. Where reasonable additional information is required to substantiate the request as described in paragraph 8.1(b) and (c), the time frame for responding runs from receipt of the additional information.
- b) If we receive a very general Data Access Request, e.g. "please give me everything you have on me", the Data Protection Acts allow us to seek more detailed information on the nature of the request, such as the approximate date of a particular incident, our reference number, the identity of the other party etc. However, this will be assessed on a case-by-case basis.

## **9. Information Which Will not be Provided**

9.1 Dublin City Council will not normally disclose the following types of information in response to a Data Access Request:

### **(a) Information about other People**

A Data Access Request may cover information which relates to one or more people other than the Data Subject. The information about the other person may be Personal Data about that person, to which the usual data protection rules under the Data Protection Acts, including the restrictions on disclosure, apply. In such circumstances we will not grant access to the information in question unless either:

- (i) the other person has consented to the disclosure of their data to the Data Subject; or
- (ii) in all the circumstances it is reasonable to make the disclosure without that person's consent.

If the person's consent is not forthcoming and it is not reasonable to make the disclosure without consent, we will make available as much Personal Data as we can without revealing the identity of the other person (for

example by excluding the person's name and/or other identifying particulars).

**(b) Opinions given in Confidence**

Where we hold Personal Data about the Data Subject in the form of an opinion given in confidence we are not required to disclose such opinions in response a Data Access Request in all cases.

**(c) Repeat Requests**

The Data Protection Acts provide an exception for repeat requests where an identical or similar request has been complied with in relation to the same Data Subject within a reasonable prior period. Dublin City Council will consider that if a further request is made within a period of six months of the original request and where there has been no significant change in the personal data held in relation to the individual, it will be treated as a repeat request. Accordingly, where Personal Data has recently been provided to the Data Subject or his/her legal representative, Dublin City Council will not normally provide a further copy of the same data in response to a Data Access Request. Dublin City Council will not consider that it is obliged to provide copies of documents that are in the public domain.

**(d) Privileged Documents**

Where a claim of privilege could be maintained in proceedings in a court in relation to communications between an individual and his or her professional legal advisers (or between those advisers) any privileged information which we hold need not be disclosed pursuant to a Data Access Request.

9.2 Where Dublin City Council refuses a Data Access Request, it will do so in writing and will set out the reasons for refusal. Any person who is dissatisfied with the response of Dublin City Council to their request has the right to make a complaint to the Data Protection Commissioner.

**10. Exceptions to Right to Data**

10.1 Section 5 of the Data Protection Acts provides that individuals do not have a right to see information relating to them where any of the following circumstances apply.

- (a) If the information is kept for the purpose of preventing, detecting or investigating offences, apprehending or prosecuting offenders, or assessing/collecting any taxes or duties: but only in cases where allowing the right of access would be likely to impede any such activities;
- (b) If granting the right of access would be likely to impair the security or the maintenance of good order in a prison or other place of detention;
- (c) If the information is kept for certain anti-fraud functions; but only in cases where allowing the right of access would be likely to impede any such functions;
- (d) If granting the right of access would be likely to harm the international relations of the State;
- (e) If the information concerns an estimate of damages or compensation in respect of a claim against the organisation, where granting the right of access would be likely to harm the interests of the organisation.

- (f) If the information would be subject to legal professional privilege in court;
- (g) If the information is kept only for the purpose of statistics or carrying out research, but only where the information is not disclosed to anyone else, and where the results of the statistical work or research are not made available in a form that identifies any of the individuals involved.

## **11. Format of the Response**

11.1 The Data Protection Acts provide a right of access to a permanent copy of the Personal Data that is held about the Data Subject unless this is not possible or would involve disproportionate effort.

11.2 The information must be communicated to the Data Subject in an intelligible form. Usually this will mean that a photocopy or printout of the Personal Data will be provided to the Data Subject. However, where a Data Subject agrees, information can be provided in electronic format e.g. by email or on disk.

## **12. Rectification or Erasure**

12.1 If a Data Subject seeks to have any of his or her Personal Data rectified or erased, this will be done within 40 days of the request being made provided there is reasonable evidence in support of the need for rectification or erasure.

## **13. Disclosures of Personal Data Outside of the EEA**

Dublin City Council will not ordinarily transfer Personal Data to countries outside the European Economic Area (EEA). In the event that this position changes, Dublin City Council will comply with its obligations under Section 11 of the Data Protection Acts by adopting one of the appropriate measures approved by the Data Protection Commissioner and the European Commission to ensure such transfers are lawful.

## Appendix 1

### Glossary

**Data** means information in a form which can be processed. It includes both automated data and manual data.

**Manual Data** means information that is kept as part of a relevant filing system, or with the intention that it should form part of a relevant filing system.

**Relevant filing system** means any set of information that, while not computerised, is structured by reference to individuals, or by reference to criteria relating to individuals, so that specific information is accessible.

**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. This can be a very wide definition depending on the circumstances.

**Sensitive personal data** relates to specific categories of data which are defined as data relating to a person's racial origin; political opinions or religious or other beliefs; physical or mental health; sexual life; criminal convictions or the alleged commission of an offence; trade union membership.

**Data Subject:** A Data Subject is the individual who is the subject of the Personal Data. Only a Data Subject is entitled to make a Data Access Request.

**Data Access Request:** A Data Access Request is a request made in writing to a Data Controller by a Data Subject pursuant to Section 4 of the Data Protection Acts.

**Processing** means performing any operation or set of operations on data, including:

- obtaining, recording or keeping data,
- collecting, organising, storing, altering or adapting the data,
- retrieving, consulting or using the data,
- disclosing the information or data by transmitting, disseminating or otherwise making it available,
- aligning, combining, blocking, erasing or destroying the data.

**Data Controllers** are those who, either alone or with others, control the contents and use of personal data. Data Controllers can be either legal entities such as companies, Government Departments or voluntary organisations, or they can be individuals such as G.P.'s, pharmacists or sole traders. For the purposes of this Code of Practice the Data Controller is the legal entity known as Dublin City Council

**Data Processor** is a person who processes personal data on behalf of a data controller, but does not include an employee of a data controller who processes such data in the course of his/her employment. Again individuals such as G.P.'s, pharmacists or sole traders are considered to be legal entities.