



# Comhairle Contae Chill Dara Kildare County Council

## Data Protection Act 2018

### PRIVACY STATEMENT

#### for statutory functions related to the Electoral Register

##### **Who are we?**

Kildare County Council (the Council) is the democratically elected unit of Local Government in County Kildare and is responsible for providing a range of services to meet the economic, social and cultural needs of the people of our County. In order to provide the most effective and targeted services to meet the needs of the citizens, communities and businesses of County Kildare we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being offered, information sought may include 'personal data' as defined by the Data Protection Acts and the General Data Protection Regulation (GDPR). Specifically in the formation of an Electoral Register the Council is a Registration Authority in accordance with the Electoral Act 1992 (as amended)(the Act). Registration Authorities are legally responsible for promotion, compilation, publication and validation of the Electoral Register, and related activities.

##### **Why do we have a Privacy Statement?**

This privacy statement has been created to demonstrate the Council's commitment that personal data you may be required to supply to us, to enable us to provide services, is;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed 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 at <http://kildare.ie/CountyCouncil/DataProtection/> or you can request a hard copy at 045 980 200.

##### **What is the activity referred to in this Privacy Statement?**

Formation and management of the Electoral Register and related functions as a Registration Authority in accordance with the Electoral Act 1992 (as amended).

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

Processing is necessary for compliance with a legal obligation to which the Council is subject and for the performance of a task carried out in the public interest in accordance with Article 6(1) (c) and 6(1) (e) of the General Data Protection Regulation, 2016. Specifically the lawful basis for this process is the Electoral Act 1992 (as amended) and regulations made thereunder.

##### **What personal data do we need and why do we need it?**

To be able to vote at an election or referendum, a person's name must be entered on the register of electors for the locality in which the elector ordinarily resides. Registration authorities are required to prepare and publish a register of electors every year. To determine eligibility for inclusion on the Register persons wishing to be included are required to provide personal data;

- A person must be at least 18 years of age on the day the register comes into force (15th February).
- Citizenship: while every adult resident is entitled to be registered, the registration authority needs to know a person's citizenship because it is citizenship that determines the elections at which a person may vote. The qualifying date for citizenship is the 1st September preceding the coming into force of the register.
- Residence: a person must be ordinarily resident at the address in question on 1st September preceding the coming into force of the register. A person may be registered at one address only.

On the basis of the above our form asks for your full name, date of birth and full postal address, and certain other data. More information on this process, along with the various forms required, is available on the Council's website:

[www.kildare.ie/county council/corporateservices/registerofelectors/](http://www.kildare.ie/county council/corporateservices/registerofelectors/)

##### **Do I have to provide my Eircode?**

Circulars F9/17 and 19/2017 have directed Registration Authorities to add Eircodes to their systems containing Register of Electors data. The electoral registration forms issued in the compilation of the Register in 2017-2018 contained the request for Eircodes. The context for this is as follows;

Election candidates are entitled to send free of charge for postage one item of election material to each household in a constituency (section 57 of the Electoral Act 1992; section 32 of the Presidential Elections Act 1993; rule 22 of the 2nd



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Schedule to the European Elections Act 1997 refers). In many cases the present format of data on the Electoral Register does not contain Eircodes and on this basis there is potential for significant wastage in postage of election material to multiple electors in a single household.

Failure to provide your Eircode on a registration form will not invalidate an application for Registration but will increase public expenditure in delivery of election materials and could complicate delivery in particular in rural areas where non-unique addresses exist. Please note that the Registration Authority are entitled to add Eircodes to an existing address database (under the Communications Regulation (Postal Services) (Amendment) Act, 2015.) Where an Eircode is matched to other data, which leads to it being considered 'personal data', the Council is obliged to comply with the Data Protection Act 2018.

## **How do we use personal data?**

Registration authorities are required by law to prepare and publish a register of electors every year which ensures electors are given the opportunity to ensure the personal data on the register is accurate and up to date. The volume of personal data needed to generate the Electoral Register requires an IT system to produce the Electoral Register. In this regard personal data provided by prospective constituents is recorded on the iReg online system. Access to this system is password protected and restricted to staff responsible for generating the Electoral Register. Completed registration forms provided by individuals are scanned and stored in the Council's electronic document management system, with access to these records restricted to staff responsible for generating the Electoral Register.

The Draft Register is published in a range of public locations and can only be used for electoral or other statutory purposes. The Council is also obliged to publish an Edited Register which, subject to the consent of electors, may be used for direct marketing purposes. The register may be inspected at any time during working hours at Council buildings and a copy of the register purchased.

## **How can I ensure the accuracy of my personal data?**

The Draft Register is published in a range of public locations annually and can only be used for electoral or other statutory purposes. You are entitled to inspect your record on the Electoral Register. The draft register is published on 1st November and, as outlined is made available for examination at post offices, public libraries, Garda stations, courthouses and local authority offices up to 25th November and the public are invited to check the draft during this period to make sure that they are correctly registered. Errors or omissions in the draft should be brought immediately to the attention of the registration authority.

A person who is on the register of electors and moves residence from one constituency to another or within the same constituency (different local electoral area) can apply for entry to the supplementary register at their new address provided they have authorised the registration authority to delete their name from the register in respect of their previous address.

To fulfil its statutory role in the formation of the Electoral Register and in the interests of increasing public awareness around voter registration, the Council endeavours annually to send electoral registration information and forms to all households in the County.

In addition you may check the Register online at [www.checktheregister.ie](http://www.checktheregister.ie) and forms to update your registration are available on the website and at the Council's website [www.kildare.ie/CountyCouncil/Forms/RegisterofElectors/](http://www.kildare.ie/CountyCouncil/Forms/RegisterofElectors/)

All forms must be sent to:

Register of Electors, Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F

## **Am I the only source of this personal data?**

Yes.

## **Is personal data shared with other organisations or accessible to other persons?**

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. Information in this area is not processed in another country.

To assist in the compilation of the Electoral Register, where persons have made applications notifying a local authority of a change of address to a location outside the County, the local authority receiving such application will, where relevant, share such applications with the local authority responsible for managing that person's registration. This form of sharing may also occur where such applications are forwarded by the Court Services by persons.

Hard copies of the Register are provided to post offices, Garda stations and libraries for the purpose of enabling the public to inspect the register, in accordance with the 2nd Schedule of the Electoral Act 1992 (as amended). However if you have consented when completing your registration form, the Edited Register may be used for direct marketing purposes.

Copies of the Register are provided free to elected public representatives and election candidates, for electoral purposes, in accordance with provisions of the Act. In addition the Council shall, on payment of a fee, supply to any person a copy of the register or draft register. Other than the use of the edited register as above it is an offence under Section 13A (3) of the Electoral Act 1992 (as amended by Section 4 of the Electoral (Amendment) Act, 2001) for a person to use the register for other than electoral or other statutory purposes.

## **How long is my data kept for?**

The Council has 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. A copy of Record Retention Policy can be accessed via the following link: <http://kildare.ie/CountyCouncil/Publications/DataProtection/2002nationalretentionpolicyforlocalauthorityrecords2.pdf>

## **Your rights:**

You have the right to obtain confirmation as to whether data concerning you exists, to request access to personal data held about you, to be informed of the content and source of data and check its accuracy. If the data held by us is found to be inaccurate you have the right to rectify/correct this – see above on how to ensure the accuracy of your entry on the Electoral Register.



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You also, subject to certain conditions being met, have the right to object to or seek restriction of the processing of personal data and to request the erasure of personal data held by the Council. These rights are subject to restrictions in the Data Protection Act 2018 which may apply.

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 logon to <http://kildare.ie/CountyCouncil/DataProtection/> , use one of the forms at our Counter or contact us.

## Kildare County Council - Access to Information Officer

<b>Phone</b>	045 980 200
<b>E-mail</b>	<a href="mailto:dataprotection@kildarecoco.ie">dataprotection@kildarecoco.ie</a> or <a href="mailto:customer care@kildarecoco.ie">customer care@kildarecoco.ie</a>
<b>Postal Address</b>	Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F.

## Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council in exercising your rights under the Data Protection Act 2018 you are entitled to make a complaint to the Data Protection Commission who may investigate the matter for you. You should in the first instance however consult the Council.

The Data Protection Commission website is [www.dataprotection.ie](http://www.dataprotection.ie) or you can contact their Office at:

<b>Lo Call Number</b>	1890 252 231
<b>E-mail</b>	<a href="mailto:info@dataprotection.ie">info@dataprotection.ie</a>
<b>Postal Address</b>	Data Protection Commission Canal House Station Road Portarlinton, Co. Laois. R32 AP23.

## Changes to Privacy Statement

We may make changes to this Statement. If we make any changes they will be posted on this page and we will change the "Last Updated" date below.

**Last Updated: August 31<sup>st</sup> 2018.**