



Law Agents Privacy Notice



Kerry County Council
Comhairle Contae Chiarraí



- REVISION CONTROL -

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0.1	27-Aug-2018	Law Agents	Initial Draft
0.2	06-Sept-2018	GDPR Compliance Team	Customisation for Law Agents
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1. Introduction

Kerry County Council (the Council) is responsible for the provision of an extensive range of public services. This is the Privacy Notice for the Law Department which as in-house solicitors provide legal services to the Council. Legal services are not provided directly to members of the public.

The Council seeks to promote the economic, social and cultural development of Kerry 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.

This service includes not only the level and quality of service given to our customers, but also the quality of our decision-making processes, the efficiency and effectiveness of our corporate operations, standard of our facilities and our ability to adapt in an ever-changing environment. For further information please visit our website www.kerrycoco.ie under GDPR.

2. Information Collected by the Council

The Council processes¹ and uses certain types of information about individuals (Data Subjects) and organisations to provide the most effective and targeted range of services to meet the needs of the citizens, communities and businesses of Kerry.

Depending on the service being sought or provided, the information collected may include 'personal data'². This is defined by the Data Protection Acts 1988, 2003 & 2018, and by the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) 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 the Council.

In addition, the Council may be required from time to time, to collect, process and use certain types of personal data to comply with regulatory or legislative requirements in the legitimate interests in representing clients. This includes contact details to allow for efficient communication.

You do not have to provide all contact details but providing more, such as email, phone, address, make it easier to communicate with you. If you do not provide this data, the Council may be unable to comply with certain obligations. The Council will inform you about the implications of that decision.

¹Processing is anything done with or to Personal Data, including data storage

²Personal Data is information about a living individual which is capable of identifying that individual



In the course of providing services, Law Agents collect the following categories of information;

- Conveyancing
 - Names and Address of persons
 - PPS number(s) to facilitate the stamping of deed(s)
 - Transfer documentation in relation to a purchase which will be lodged with the Property Registration Authority
 - Marital details of transferors
 - Tax compliance details of transferors and their agents

- Litigation
 - Names and Address of persons
 - Statement details of an accident/incident and
 - any investigation reports/records and/or
 - medical reports/records
 - Wages/Salary and any employment details
 - Medical record may also be required as part of the discovery process.
 - Records relating to criminal convictions and offences.

3. Requirement for a Privacy Notice

The Council will set out the information required in a series of separate and distinct application forms and specific Privacy Notice relevant to each service application. Privacy Notices are located on our website at www.kerrycoco.ie under GDPR.

The Council has created this privacy notice to demonstrate our firm commitment to privacy and to assure you that in all your dealings with Law Agents, the Council will ensure the security of the data.

The personal data you may be required to supply to the Council, or may be collected through other sources (i.e. investigations by Council staff; CCTV, information from other third parties or agents acting on your behalf) 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 for no longer than is necessary



- Processed only in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

4. Sharing Information

The Council may share your information internally (within the Council) in accordance with statutory obligations. In addition, the Council may share your information with, and obtain information from third parties in accordance with statutory and regulatory obligations.

Law Agent's staff share, request and obtain information from the following non-exhaustive list of bodies and agents;

- Another Local Authority
- An Garda Síochána
- The Department of Social Protection
- The Health Service Executive (HSE)
- Property Registration Authority
- Revenue Commissioners
- Third party professionals involved in the work the Council undertake (i.e. Counsel, Engineers, Medical Advisors, Architects, Accountants)
- Local Government Auditors
- Mediation/Investigation Service Providers
- Practice Management System Provider
- Court Service.

Law Agents endeavour to ensure that the providers of services are reputable and can provide sufficient guarantees to implement appropriate technical and organisational measures to ensure personal rights are protected.

5. How your Personal Data will be used/processed

The volume of customers the Council serve, and the range of Law Agents services provided, require IT systems to manage customer data. Access to the data is controlled and restricted to relevant staff involved in assessing and processing the various services with other security measures such as passwords.

6. Legal and Regulatory Obligations

The legal basis for the processing of this data includes the following non-exhaustive list for and legitimate interest in processing personal data;

- Data Protection Acts 1988, 2003 & 2018



- Including, in particular, processing of special categories of personal data for the purpose of
 - (a) employment and social welfare law
 - (b) legal advice and legal proceedings
 - (c) administration of justice and performance of authorised functions
 - (d) personal data relating to criminal convictions and offences
- General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)
- Housing Acts
- Tax Acts
- Road Traffic Acts
- Waste Management Legislation
- Litter Pollution Legislation
- Planning and Development Legislation.

7. Records Retention Policy

The Council is in the process of preparing retention policies for all services and business units. These policies will outline the timeframe for which your personal data will be retained by the Council and what will happen to it after the required retention period has expired. These policies will be published, when available, on the Council's website under GDPR.

8. Your Rights

You have the right, in certain circumstances and subject to certain exemptions which apply extensively in the provision of legal services, in relation to your personal data:

- right to access data: 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.
- right to rectification: If the data held by the Council is found to be inaccurate you have the right to change, remove, block, or object to the use of, said personal data. 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. The Council can refuse a request for rectification.
- right to erasure: you have the right to request the deletion of personal data that the Council holds about you. The right is not absolute and only applies in certain circumstances. This is sometimes referred to as the right to be forgotten.



- right to restriction of processing or to object to processing: you have the right to request that the Council no longer process your personal data for particular purposes, or to object to the processing of your personal data for particular purposes. The right is not absolute and only applies in certain circumstances.

Please note that to help protect your privacy, the Council will take steps to verify your identity before granting access to personal data.

In addition, Data Subjects have a right to;

- exercise data portability, i.e., obtain a transferable copy of information the Council hold to transfer to a third party/provider
- obtain details of any transfer of data to a third country (outside the European Economic Area) and safeguards in place
- obtain details of any automated decision making.

To exercise these rights, you can make a Subject Access Request. This request can be in writing and directed to the contact details at the end of this policy or electronically using the form available in the link www.kerrycoco.ie under GDPR Kerry County Council – Main Policies.

9. Solicitors Code of Professional Conduct

As practising solicitors, Law Agents operates under the jurisdiction of and abides by the Law Society's Guide to Good Professional Conduct for Solicitors including the right of legal professional privilege and the duty to keep client affairs confidential.

10. Data Protection Contact Details

For all enquiries relating to Data Protection you can contact the Council at:

Phone: 066 718 3500
E-mail: dpo@kerrycoco.ie
Postal Address: Kerry County Council
County Buildings
Rathass
Tralee
V92 H7VT
Co. Kerry



If you are not satisfied with the outcome of the response you receive 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
R32 AP23
Co. Laois.