



Tionól Réigiúnach an Deiscirt
Southern Regional Assembly

Data Protection Policy

Updated: November 2022



Ireland's European Structural and
Investment Funds Programmes
2014-2020

Co-funded by the Irish Government
and the European Union



European Union

European Regional
Development Fund



Data Protection Policy

1. Introduction

The Southern Regional Assembly was established in 2015 with a remit for the Southern Region of Ireland (Cork, Clare, Kerry, Limerick, Tipperary, Waterford, Carlow, Kilkenny, and Wexford).

The Southern Regional Assembly aims to facilitate greater cooperation and coordination between local, regional, and central government and other state agencies to drive social, economic, and sustainable development of the Southern Region. Its key responsibilities include:

- Regional economic and spatial planning
- Management of European Regional Development Funds
- Development implementation and promotion of regional development policy and activities
- National contact point for EU-funded transnational programmes
- Coordinating actions to support effectiveness in local government and public services

The Southern Regional Assembly discharges these responsibilities through the following divisions:

- Regional Planning, HR & Finance
- EU Programmes & Projects, Corporate Affairs

As part of our remit, the Southern Regional Assembly is required to collect, process, and use certain types of information about people and organisations. Some information sought may include personal data, as defined by the Data Protection Acts 1988/2009/2018 and the General Data Protection Regulation 2016/679 (GDPR)¹.

The General Data Protection Regulation (GDPR), which came into effect on 25th May 2018, and the Data Protection Act 2018 which gives further effect to this Regulation, impose obligations on the Southern Regional Assembly in relation to the treatment of personal data.

The data may relate to current, past, and future Assembly Members, past, current or prospective employees, suppliers, and members of the public or organisations who engage with the Southern Regional Assembly. We may also be legally required to collect, process, and use certain types of personal data.

This policy aims to help you to understand why we capture personal data and how we use it. It applies to all who engage with the activities of the Southern Regional Assembly, including staff members. It aims to ensure that all personal data, held either electronically or in hardcopy, belonging to individuals engaging with the Southern Regional Assembly is handled and protected in accordance with the law.

¹ <https://dataprotection.ie/en/legal/data-protection-legislation>

This policy sets out how the Southern Regional Assembly will handle and process data, handle data requests by data subjects and manage a data breach.

For the purposes of this policy, “personal data” means both personal data and sensitive personal data.

2. Key Definitions

Data Subject: a living individual who is the subject of personal data.

Data Controller: a natural or legal person, public authority, agency or other body which, alone or jointly, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law.

Data Processor: a natural or legal person, public authority, agency or other body that processes personal data on behalf of the Southern Regional Assembly.

Personal Data: any information relating to an identified or identifiable natural person - one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special Categories of Personal Data: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership; genetic data; biometric data processed for the purpose of uniquely identifying a natural person; data concerning health and data concerning a natural person’s sex life or sexual orientation.

Processing: any operation or set of operations performed on personal data or on sets of personal data, whether or not by automated means such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Personal Data Breach: security breach leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data transmitted, stored or processed.

Principles Relating to Processing Personal Data: all personal data processed by the Southern Regional Assembly will be dealt with in compliance with the principles relating to Processing Personal Data in Article 5 (1) of the GDPR:

Personal data shall be:

- a) Processed lawfully, fairly and in a transparent manner in relation to the data subject;
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) Accurate and, where necessary, kept up to date;
- e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

3. Responsibilities of the Southern Regional Assembly

The data protection principles are enshrined in EU and national legislation and are the foundation of this policy:

1. Lawful, fair, transparent
2. Limited processing of data to the original purpose of collecting
3. Security of data
4. Data minimisation
5. Data Accuracy
6. Storage Limitation
7. Accountability, Integrity & Confidentiality

The Southern Regional Assembly will ensure that all staff adhere to them as they process personal data and the rights of data subjects are respected. The Southern Regional Assembly has appointed a Data Protection Officer (DPO). The DPO's role and contact details are outlined at the end of this document.

All staff of the Southern Regional Assembly have a responsibility to ensure the personal data is collected, stored and handled appropriately, and in compliance with the legislation. Staff, contractors and Assembly Members are required to take appropriate steps to ensure the protection of personal data.

4. Handling Personal Data

The Southern Regional Assembly collects personal data to discharge its duties in relation to Regional Planning, the management and support of EU Programmes and Projects, Human Resources, Finance and Corporate Affairs. The collection and processing of personal data will be limited to that which is required to discharge our duty.

Legal Basis

The Southern Regional Assembly relies on the legal bases set out under Article 6 of the GDPR and the Acts to process your personal data - notably compliance with legal obligations, performance of a task in the public interest, performance of a contract.

The Southern Regional Assembly will only process special categories of personal data using the set legal bases as defined under the Article 9 of the GDPR and the Acts.

Accuracy of Personal Data

The Southern Regional Assembly will undertake to ensure that all personal data collected and processed is kept accurate and up to date. Where inaccurate data is identified, reasonable steps will be taken for it to be amended or erased, as appropriate.

Storage and Destruction of Personal Data

The Southern Regional Assembly is required to put in place appropriate arrangements for the management and storage of data, including personal data.

The Southern Regional Assembly will ensure that personal data collected and processed is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage.

The Southern Regional Assembly retains all documents until destruction will approved by senior management, and in accordance with the appropriate retention period in relation to the legislation governing the work function.

Disclosing your Personal Data to Third Parties

When undertaking its legal obligations, the Southern Regional Assembly may publish personal data of individuals or share it with third parties, but only where deemed necessary, lawful or appropriate.

Personal data may be disclosed internally in accordance with the data protection principles and this document. Personal data is not passed to any Division or individual internally that does not reasonably require access to this information in accordance with the legal basis for which the personal data was collected and is being used.

The Southern Regional Assembly does not disclose personal data it collects other than for the purpose for which it was collected without your knowledge – to provide a service, to fulfil a statutory obligation or in compliance with a legal obligation. Categories of third parties include:

- Authorities to whom the Southern Regional Assembly is legally obliged to disclose personal data, Government departments, European Commission, Programme Managing Authorities, Local Authorities etc.
- Contractors
- IT service providers
- Auditors
- Legal advisors

When we disclose information containing personal data to third parties, it will only be that which is necessary, and third parties must confirm to the Southern Regional Assembly the measures taken to protect and secure it.

Appropriate measures will be taken to ensure all disclosures or transfers of personal data to third parties is completed in a secure manner and pursuant to contractual safeguards.

The Southern Regional Assembly may provide information when legally obliged to do so for the purpose of the prevention and detection of crime and the safeguarding of national security. In such cases, the Southern Regional Assembly will only do so in accordance with data protection and associated legislation. The Southern Regional Assembly may transfer personal data to legal counsel where same is necessary for the defence of legal claims.

5. Data Breaches

A data protection breach occurs where personal data is released without authority or consent. The Southern Regional Assembly will report and investigate a personal data breach in accordance with the legislation and guidance of the Data Protection Commissioner and endeavour to avoid a repeat of such breach in the future.

The Data Protection Officer will be notified of all personal data or sensitive personal data breaches within 72 hours unless the data was anonymised or encrypted as per the legislation. Breaches likely to harm an individual, such as identity theft or breach of confidentiality must be reported to the individuals concerned.

6. Exercising your Personal Data Rights

Data subjects have a range of rights the data protection legislation:

- The right to be informed;
- The right of access;
- Right to rectification of inaccurate or incomplete data;
- The right to erasure (also known as the 'right to be forgotten') of personal data;
- The right to portability;
- The right to object to the processing of personal data;
- The right to restrict the processing of personal data;
- Rights in relation to automated decision making, including profiling.

Contacting the Southern Regional Assembly

Marie Harnett Data Protection Officer
Southern Regional Assembly
Assembly House, O'Connell Street, Waterford X91 F8PC
Tel: +353 51 860700
Email: mharnett@southernassembly.ie
Web: www.southernassembly.ie

Subject Access Request

A data subject has the right to request access to personal data collected by the Southern Regional Assembly concerning themselves (Subject Access Request). A Subject Access Request must meet certain requirements as specified in the Data Protections Acts.

- It must be in made writing to the Data Protection Officer;
- The Southern Regional Assembly will take reasonable steps to satisfy itself about the identity of the person making the request to ensure personal data is only released to those legally entitled to it;
- Requests will be dealt with no more than one month of receipt in accordance with the legislation;
- The response time on a request may be extended by two further months where necessary, taking account of the complexity and number of requests. The data subject must be informed within one month of receipt of the request about the reason for the delay;
- There is no charge for making a Subject Access Request. However, where requests are manifestly unfounded or excessive a reasonable fee may be charged;
- The controller shall provide a copy of the personal data to the requester.

Limitations to Rights

The Southern Regional Assembly will endeavour to meet each request for personal data, notwithstanding the limitations to these rights to the release of data under the Data Protection Act and GDPR, including:

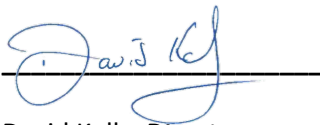
- national security or defence;
- public security;
- the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;
- other important objectives of general public interest of the Union or of a Member State;
- the protection of judicial independence and judicial proceedings;
- the protection of the data subject or the rights and freedoms of others;
- the enforcement of civil law claims.

Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of your response from the Southern Regional Assembly, you have the right to make a complaint to the Data Protection Commission:

Data Protection Commission
Canal House, Station Road, Portarlinton, Co. Laois R32 AP23
Low Call: 1890 252 231
Email: info@dataprotection.ie
Web: www.dataprotection.ie

Signed: _____



David Kelly, Director.

Date: 24/11/2022