



**Right to be Informed
(Articles 13 & 14)
Standard Operating
Procedure (SOP)**

Introduction

Under the General Data Protection Regulations (GDPR) where a controller collect personal data on a data subject, the data subject is entitled to informed of any personal data held by GCC (Articles 13 & 14, GDPR) about who is collecting the data (art. 13) and where data has not been obtained directly from the data subject, about who the controller of the data and relevant information around this personal data (art. 14). This standard operating procedure provides details about how service users and staff can make requests to be informed about collection of personal data, directly and indirectly by the Council.

This policy is broken down into separate section, the first will deal with applications under article 13 and the second under article 14.

Submitting your request

A data subject does not have to cite the GDPR or the Data Protection Acts when a submission is made seeking erasure to their data. A data subject should inform the Council that the data that they are seeking to be informed about the personal data held by GCC. A data subject can submit a request in the following ways:

1. By e-mail to member of staff or the Data Protection Officer.
2. Orally on the phone or in person to a staff member
3. In writing by letter or post-it. A data subjects name and contact details are required.
4. On social media channels.
5. Through a local councillor/public representative. A consent form must be provided that the local councillor/public representative has been nominated to request personal data on your behalf.

When submitting via the above methods, please ensure that you indicate that you are seeking to be informed about the personal data by the Council.

Valid ID



When submitting an erasure request, you should provide valid identification. An ID should be certified by An Garda Siochana, a doctor, a Commissioner for Oaths. In some applications, a housing ID and PPS number will be sufficient forms of identification.

Article 13 Procedure

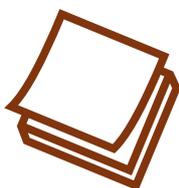
Details under Article 13

The Council/Controller is required to provide the following details under article 13(1)



1. Identify & contact details of the controller or controller representative.
2. Contact details of the Data Protection Officer.
3. The purpose & the legal basis of the processing of personal data.
4. The recipients & categories of recipients.

A controller is also required to provide the following information under article 13(2):



1. Storage period the data will be held for.
2. Right to access, rectification, erasure, restriction, portability
3. Right to withdraw consent if data processed under arts. 6(1)(a) & 9(2)(a)
4. Right to lodge a complaint with Data Protection Commission.
5. Collection of personal data is based on legislation or contractual
6. Existence of automated decision-making including profiling (art 21(1))

Further processing outside art. 13(1) and 13(2).



If processing occurs outside the original basis for collecting the personal data, the Council will inform the data subject, prior to the further processing of this data, of the details set out in 13(2) above.

Information provided to the Data Subject



Where a controller seeks to obtain personal data from a data subject, a data subject should be informed of the above prior to the collection of the personal data. However, where this is not feasible, the data subject should be informed as soon as possible thereafter or where the data subject is unknown to the controller this should be done via signs stating that personal data is being collected by the Council.

Council will endeavour



GCC endeavours to ensure that whenever personal data is collected that the data subject are aware of the reasons for the collection of the data, the storage periods and their GDPR rights.

Time limits

There is no time limit for the erasure of personal data. Article but GCC will ensure the data subject will be informed immediately but where this cannot be done as soon as reasonably possible.



Right to be informed

A data subject will be provided with the information writing where a request is made under article 13.



Queries



If you are dissatisfied with the outcome of information provided to you under article 13, you can contact the Data Protection Officer at dpo@galwaycity.ie. A review will be conducted of your file to determine whether the issue(s) can be resolved.

Complaints to DPC



If you are dissatisfied with the post release queries or the information provided to you, you have the right to complain to the Data Protection Commission at 21 Fitzwilliam Square South, Dublin 2, D02 RD28, info@dataprotection.ie, www.dataprotection.ie, +353 (0)761 104 800, +353 (0)57 868 4800

Article 14 Procedure

Details under Article 14

The Council/Controller is required to provide the following details under article 14 where the data was not obtained from the data subject.



1. Identify & contact details of the controller or controller representative.
2. Contact details of the Data Protection Officer.
3. The purpose & the legal basis of the processing of personal data.
4. The categories of personal data concerned.
5. The recipients & categories of recipients.

A controller under article 14(2) must provide the data subject with the following information to ensure fair and transparent processing in respect of the data subject



1. Storage period & criteria the data will be held for.
2. Right to access, rectification, erasure, restriction, portability
3. Right to withdraw consent if data processed under arts. 6(1)(a) & 9(2)(a)
4. Right to lodge a complaint with Data Protection Commission.
5. The origin of the data, whether if applicable was publicly accessible.
6. Existence of automated decision-making including profiling (art 21(1))

Time limits

1. Controller must provide information within 1-month or earlier if possible.
2. If used to communicate with the data subject, at first communication issued.
3. If disclosing to another recipient, at date of disclosure.



Further processing outside art. 14



If processing occurs outside the original basis for collecting the personal data, the Council will inform the data subject, prior to the further processing of this data, of the details set out in 14(2) above.

Not applicable art. 14(4)

The above sections do not apply:

1. The data subject has the information.
2. Process proves impossible, a disproportionate effort for archiving in the public interest, for statistical purposes & impair the achievement of objectives art. 14(1) processing. Controller must protect data subject rights & freedoms.
3. Controller is obligated to disclosure set out in EU and State Law.
4. The data to remain confidential due to obligation of professional secrecy



Information provided to the Data Subject



Where a personal data is obtained from other sources than the data subject, it incumbent on the Council to ensure that it complies with the requirements set out above. The Council should ensure that it complies with its time limits when article 14 applies.

Right to be informed

A data subject will be provided with the information in writing when the Council obtain information from other sources. A data subject does not need to make a request under this section, the Council will adhere to the time limits set out in article 14.



Queries



If you are dissatisfied with the outcome of information provided to you under article 14, you can contact the Data Protection Officer at dpo@galwaycity.ie. A review will be conducted of your file to determine whether the issue(s) can be resolved.

Complaints to DPC



If you are dissatisfied with the post release queries or the information provided to you, you have the right to complain to the Data Protection Commission at 21 Fitzwilliam Square South, Dublin 2, D02 RD28, info@dataprotection.ie, www.dataprotection.ie, +353 (0)761 104 800, +353 (0)57 868 4800.