



**Data Protection Privacy Statement for
Declarations Under Section 5 of the Planning and Development Act 2000 as
amended (Exempted Development)**

1. Who we are and why do we require your information?

Cavan County Council seeks to promote the social, economic and community development of the county and in doing so contribute significantly to improving the quality of life of its people. The delivery of high-quality services, tailored to meet the needs of all our customers, remains one of Cavan County Council's core objectives and is included in our Corporate Plan. This quality 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. In order to provide the most effective and targeted range of services to meet the needs of the citizens, communities and businesses of County Cavan we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being sought or provided, the information sought may include 'personal data' as defined by the Data Protection Acts and by the General Data Protection Regulation (GDPR) 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 our staff. In addition, staff may be required, from time to time, to collect, process and use certain types of personal data to comply with regulatory or legislative requirements.

2. Why do we have a privacy statement?

Cavan County Council has created this privacy statement to demonstrate our firm commitment to privacy and to assure you that in all your dealings with Cavan County Council that we will ensure the security of the data you provide to us. Cavan County Council creates, collects and processes a significant amount of personal data in various multiple formats daily. Cavan County Council's commitment is that the personal data you may be required to supply to us 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
- Processed only in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing

3. Data Protection Policy

Cavan County Council has a detailed Data Protection Policy, which outlines how we as a public body are committed to ensuring the security of any personal data you provide to us. A copy of this policy is available here: <https://www.cavancoco.ie/services/corporate-governance/data-protection/data-protection-policy>

4. What is the activity referred to in this Privacy Statement?

The Section 5 planning application process is a statutory requirement under the Planning and Development Act 2000 as amended that allows a relevant person or statutory undertaker to make an application/request in writing to the planning authority for a declaration on the question of (i) whether or not an act or operation constitutes or would constitute development and (ii) if it does or would constitute development, whether or not it constitutes or would constitute exempted development.

This activity results in the establishment and maintenance of a register of names, development addresses, description of development works, unique identification numbers and decisions of the planning authority in respect of the above applications in accordance with Section 7 of the Planning and Development Act 2000 as amended.

5. What is the basis for making the processing of personal data in this activity lawful?

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Cavan County Council in accordance with Article 6(1)(e) of the General Data Protection Regulation, 2016 and in conjunction with the legislation listed below:

- Planning & Development Act 2000 (as amended)
- Planning & Development Regulations 2001 (as amended)

6. Why do we require your contact details?

In order to communicate with you, you will be asked for contact details. You do not have to provide all contact details but providing more, such as email, phone, address, makes it easier to communicate.

7. What items of personal data do we need to undertake this activity?

- a) The name of the applicant/name of person/agent acting on behalf of the applicant.
- b) Location of the proposed development.
- c) The applicants address, contact number, email address, payment details for application fee.
- d) If an agent is acting on behalf of an applicant, their name, address, contact number and email address.
- e) If the applicant is not the registered landowner of the land for which they are seeking a declaration, the applicant must provide the name and address of the registered landowner

and a letter of consent from the landowner giving their explicit consent for their data to be shared with the planning authority.

8. The personal data will be used for the following purpose(s):

- a) Payment details are required to process the application fee.
- b) Contact details are required for corresponding with the applicant or agent
- c) Technical documentation e.g. drawings, assessments, other information and documentation as specified in order to enable the planning authority to issue a declaration.

Please note the personal data collected as described in Section 7 of this privacy statement under paragraphs c, d and e – This information will be processed separately from the application and shall not form part of the public file.

9. Is the personal data submitted as part of this activity shared with other organisations?

Cavan County 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. Where this is required Cavan County Council shall have regard to the security and integrity of the data and will minimise the data shared.

In these processes, the data will be shared with the following recipients:

As part of this process, the application data which is publicly available may be forwarded to external agencies (or external consultants in specialised application requests) such as An Coimisiún Pleanála, An Taisce, Department of Agriculture, Food and Marine, Department of Environment, Climate and Communications, Environmental Protection Agency, Inland Fisheries, Irish Water, The Heritage Council, Transport Infrastructure Ireland.

If the personal data is to be transferred to a different country, it will be transferred to the following countries:

- N/A - Data is NOT transferred to another country.

10. How long is this personal data held by Cavan County Council?

The personal data processed as part of this activity will be retained in accordance with the timeframes set out in the National Retention Policy for Local Authorities. A copy of the National Retention Policy can be accessed via the following link:

cavancoco.ie/file-library/planning/national-record-retention-policy.pdf

- Section 5 files are kept indefinitely.

11. What will happen if the requested personal data is not provided?

All information requested as part of the application process is mandatory as part of the application process and is required for the application to be considered valid. Any application deemed invalid will not proceed.

12. Your Rights

You have the right 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. In addition, if the data held by us is found to be inaccurate you have the right to change, remove, block, or object to the use of, personal data held by Cavan County Council. You also have the right to data portability. 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. To exercise these rights, you should contact Cavan County Council (Data Protection Officer) at the following address:

email: dpo@cavancoco.ie

Data Protection Officer,
Cavan County Council,
Farnham Street
Cavan

13. Right of Complaint to the Office of the Data Protection Commissioner

If you are not satisfied with the outcome of the response you received from Cavan County 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:

Telephone: 01 765 0100
1800 437 737

E-mail: info@dataprotection.ie

Postal Address:
Data Protection Commissioner
21 Fitzwilliam Square South
Dublin 2
Ireland