



MINUTES OF THE PROTOCOL COMMITTEE MEETING

HELD ON THURSDAY 28 SEPTEMBER 2017

1 Minutes of the meeting held on 29th June 2017 and matters arising

Order: Agreed.

2 Lord Mayor's Receptions and Engagements of the Deputy Lord Mayor

Order: Noted and Recommend to Council

3 Conferences

Order: Agreed and recommend to Council

a) Conferences Attended:

- Councillor Mary Freehill. Magill Summer School, "Global Turbulence and Uncertainty – Ireland and Europe must prepare for a new era". Glenties, Co. Donegal, July 16th – Friday July 21st.

Order: Agreed and Recommend to Council

b) Conference Reports Received:

- Councillor Mary Freehill. Magill Summer School, "Global Turbulence and Uncertainty – Ireland and Europe must prepare for a new era".

Order: Noted

4 Law Office Briefing on New General Data Protection Regulation

5 - 26

The Deputy Dublin City Council Law Agent, Yvonne Kelly gave a presentation to the Committee on the GDPR and how it will affect the City Council and the elected Members. She informed them it will come into effect 25th May 2018 and its purpose is to enhance data protection for the general public. (**Presentation attached**).

The Members thanked Yvonne for the presentation which they felt helped to clarify many of the issues surrounding the new legislation. They requested that the City Council provide specific training on the practicalities of the implementation of GDPR for Councillors and investigate the possibility of providing insurance cover for Councillors in the event of a breach of data protection.

Order: The Law Department to provide training for the full Council on the impact of GDPR on Councillors. The Manager to contact Irish Public Bodies to determine if insurance is available for data protection issues.

5 Membership of the Board of the Royal Irish Academy of Irish Music
Order: The Members were supportive of the reforms to the Board of Royal Irish Academy of Irish Music and agreed to the request to reduce the number of Councillors who would serve as board members. Recommend to Council.

6 Approval of Councillor Attendance at the following Conferences:

- La Touche Legacy 4th Festival of History - Greystones Golf Club 29th and 30th September 2017
- Irish Planning Institute – Autumn Planning Conference 2017, 6th October 2017, Gibson Hotel, Point Village, Dublin 1
- Urban Land Institute Ireland Conference 2017, 19th October 2017, Convention Centre Dublin

Order: Approved and Recommend to Council

7 Request from Dublin Chamber of Commerce to address the City Council to discuss the results of "The Great Dublin Survey"

The Committee suggested that in future all requests to address the full City Council should go through the Lord Mayor, who would direct the request to the relevant SPC. The SPC would then make a recommendation as to whether the presentation should go to the full Council.

Order: The Members recognised the important work carried out by the Dublin Chamber of Commerce and felt that it was appropriate for them to address the full Council. They would be invited to attend the Council meeting on 4th December and would be allocated 10 minutes to present their findings and 10 minutes for follow-up questions from the Members.

8 Managers Report

➤ **Clancy Chain:**

The duplicate Clancy Chain has been acquired by the Mansion House and is now in operation. The original chain will be used for events in the Mansion House. The Duplicate will be made available to those deputising for the Lord Mayor. As committed the Mansion House will courier the Duplicate Chain to Councillors on request. Given the volume of sometime overlapping commitments the Mansion House is investigating the acquisition of a second chain.

Order: Noted

➤ **Remedial works in City Hall:**

The repairs to the ceiling of the Supper Room in City Hall are almost complete and the room will be back in use for the October Council meeting. The Manager thanked the Members for their patience during the process. Unfortunately these works have led to the rescheduling of the provision of the parenting room and works on the cloakroom adjacent to the photocopying area. These will be rescheduled as soon as feasible.

Order: Noted

➤ **City Hall - Ground Floor and Basement Uses:**

The Chief Executive has commissioned a review of the current Exhibition in the basement area and the current uses of the Rotunda. When complete the recommendations of this report will be made available to the committee.

Order: Noted

➤ **Members' Room (Civic Offices):**

As previously discussed a room has been made available in Civic Office at the request of this Committee. The room is for the exclusive use of Members in Block 2 floor 1 (adjacent to Housing Welfare area) and will allow Members to have a place between appointments or meetings in the Civics. This room will be available by swipe and contains seating, working area, charging facilities, fridge and tea/coffee making facilities. It is not deemed to be a meeting room as it will always be accessible to all Members. Other than Members it will only be accessible by Cleaning Staff and Security staff.

Order: The Members welcomed the new facility and requested that a shredder be installed in the room also.

➤ **Clarification on Standing Order 26:**

A Motion may be proposed either by the Member in whose name it stands, or, if they are absent, by any Member authorised in writing, to propose it on their behalf. If a Councillor is absent and wishes to have their motion deferred they must inform the chair of the committee in writing.

Order: Noted and Members to be made aware of the procedure.

➤ **Protocol Motion on the title of Lord Mayor:**

The Council agreed to request the City Council's Public Participation Network to place the matter on their agenda and consult with their member organisations and to report back to the Council through the Local Community Development Committee and Protocol Committee. The Secretariat of the PPN met on 11th September and indicated they would be delighted to consult with PPN members on the amended motion. However, they felt that the wording of the motion is unclear. They would like to request that Dublin City Council compile a short questionnaire based on the motion which could be sent to the 633 groups currently registered with the PPN.

Order: The Members agreed not to move forward at this time with the survey as the Minister has indicated there are proposals in the pipeline in relation to a directly elected mayor for Dublin. Members felt they would like to see these proposals before proceeding.

- The Manager informed the Member's that Councillor Paul Hand had requested that an issue relating to Council Questions be raised. Cllr Hand was not satisfied with a response to a Council question which he believed was deliberately misinterpreted so as to not provide a full and comprehensive reply. The Manager informed Members that it was not the role of Council staff to interpret Council questions. Members should frame their questions in a comprehensive manner to ensure that officials can provide them with all the information that they require.

Order: Noted

9 Proposed date for next meeting - Thursday 2nd November 2017 at 8am in the Richard O'Carroll Room, City Hall.

Order: Agreed.

Ciaran O'Moore
Vice Chairperson
Thursday 28 September 2017

Attendance:

Members:

Brendan Carr
Teresa Keegan
Michael Mullooly
Sonya Stapleton

Members:

Aine Clancy
Dermot Lacey
Naoise O'Muiri

Members:

Anne Feeney
Ardmhéara Micheal Mac Donncha
Ciaran O'Moore

Officers

Oonagh Casey

Michael Gallagher

Yvonne Kelly

Apologies:

Patrick Costello

Deirdre Heney

Ray McHugh

GENERAL DATA PROTECTION REGULATION (GDPR)

*Information session for Protocol
Committee Thursday 25th September
2017 - 8am.*

What is GDPR all about?

- General Data Protection Regulation (EU) 2016/679 (“GDPR”)
- Adopted April 2016
- Comes into force **25 May 2018**
 - Emphasises transparency, security and accountability of data controllers.
 - New rights and strengthening of rights for citizens
 - New elements and significant enhancements

SCOPE

- Applies to;
 - the processing of personal data by automated means
 - The processing of personal data which forms part of a filing system
- What is personal data?
 - Means any information relating to an identified or identifiable natural person
 - Greater security requirements for “special categories” of personal data

Reminder about the Current law -

- Legal responsibilities of a Data Controller
- **Must ...**
 - Obtain and process the information fairly
 - Keep it only for one or more specified and lawful purposes
 - Process it only in ways compatible with the purposes for which it was given to you initially
 - Keep it safe and secure
 - Keep it accurate and up-to-date
 - Ensure that it is adequate, relevant and not excessive
 - Retain it no longer than is necessary for the specified purpose or purposes
 - Give a copy of his/her personal data to any individual, on request.

What's new in GDPR

1. DPO – Data Protection Officer
2. Accountability
 - Record of processing activities
 - Data processing agreements
 - Transparency – privacy statements
 - Privacy Impact Assessments
 - Privacy by design and by default
3. New rights for citizens and new information requirements
4. Greater obligations re security measures
5. Consequences – remedies, liability and penalties
 - Enhanced powers of Data Protection Commissioner
 - Administrative fines / notices / directions
 - Rights of citizens to make complaints
 - Right to damages for citizens
6. New requirements re data access requests
7. New notification requirements re personal data breaches

1. Data Protection Officer

- Mandatory for public authorities – Terence O’Keefe newly appointed
- **Independent** answerable to highest management level
- DCC obliged to provide adequate resources to the DPO
- Functions;
 - Inform and advise controller, processors, employees who carry out processing re regulation
 - Monitor compliance with regulation, with controllers DP policies, including assignment of responsibilities, awareness- raising, and training of staff and audits.
 - Provide advice re data protection impact assessment
 - Co-operate and consult with data protection commissioners office
 - Point of contact for DPC and data access requests

2. Accountability

- Privacy by design and by default
- Council must document privacy management
- Council must document processing activities
- Must be able to demonstrate how DCC complies with a host of additional obligations

Page 11

• How to demonstrate compliance

- Written policies and procedures for all data management processes and for data breach management
- Privacy statements and information for data subjects that meet all the GDPR requirements
- Training and awareness for all frontline staff
- Third party agreements on data sharing
- ***Privacy impact assessments***

3. New rights for citizens

- New rights to information for citizens when providing their details
 - Identity and contact details of the data controller
 - Contact details of the data protection officer
 - Purposes of the processing
 - Legal basis for processing
 - Any third parties or categories of third parties that will be given the data
 - The period for which the data will be stored
 - Existence of various rights in relation to the data including rights of access erasure and right to lodge a complaint with the Data Protection Commissioner....

New Rights for Citizens - continued

- Rights to transparency
 - Communications must be intelligible and easily accessible, in clear and plain language
- Right of access to personal data
- Right to rectification
- Right to erasure / to be forgotten
- **New** - Right to restrict of processing
- **New** - Right to data portability
- **New** - Right to object.... (direct marketing and profiling)

4. Security Measures

- Must be; - processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using ***appropriate technical or organisational measures*** (integrity and confidentiality)

What does processing mean?

- Means any operation or set of operations which is performed on personal data or 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.

5. Consequences - Remedies liability and penalties

- Enhanced rights for citizens

- Every data subject has a right to complain to DPC
- Right to compensation
- Entitled to judicial remedies

Page 15

- Enhanced and increased powers for the Data Protection commissioner.

- Entitled to conduct investigations
- Issues notices and directions
- Apply administrative fines Up to €10,000,000 / €20,000,000 2%/4% worldwide turnover
- Reputational damage to DCC

6. Data Access Requests

- New requirements regarding data access requests
 - Provision of information and communications to data subject – must be concise, transparent and in easily accessible form, clear and plain language
 - Right to obtain from the controller confirmation as to whether or not his or her personal is being processed
 - If it is being processed; - Citizens will have the right to access to that personal data **and** the following information
 - Purposes for which data is held
 - categories of personal data
 - Third parties or categories of third parties receiving
 - Storage period
 - Rights to request restriction, erasure, right to restrict/object to processing
 - Right to lodge a complaint
 - Request must be met - Without “undue delay” in any event within **1 month**. Can extend - 2 months, where *necessary*, must explain!
 - Free of charge!

7. New requirement to notify when there is a data breach

- What is a personal data breach?
 - Means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to, personal data transmitted, stored or otherwise processed.
- Must notify the DPC when there is a personal data breach
 - Unless data breach is unlikely to result in a risk to rights
 - without due delay” – within 72 hours.
- Must notify the person themselves in certain circumstances
 - High risk to rights and freedoms.

Lawfulness of processing – Article 6

- Only lawful if at least one applies;
 - Consent
 - Contract
 - Legal obligation
 - Necessary to protect vital interest of data subject
 - Necessary for performance of task carried out in the public interest or exercise of official authority (must be a legal basis to rely on this ground)
 - Necessary for purposes of legitimate interest pursued by controller.... (this ground specifically excluded for public authorities)
- Must ensure lawfulness of processing
- Consent **not** a reliable ground where controller is a public authority (Recital 43)

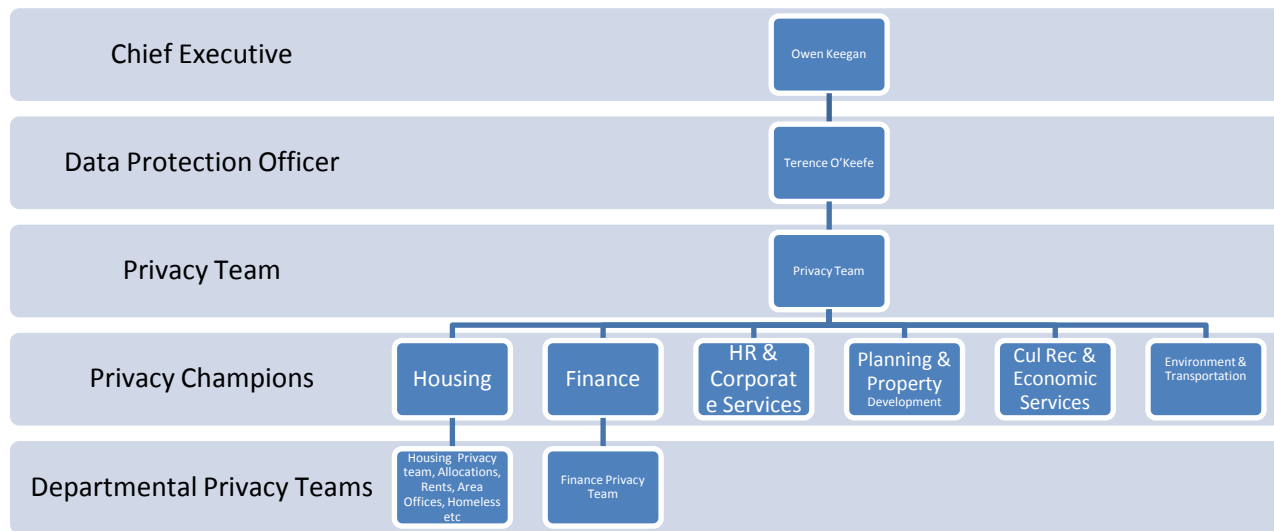
What's next?



Preparing for GDPR - Executive

- Privacy management teams
- Review and Audit of personal data in the various Departments:
 - Identification and analysis of the collection and processing of data within Departments.
 - Identification of relevant filing systems – list all data sets
 - Map and review of the *data life cycle for each data set*.
 - *Legal basis for holding*
 - *Access – who, what, why*
 - Contracts - Disclosures to third parties
 - Destruction, retention and storage policies
 - Security of data
 - Privacy statements on application forms, websites
- Identify and document the relevant policies and procedures for each data set.
- Governance:
 - DPO and privacy management team
 - Personnel training, awareness training
 - Privacy Impact Assessments
 - Policies and procedures around processing
 - Documentation of processing
 - Data access requests – policies and procedures
 - Data breach procedures
 - Demonstrating Compliance
- Look at third party contracts and data sharing, review all contracts
- Look at all internal housekeeping matters with privacy in mind.

PRIVACY MANAGEMENT STUCTURE



Elected members....

- Issues for consideration.....
 - Privacy management issues
 - Management of data generally
 - Difference between personal data and non-personal data
 - Awareness, awareness, awareness.....
- Privacy Impact Assessments
- Liaising with the DPO.

Resources

- Text of the GDPR Regulation - http://ec.europa.eu/justice/data-protection/reform/files/regulation_oj_en.pdf
- Website of the Data Protection Commissioner
<https://www.dataprotection.ie/docs/GDPR/1623.htm>
- EU Guidelines on Data Protection Officers
http://ec.europa.eu/information_society/newsroom/image/document/2016-51/wp243_en_40855.pdf

GDPR Regulation (EU) 2016/679

Nuts and Bolts

- Recitals: 173
- Articles: 1 - 99
- Chapters: 1 – 11
 1. General provisions
 2. Principles
 3. Rights of the Data Subject
 4. Controller and processor
 1. General obligations
 2. Security of personal data
 3. Data protection impact assessment and prior consultation
 4. Data protection officer
 5. Codes of conduct and certification
 5. Transfers of personal data to third countries or international organisations
 6. Independent supervisory authorities
 7. Cooperation and consistency
 8. Remedies and penalties
 9. Provisions relating to specific processing situations
 10. Delegated acts and implementing acts
 11. Final provisions

THANK YOU!



- Yvonne Kelly, Assistant Law Agent, and Audrey O'Hara, Senior Solicitor
- 28th September 2017

