

---

## Report to Protocol Agenda - “GDPR & Council Questions”

---

I undertook to review the processes and procedures around Council Questions submitted to City Council and Area Committee meetings and prepare a report for your consideration. An initial driver for this review is the advent of General Data Protection Regulations (GDPR) which will come into operation across Europe in May 2018. As a processor of personal data, GDPR will require DCC and Councillors to take enhanced care when dealing with personal data. Should there be a data breach compensation claims and/or heavy fines may apply to Dublin City Council as an organisation or to an individual Councillor even if there is not damage to the individual concerned.

All Departments in DCC have been required by the DCC Data Protection Officer (Terence O’Keeffe) to audit all our processes around the acquisition, processing, communication and retention of personal data. The Chief Executive’s Department reviewed the 5,526 questions submitted by Members in 2017 for Council and Area Committees. This identified a number of risks and issues that need to be addressed in how questions are currently managed.

### Personal Data

2017	Questions	Personal Data	%
Totals	5,526	883	16%

It is a core role of a Councillor to make representations on behalf of constituents and there is an obligation on staff to respond to these representations. The Data Protection Commissioner had issued guidance in 2007 that Public Representatives are deemed to have consent for these written enquiries but it is unclear yet whether this guidance still applies.

16% or 883 of questions submitted and responses received contained personal data of constituents including name, address, telephone number, children, disability/illness or mental health status, age, marital status, incomes and often other sensitive data. These questions are largely aimed at the Housing functions in DCC with some minor exceptions (disabled parking etc). These questions and responses are circulated widely by email across the organisation and then emailed back to the Councillor concerned. The organisation is required to minimise the sharing of this data. Under the new regulations people are entitled to identify all such data kept by DCC and by Councillors as data controllers themselves. There has to be clarity about how long this data is acquired, shared, and retained by the Council and the Councillor concerned.

#### Potential Responses:

- Separate those questions with personal data and submit and receive responses through a secure system or through secure encrypted email systems e.g. @dublincity.ie.
- Agree retention and deletion practices for current and historic questions.

### Details Supplied Questions

In the interest of transparency, responses to Council and Parliamentary Questions are published as standard by other Local Authorities and by the Houses of the Oireachtas. In Dublin City Council less than 30% of responses are published as they are submitted with a “Details Supplied request” by Councillors.

The category of Details Supplied Questions was initiated to deal with questions which contained personal details. However in 2017, 71% of questions were listed as detailed supplies across all meetings. 56% of those questions had no personal details attached. In some instances all Area Committee questions submitted fall into this category. While the Councillor concerned receives a reply here is no public record of these questions or the replies issued. It also leads to multiple questions on the same issue being submitted from different councillors.

Set out below is a breakdown of the status of questions submitted to the Area and City Council Committees.

<b>Combined Area &amp; City Council Questions</b>			
	Total Questions	Details Supplied	Published Responses
<b>Totals</b>	5,526	3928	1598
<b>%</b>		<b>71%</b>	<b>29%</b>

<b>City Council Questions</b>				
	Total Questions	Details Supplied	Personal Data	Published Responses
<b>Totals</b>	<b>1520</b>	<b>875</b>	<b>262</b>	<b>645</b>
		<b>57%</b>	<b>17%</b>	<b>43%</b>

<b>Area Committee Questions</b>				
	Total Questions	Details Supplied	Personal Data	Published Responses
<b>SEA</b>	778	147	114	91%
<b>NCA</b>	1008	997	200	.1 %
<b>CA</b>	505	505	39	0%
<b>SCA**</b>	744	520	41	30%
<b>NWA</b>	971	884	227	9%
<b>Totals</b>	4006	3053	621	
<b>%</b>		<b>75%</b>	<b>15%</b>	<b>24%</b>

\*\*Estimate based on 3 month period.

% Figures are rounded to nearest decimal

Potential Responses:

- Reconsider practices around “Details Supplied” questions.
- Include Response to all questions that do not contain personal details in minutes of relevant meeting
- Agree time gap to allow the Councillor who posed the question to communicate to interested parties in advance of publication of minutes

### **Recommendation**

Given the changes required by GDPR it is time for this committee to reconsider current practices around Council Questions and responses.

**Deirdre Ni Raghallaigh**  
**Senior Executive Officer**  
**21<sup>st</sup> February 2018**