

Responding to public representations from Councillors – Guidelines for Staff

In light of the introduction in 2019 of the General Data Protection Regulations (GDPR) there has been some questions raised by staff regarding the release of third party private information to Councillors. Following discussions with the Protocol Committee I set out below the agreed procedures.

1. **Dublin City Council is not a data Controller for Councillors.** Councillors and other elected public representative are data controllers in their own right. In December 2018 the Data Protection Commission issued “ ***Guidelines on the Processing of personal data by elected representative under section 40 of the Data Protection Act***” Compliance with these guidelines on data processing, retention and deletion is a matter for each Councillor.
2. **Written Consent of data subject not generally needed when an organisation releases information to Elected Public Representative**

“The DPC advises that where a public representative makes a written representation on behalf of a constituent on foot of Section 40, the organisation can generally assume that the constituent has given their permission for the release of personal data necessary to respond to the representation. In other words the organisation may accept the bona fides of elected representatives who state they are acting on behalf of a member of the public. As the organisation is accountable for the personal data it has chosen to release, it should be satisfied that it is reasonable to assume that the individual whose personal data is released would have no objection to such a release through a public representative. In most cases, this is unlikely to be an issue especially in relation to the many representations made on behalf of individuals who simply wish to know when a particular service will be provided”

“.....Clearly, there is an onus placed upon the elected representative to provide sufficient details as to the nature of the request but an organisation should also apply a common sense approach when considering such requests. For example, it will be unnecessary in most situations for an organisation to insist on explicit consent when in receipt of a written representation of an elected representative, particularly when this would inevitably lead to a delay such that the objective of the request could not be met and particularly when the personal information at issue is non-sensitive”

Please note that this assumed consent does not apply to unelected representatives, advocates, voluntary organisations, sectoral members of SPCs, electoral candidates or former Elected Members

3. **Extent of the information to be released should be appropriate and proportionate to answer the question asked.** In in doubt please consult with your line manager.
4. **Be particularly careful and consult** if the response reveals sensitive information about an additional party (not party to the enquiry) i.e. elderly parent, adult children, spouse or partner

5. Emailing response to Councillors: **If in doubt use the DCC email address.** Every Councillor has a DCC email account. Emails received from Councillors DCC email can be replied to directly. Appropriate 3rd party details can be included. This dublincity.ie accounts are listed on internal phone books.

- Additional authorised emails

Some Councillors have opted to have their emails forwarded to a non-DCC email addresses. In these circumstance DCC has written confirmation that these email accounts meet DCC Corporate security standards. These addresses can be treated as if they are DCC addresses.

Janice Boylan	janicexboylan@gmail.com
Tom Brabazon	brabazont@eircom.net
Claire Byrne	clairebyrnegreenparty@gmail.com
Hazel Chu	hazel.chu@greenparty.ie
Keith Connolly	keithconnollyff@gmail.com
Hazel De Nortúin	nortonh6@gmail.com
Daithí De Róiste	daithi@daithideroiste.ie
Pat Dunne	pdunne.home@hotmail.com
Mary Fitzpatrick	info@maryfitzpatrick.ie
Declan Flanagan	campaigndeclan@gmail.com
Alison Gilliland	alisongilliland.ie@gmail.com
Lawrence Hemmings	lawrence@greenparty.ie
Deirdre Heney	heneydm@gmail.com
Jane Horgan-Jones	horganjones.jane@gmail.com
Vincent Jackson	uinseann1@gmail.com
Dermot Lacey	dermot.lacey@labour.ie
John Lyons	john.lyons31@gmail.com
Mícheál Mac Donncha	mmacdonncha@gmail.com
Tina MacVeigh	tinymv@gmail.com
Ray McAdam	raymcadam@gmail.com
Paddy McCartan	cllrpatmccartan@gmail.com
Sophie Nicoullaud	sophie.nicoullaud@greenparty.ie
Damian O'Farrell	damianofarrell@gmail.com
Naoise Ó Muirí	campaign@naoise.ie
Cieran Perry	cieran.perry@gmail.com
Michael Pidgeon	michael@pidgeon.ie
Nial Ring	nialring@eircom.net

Other Email Addresses: Emails received from any Councillors not using an authorised email address **should always be replied to at their DCC email address.**

Email Groups for Councillors: Sending emails to everyone.Councillors@dublincity.ie sends emails to all these DCC addresses. Please use this email only if communication has relevance for all councillors. Do not use for sending lobbying material from the public.

Other group emails can be set up for the efficient operation of areas, committees and working groups. Only include DCC addresses in these groups. **Do not use Group Emails to provide information on individuals as this can lead to data breaches.**

6. **Enquiries by phone:** Third Party private or sensitive information should not be given to Councillors over the phone. Urgent information if requested over the phone should be emailed to the DCC address of the Councillor concerned.
7. **Oireachtas Members:** Public representations from TDs and Senators received by email should be responded to at their Oireachtas email. Let the representative know that this is the corporate procedure