

DATA PRIVACY STATEMENT – KILKENNY COUNTY COUNCIL LOCAL AUTHORITY AFFORDABLE PURCHASE SCHEME

Who we are and why do we require your information?

Kilkenny County Council is the democratically elected organisation whose principal function is to provide a broad range of services in areas such as Housing, Roads & Transportation, Flood Prevention, Water Services, Economic Development & Tourism, Planning & Conservation, Environmental Protection, Heritage & the Arts, Library Services, Community & Culture, Amenity, Sport & Recreation, Fire Services, Energy, Older People & Age Friendly, Children & Younger People, Financial Management & Customer Services development.

In performing its functions, Kilkenny County Council is required to collect and process significant amounts of "personal data" within the meaning of the General Data Protection Regulations [GDPR] and of the Data Protection Acts 1988 to 2018. The Council respects the privacy rights of those whose personal data we process and we are conscious of our obligations under the Data Protection Acts.

The purpose of this Privacy Notice for the Local Authority Affordable Purchase Scheme is to outline in clear and concise terms the personal data that we may collect about individuals, why it is required and how long the information is retained. It also outlines the rights of individuals under Data Protection legislation in relation to the processing of their personal data.

Why do we have a privacy statement?

Kilkenny County Council has created this privacy statement in order to demonstrate our firm commitment to privacy and to assure you that, in all your dealings with Kilkenny County Council, we will ensure the security of the data you provide to us.

Kilkenny County Council collects and processes a significant amount of personal data in various multiple formats on a daily basis. Kilkenny County Council's commitment to you 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.

Data Protection Policy

Kilkenny County Council has a detailed Data Protection Policy which goes into more detail on how we, as a Public Body, are committed to ensuring the security of any personal data you provide to us. https://www.kilkennycoco.ie/eng/Your_Council/Data-Protection/Data-Protection.html

What personal data do we need?

Kilkenny County Council, in delivering schemes under the Local Authority Affordable Purchase Scheme, will require the collection of data to assess eligibility of applicants applying to purchase an Affordable Home. An online application form must be completed as part of the application process during. In addition specified supporting documentation will be required to be supplied.

The types of personal data applicants may be asked to supply can be categorised as follows:

Applicant name, date of birth, postal address and Eircode, contact email address, contact telephone / mobile number, Personal Public Service Number (PPSN) / tax reference number, photographic identification, nationality, marital status, household members' names, date of birth and PPSN and relationship to applicant/s.

- Financial details for all applicants:
 - Employment status and details;
 - Applicant/s Income in line with Affordable Purchase Income Assessment Policy;
 - Evidence of savings for each applicant;
 - Evidence of mortgage approval in principle;
 - Confirmation of eligibility for Help to Buy Scheme.
- Proof of First Time Buyer status (where applicable):
- Confirmation that applicant/s does not own or does not have an interest in property in the State or elsewhere. Documentary evidence to be provided on request.
- Proof that applicant meets the Fresh Start eligibility guidelines (where applicable).
- Proof of Habitual Residency for all applicants.
- Proof of Right to Reside for Non-Irish applicants.

Sharing Information

The Council may share your information internally (within the Council) in accordance with statutory obligations. In addition, the Council may share your information with third parties in accordance with statutory and regulatory obligations. Where this is required, the Council shall have regard to the security and integrity of the data and will minimise the data shared.

Third parties that we may share this information with may include some of the following:

Kilkenny County Council Legal Representatives / Solicitors; Property Developer and/or Auctioneer acting on behalf of the particular Affordable Housing Scheme; Interform – company who manage the online application portal; Relevant Bank / Lending Agency / Financial Institution applicable to each applicant, Legal Representatives for the successful applicants, Legal representative / solicitor acting on behalf of Property Developer, Revenue Commissioners, Department of Housing, Planning & Local Government.

Legal and Regulatory Obligations

The legal basis for processing personal data by Kilkenny County Council is mostly contained in the following legislation:

In accordance with Article 6.1 (e) of the GDPR, processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Kilkenny County Council in conjunction with the following legislation:

- Part 2 of the Affordable Housing Act 2021;
- Affordable Housing Regulations 2023 (S.I. No. 20/2023);
- Affordable Housing (No. 2) Regulations 2023 (S.I. No. 21/2023).

Records Retention Policy

Application information will be retained for a period of time equal to completion of the respective affordable housing scheme and sale of the number of affordable units available.

Data collected for the purposes of the Local Authority Affordable Purchase Scheme will be retained by Kilkenny County Council Housing Department as follows:

Successful Applicants:

- Application documentation & documentation relating to the Affordable Dwelling Purchase Arrangement will be retained on hard file in secure storage in the Council Housing Department.
- A Digital file of application documentation & documentation relating to the Affordable Dwelling Purchase Arrangement will be retained on the council's server.

Due to the equity stake in the property this data will be retained for the duration of the loan term (up to 40 years) + 7 years.

- Data submitted on the online application portal will be permanently deleted from the portal on instruction by the Council to Interform once the specific scheme is complete, all sales complete and houses have been occupied. A certificate of Deletion will be supplied by Interform to Kilkenny County Council once deleted.

Un-successful Applicants:

There will be no Local Authority Affordable Purchase Scheme records relating to unsuccessful applicants retained by Kilkenny County Council Housing Department once the specific scheme is complete, all sales complete and houses have been occupied.

- Application documentation will be retained by Kilkenny County Council up to the period at which the specific scheme is complete, all sales complete and houses have been occupied.
- Data submitted via the online application portal will be permanently deleted from the portal on instruction by the Council to Interform once the specific scheme is complete, all sales complete and houses have been occupied. A certificate of Deletion will be supplied by Interform to Kilkenny County Council once deleted.
- Any documentation downloaded from the online application portal by the Council in the process of assessing the Affordable Purchase Scheme applications will be permanently destroyed once the specific scheme is complete, all sales complete and houses have been occupied.

All applicants:

- A digital spreadsheet per scheme will be retained on KCC server as a record of everyone who applied for that particular scheme. Information retained will include name / contact details of the applicant, outcome of the application, date applicant notified of outcome.
- A digital record of formal communication (letter) to applicant informing them of the final outcome of the application will be retained for a period of 7 years.
- A digital record of formal communication (letter) to applicant confirming that data on the online application portal has been permanently deleted will be retained for a period of 7 years.

Contact Details

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

Details of Personal Circumstances

If you wish to apply for a particular service from the Local Authority you will be asked for a varying amount of personal details specific to you and your family, in order to support your application.

Kilkenny County Council will set out the information we require in a series of separate and distinct application forms relevant to each service.

Your Data Protection 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 Kilkenny County Council. 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. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.

To exercise these rights, you should contact Kilkenny County Council (Data Controller), Contact Details are as follows:

Phone Number: +353 56 7794277
E-mail: dataprotection@kilkennycoco.ie
Website: www.kilkennycoco.ie
Postal Address: Kilkenny County council, County Hall, John Street, Kilkenny R95 A39T

Right to Complain to the Office of the Data Protection Commissioner

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

Lo Call Number: 1890 252 231
E-mail: info@dataprotection.ie
Postal Address: Data Protection Commissioner, Canal House, Station Road
Portarlinton, Co. Laois. R32 AP23

Review:

This policy will be reviewed regularly in light of any legislative or other relevant indicator.