

MONAGHAN COUNTY COUNCIL



General Data Protection Regulation and the Data Protection Act 2018

Privacy Statement for processing of personal data contained in the submissions on the Draft Map for the Residential Zoned Land Tax

What is the activity referred to in this Privacy Statement?

The Finance Act introduces the Residential Zoned Land Tax (RZLT) taxation measure to activate land which is suitably zoned and connected to or has access to services for the provision of housing. This will provide an incentive for the commencement of construction of existing planning permissions on such lands, in addition to encouraging engagement with Planning Authorities.

Section 653C of the Finance Act 2021 sets out the legislation for the preparation of the "Draft Map" for the purposes of identifying land that is potentially subject to the Residential Zoned Land Tax. The Planning Authority are inviting submissions on the draft map.

The draft Map is the first stage in producing a "final map" as set out in Section 653k of the Finance Act 2021. The draft map identifies all land satisfying the relevant criteria as set out in Section 653B of the Finance Act 2021 and specifies the date on which the land first satisfied the relevant criteria where that date is after the 1st of January 2022, as well as the total area in hectares identified on the map.

The submissions received on the draft map will be evaluated and determined whether the subject lands shall be included or excluded on the final map, and the date on which the subject land first satisfied the relevant criteria, as per Section 653E of the Finance Act 2021. Submissions requesting a change to the zoning of lands included in the draft map shall be evaluated and consideration should be given as to whether to propose a variation under Section 13 of the Planning and Development Act 2000, as amended.

The Planning Authority must publish a supplemental map showing any additional lands that were proposed during the submission stage on the draft map and deemed to have met the criteria set out in Section 653F of the Finance Act 2021 for inclusion on the supplemental map. The supplemental map must be published by the 1st of May 2023.

Who we are and why do we require your information?

Monaghan County Council seeks to promote the economic, social, and cultural development of Monaghan County and in doing so contribute significantly to improving the quality of life of the people of Monaghan. The delivery of high-quality services, tailored to meet the needs of all our customers, remains one of Monaghan 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 Monaghan County we are 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 EU General Data Protection Regulation 2016 (GDPR). The personal data may relate to past and future service users; past, current, and prospective employees; suppliers and members of the public who may engage in communications with Monaghan County Council. In addition, Monaghan County Council may need from time to time, to collect, process and use certain types of personal data to comply with regulatory or legislative requirements or as otherwise reasonably required for the performance of our functions.

What is the basis for making the process of this personal data lawful?

The processing of this data is necessary for the compliance with a legal obligation to which Monaghan County Council is subject to in accordance with Article 6(1) of the GDPR.

The lawful basis for this process is Section 653C and 653I of Finance Act 2021 and Section 13(3A) of the Planning and Development Act, 2000 as amended.

What type of personal data is required in this process?

Details of name, postal address and where the person making the submission is the owner of the site, the submission shall be accompanied by an Ordnance Survey Map at a scale at which the site can be accurately identified.

Why we required your contact details ?

You will be asked for contact details in order for us to communicate with you; you are not required to provide all contact details but providing more, such as an email address, will make it easier to make contact.

For those making submissions during the public consultation period, personal details are required for the following reasons:

- To confirm the identity of the person making the submission;
- To acknowledge receipt of a submission;
- To ensure the submissions are legitimate;
- To ensure that any further information required can be requested by the Local Authority, and is returned within the statutory time limit of 21 days from the date of receipt of the request by the submitter, as per Section 653E(2) & 3 of the Finance Act 2021;
- To request such evidence as is necessary to prove that the person making the submission is the owner of the site, as per Section 653D(3) of the Finance Act 2021.

Why do we have a privacy statement?

Monaghan 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 Monaghan County Council we will endeavour to ensure the security of the data you provide to us.

Monaghan County Council creates, collects and processes a significant amount of personal data in various multiple formats on a daily basis. This data may be submitted by you through application forms or our website or through correspondence with you. Monaghan County Council commits to using personal data which 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.
- Processed only in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

Additional details are available on our Data Protection Policy Statement at (insert link to Privacy Notice)

What personal data do we need?

The types of personal data you may be asked to supply can be categorised as follows,

- Contact details to allow for efficient communication
- Details of your personal circumstances which you are required by law to supply as part of your application for a service offered by Monaghan County Council
- Your own financial details which you are required by law to supply as part of your application for a service offered by Monaghan County Council

What will happen if the personal data is not provided

The Council may need to contact you in relation to your submission. Failure to provide your contact more details may result in the Council being unable to process your submission.

It may result in the Local Authority not being able to seek further information from you on the submission, which will inhibit the evaluation and determination of the process set out in 653E of the Finance Act 2021.

What other types of personal data do we need for this process?

None

Is the information provided in the submission the only source of personal data?

In some instances, to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party. This does not apply to this activity.

Publication of Submissions Online

Please be advised, as per Section 653d(2) of the Finance Act 2021, as amended that the Planning Authority are required to publish, no later than 11th of January 2023, on the Councils own website, the submissions (other than any part of that submission which may consist of personal data), received by it in accordance with Section 653 (1) of the Finance Act 2021.

Where your submission relates to a request to rezone land that is included in the draft map the Local Authority shall publish your submission within 10 working days, as per Section 13 (3A) of the Planning and Development Act 2000, as amended. This publication date is subject to the Local Authority determining that the submission is not vexatious, libellous, containing confidential information relating to a third party, or if the Local Authority has sought legal advice on the above matters.

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

The Council may, to fulfill statutory or regulatory obligations or in the public interest from time to time, be required to share personal data with other organisations or entities (In Ireland or abroad). Where this is required, the Council shall regard to your right, to the security and integrity of the data and will minimise the data shared.

Where a submission raises issues relating to the servicing of the land or other particular criteria such as contamination the Local Authority may refer the contents of the submission along with the relevant section of the draft map to Irish Water, TII or other relevant bodies identified under Article 28 of the 2001 Planning and Development Regulations, requesting further information on the serviced status of the land or otherwise, as per Section 653E(2) of the Finance Act 2021.

Where in the future an appeal is made to An Bord Pleanála in relation to a determination by the Local Authority under Section 653E of the Finance Act 2021, the information provided as part of any submission connected with that appeal will be shared with An Bord Pleanála to allow them to assess all aspects of the appeal as per Section 653J of the Finance Act 2021.

The Planning Authority will exercise the principles of data minimisation to the personal information collected during this process when sharing the information. The information shared will be what is directly relevant and necessary to accomplish a specific purpose, namely the seeking of further information from prescribed bodies (Section 653E of the Finance Act 2021) and the sharing of information with An Bord Pleanála to allow an assessment of the appeal (section 654J of the Finance Act 2021)

Records Retention

Monaghan County Council retains personal information for as long as is necessary. The department holding your personal data will provide more detail to you about how long your personal data is held. For further information please see our National Retention Policy ([insert link from website](#)).

Do you need to update your records?

Monaghan County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date. In addition if the data held by us is found to be inaccurate if you have the right to rectify this. If you find that personal data we have about you is inaccurate or needs to be updated (for example, you may have changed address, contact details etc) then please contact us so we can correct it). You can do this by writing to us at The Planning Office ,No 1 Dublin

Street, Monaghan , H18 X982 or emailing planning at planning@monaghancoco.ie or rzlt@monaghancoco.ie or phoning 047-30532.

Your Rights

You have the following rights, in certain circumstances and subject to applicable exemptions, in relation to your personal data:

- the right to access the personal data that we hold about you, together with other information about our processing of that personal data;
- the right to require us to rectify any inaccuracies in your personal data;
- the right to require us to erase your personal data;
- the right to request that we no longer process your personal data for particular purposes;
- the right to object to our use of your personal data or the way in which we process it; and
- the right to receive your personal data, which you provided to us, in a structured, commonly used and machine-readable format or to require us to transmit that data to another controller.

Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.

If you would like to exercise any of these rights, please submit a request to our Data Protection Officer outlining the specific details of the request:

Email: dataprotectionofficer@monaghancoco.ie

Right of Complaint to the Office of the Data Protection Commission

If you are not satisfied with the outcome of the response you received from Monaghan County Council in relation to your request, then you are entitled to make a complaint to the Data Protection Commission who may investigate the matter for you.

The Data Protection Commission'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 Commission, Canal House, Station Road, Portarlinton, Co. Laois. R32 AP23.

Other websites

Our website contains links to other websites. This privacy statement only applies to this website and the services operated by the Council. When you link to other websites you should read their own privacy policies.

Changes to our privacy statement

We keep our privacy statement under regular review, and we will place any updates on this web page. This privacy policy was last updated on 31st of October 2022.

Governing Law and Jurisdiction

This privacy statement and all issues regarding this website are governed exclusively by Irish law and are subject to the exclusive jurisdiction of the Irish courts.

How to contact us

For any queries relating to the Monaghan County Council Privacy Statement or Data Protection policies, please contact our designated Data Protection Officer.

Monaghan County Council's Data Protection Officer can be contacted by email at: dataprotectionofficer@monaghancoco.ie