



Damage to Monuments

(Privacy Statement)

The Department of Housing, Local Government and Heritage is the Government Department responsible for housing and water, for physical and spatial planning, for local government, for weather forecasting and for built and natural heritage.

The Department is committed to protecting and respecting your privacy. This privacy statement explains how the Department, as the Data Controller, will process the personal data provided to it in respect of reports of any threat / damage to a recorded monument; how that information will be used, and what rights you may exercise in relation to your personal data. The Department of Housing, Local Government and Heritage functions in processing personal data for law enforcement purposes make it a competent authority* for the purposes of Part 5 of the Data Protection Act 2018.

Categories of personal data

The Department processes the following personal data in respect of reports of damage to a recorded monument on farmland:

- Any personal data provided by the person or organisation reporting the possible threat / damage.
- Name and contact details as they appear on LandDirect.ie. in order to correspond with the landowner in relation to the reported threat / damage.

*** A competent authority means:**

- A public authority competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security, or
- any other body or entity authorised by law to exercise public authority and public powers for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties in the State, including the safeguarding against, and the prevention of, threats to public security.

Source of the personal data

Your personal data was provided to the Department by various individuals/bodies i.e. reports from members of the public, Local Authorities, An Garda Síochána and others. The Department also uses LandDirect.ie to source the name and contact details of the landowner.

Purposes of the processing

The Department will use the information provided to investigate and respond to reports of potential damage to monuments in accordance with the discharge of its law enforcement functions under the National Monuments Acts 1930-2004. The Department will use the information provided in order to share data with the Department of Agriculture, Food & the Marine for the purposes of cross compliance on damage to monuments on farmland.

Profiling

The Department will not use any personal data received or collected in respect of reports of damage to recorded monuments for automated decision-making, or for profiling purposes.

Lawfulness of processing

Where the Department is processing your personal data for law enforcement purposes, the legal basis is Section 70(1)(a) of the Data Protection Act 2018 and the National Monuments Acts 1930-2004.

Where the Department shares your personal data with the Department of Agriculture, Food and the Marine for purposes of cross compliance in respect of damage to monuments on farmland, the legal basis is GDPR Article 6(1)(e) and Regulation (EU) No 1306/2013 which states:

- Article 91 (General principle): *“Where a beneficiary referred to in Article 92 does not comply with the rules on cross-compliance as laid down in Article 93, an administrative penalty shall be imposed on that beneficiary.”*

- Article 96 (Checks of cross-compliance): *“Member States may make use of their existing administration and control systems to ensure compliance with the rules on cross-compliance.”*

- Article 117 (Processing and protection of personal data):

“1. Member States and the Commission shall collect personal data for the purpose of carrying out their respective management, control, audit as well as monitoring and evaluation obligations under this Regulation and, in particular, those laid down in Chapter II of Title II, Title III, Chapters III and IV of Title IV, Titles V and VI and Chapter III of Title VII, as well as for statistical purposes, and shall not process this data in a way that is incompatible with that purpose.”

Security of your personal data

The Department implements appropriate technical and organisational measures to protect your information from unauthorised access. However, despite these efforts, no security measures are perfect or impenetrable, and no method of data transmission can be guaranteed against any interception or other type of misuse. In the event that your personal data is compromised as a result of a breach of security, the Department’s Breach Management policy and procedures will be implemented.

Recipients of the data

Personal data is shared with the Department of Agriculture, Food and the Marine for purposes of cross compliance in respect of damage to monuments on farmland.

Personal data may be exchanged with other Government Departments, local authorities, agencies under the aegis of the Department, or other public bodies, in certain circumstances where this is provided for by law.

Personal Data may be shared, where appropriate, in the discharge of our functions and under the Law Enforcement Directive (Part 5 of the Data Protection Act 2018) with other competent authorities.

Further Processing of Your Personal Data

Where it is necessary and proportionate to do so, in accordance with the Data Protection Act 2018 and the GDPR, further personal data may be requested or received from/provided to other Public Authorities/competent authorities/international organisations for the purposes of:

- preventing, detecting, investigating or prosecuting criminal offences under the Law Enforcement Directive (Part 5 of the Data Protection Act 2018).

Cross-border Data Transfers

The Department will not transfer personal data collected in respect of reports of damage to recorded monuments to any country or international organisation outside the EU/EEA.

How long will your data be kept?

The Department will generally only retain your personal data for as long as necessary to fulfil the purposes for which it was collected, including to satisfy any legal, accounting or reporting requirements, including compliance with the National Archives Act 1986, where appropriate. It may be retained longer for scientific or historical research purposes, or for statistical purposes.

Your rights

The Department's [Data Protection Policy](#), which sets out how we will use your personal data, as well as providing information regarding your rights as a data subject (including details regarding right of access, right to rectification, right to erasure, right to restriction of processing, right to object), is available on our website. The policy is also available in hard copy upon request. If you consider that your rights have been infringed, you have the right to complain to the Irish Data Protection Commission (www.dataprotection.ie), and you have the right to seek a judicial remedy.

Contacting Us

If you require further information, or wish to access your personal data, please contact the Department's **Data Protection Officer**, details below:

Data Protection Officer

Department of Housing, Local Government and Heritage

Newtown Road

Wexford

Email: data.protection@housing.gov.ie

Date: 17th June 2022