

Privacy Notice for Constituents - **IMPORTANT NOTICE: YOUR PRIVACY**

WHO I AM AND HOW YOU CAN CONTACT ME? Please take a few minutes to read over this notice. Your privacy is important to me, Senator **Róisín Garvey**. This Privacy Notice sets out what may happen to any personal information you give me. I have an office in Leinster House, Dublin 2. My telephone numbers are **086 1043528 & 01 6183140**, and my email address is Roisin.Garvey@oireachtas.ie.

AUTHORITY AND PERMISSION TO USE PERSONAL INFORMATION. RELEVANT CONDITIONS.

I am issuing this Privacy Notice because of my duties under the General Data Protection Regulation which came into force on 25 May 2018. I'm setting out in this Privacy Notice the grounds on which I will deal with personal information belonging to you and to other people and some common examples. Stricter rules apply to some types of personal information which may be described as special_category data and criminal offence data. I am also letting you know what conditions apply (often to protect your privacy) to how I can deal with personal information. If unusual circumstances arise not covered by this Privacy Notice, I will address these when I am communicating with you.

(a) Public interest and official authority. You may ask me to make a representation on your behalf to a Department or State agency or ask a Minister a parliamentary question/raise a commencement matter in the Seanad (Senate) where the subject matter includes personal information about you. If the representation or request you make to me is on behalf of a third person, you will need to show me that you have that third person's consent. This does not apply if you show to me that the third person is, because of physical or mental incapacity, or because (s)he is too young, incapable of giving the consent. Making representations, or asking a parliamentary question/raising a commencement matter means that personal information (including, sometimes, special_category data or criminal offence data) will have to be shared with other people. For example, if I make a representation to a State body or a Department, a limited number of people there will have to consider and deal with the information to give me an answer. If I ask a parliamentary question/raise a commencement matter, the information is transmitted to the relevant Department through civil servants in the Houses of the Oireachtas Service (parliamentary administration). Other than in cases of special urgency, I will ask you, before I deal with a representation or request, to confirm its content, and also to confirm that you have read and understood this Privacy Notice, and appreciate what will happen to the information you give me. Please find here a link to the Personal Information Acknowledgement Form which allows you to give that acknowledgement. I also deal with personal information in the course of committee or other parliamentary business. This might, for example, involve dealing with personal information where someone sends me what they claim is a whistleblower's disclosure.

(b) Maintaining contact. It may not always be clear when an existing query requires one of us to contact the other again, and I may in due course be able to help you with some matter other than the one you initially got in touch about. The law also allows me to hold on to your contact details so I can send you circulars or newsletters, or tell you about my policies or electoral activities. This is because supporting the democratic process is in the public interest. Therefore, I will retain your contact details such as landline phone number, mobile phone number, and email address. I have your name and home address from the electoral register which is sent to me under the Electoral Act.

Even where I do keep your contact details, I will not email you, ring or text you, or have you rung or texted, on your mobile phone, or have an automated phone call made to you, unless you have consented to the particular means of communication beforehand.

I will treat your consent as being valid until I stop being a member of either House of the Oireachtas and there is no prospect of my being re-elected within a short interval of weeks after that (I will also then delete any information I have from the electoral register). I am permitted, unless you opt out, to ring you or have you rung on your landline if you are not ex-directory or have not had your number listed as one at

which you don't wish to receive calls of a promotional nature. I may also send you mail through the post in the course of electoral activities.

(c) Vital interests of the person referred to. I am allowed to deal with a person's personal information in order to protect the **vital interests** of the person or of some other person. If the information is special category data or criminal offence data, I may only deal with it on this basis if the person is physically or legally incapable of giving consent.

(d) Consent. I will deal with your personal information if you consent to my doing so. If you ask me to deal with special category data or criminal offence data, I will usually need your consent in writing. You are allowed to withdraw your consent at any time. This won't affect how I have already dealt with the personal information, but I won't be able to deal with the personal information any more. You can withdraw your consent at least as easily as the way you gave it (for example, if the personal information is neither special category data nor criminal offence data, and you gave consent orally, you may withdraw it orally). Further information about this is provided in the Personal Information Acknowledgement Form mentioned above.

(e) Other grounds. I will deal with (including disclosing to someone else) your personal information if the law requires me to do so. For example, I must disclose particulars of donors to the Standards in Public Office Commission, and details of my election agent at election time. I must make an annual return which lists anyone who has conferred certain types of benefit on me or, in some instances, on my family or close relatives. I will need to deal with your personal information if you exercise rights under data protection law. I will also deal with personal information if the dealing is needed so that I can obtain legal advice or if I need to take part in court or similar proceedings.

I am allowed to do research into people's political opinions or likely political opinions, for electoral purposes. This is subject to safeguards in accordance with the law protecting personal information.

I am allowed to deal with special category data that has clearly been made public by the person it relates to.

There are instances where I may deal with personal information where I need to do so to perform a contract, or before a contract is entered into, or, where the information is special category data, in relation to an employment contract. I may deal with criminal offence data where this is necessary and proportionate for the performance of a contract to which the person the data relate to is a party, or at the request of such a person before entering into a contract with him or her.

SOURCES OF PERSONAL INFORMATION

Most of the personal information I deal with, I get from the person, such as you, that the information relates to. However, I will from time to time get personal information about other people. This might happen where one person legitimately makes a representation on someone else's behalf, or requests me to ask a parliamentary question/raise a commencement matter. It could occur if someone gives me what they say is a whistleblower's disclosure. In principle, I must tell you promptly if I get personal information about you from someone else, but there are exceptions. Two significant exceptions arise where it would involve disproportionate effort to tell you, or telling you would be inconsistent with a legitimate reason why the information was given to me.

WHO WILL GET YOUR PERSONAL INFORMATION?

This depends on why I am dealing with it. No-one will get it voluntarily who does not need to receive it for the purpose for which it is being dealt with. For example, if you ask me to make a representation involving your personal information, that information will be passed to the relevant Department or State agency and they will deal with it to decide on an answer. If I deal with personal information to fulfil a legal duty, the relevant law will specify who receives it. If I need to deal with it to establish, exercise, or defend my legal rights, it will be passed to and dealt with by my legal advisers, and, on occasion, by other parties to a relevant dispute or their advisers, or to expert or other witnesses, or to the court, tribunal, arbitrator, mediator, or similar entity.

Occasionally, legal provisions or a court order may require me to deal with personal information for a purpose apart from why I got it, or was otherwise dealing with it.

TRANSFERS TO THIRD COUNTRIES

I do not believe that any personal information I am dealing with and to which this Privacy Notice applies will be transferred to a country outside the EU.

RETENTION

I will keep personal information only as long as is necessary for the purposes set out in this Privacy Notice or as required by law. I will not, without your express consent, specific to the particular personal information and the relevant purpose, keep it or otherwise deal with it (than to delete it) once I am no longer a member of either House of the Oireachtas and there is no prospect of my being re-elected within a short interval of weeks after that. There may be rare exceptions to this assurance, such as where the personal information is relevant to a legal dispute ongoing at the time when I stop being a member.

FURTHER DEALING WITH PERSONAL INFORMATION

It would be very exceptional for me to deal with personal information for a purpose other than the purpose for which I received it. The need to do so might arise because of a legal obligation. Or it might arise in the public interest, for example, if I received personal information in relation to planned committee or other parliamentary business, but there appeared to be legitimate grounds for forwarding it to a regulatory or investigative authority. Depending on the circumstances, I may need to tell you of the contemplated further dealing with the personal information and who is going to receive it.

YOUR RIGHTS ABOUT YOUR PERSONAL INFORMATION

You may ask me for a copy of your personal information. You may ask me to supplement or correct your personal information if it is incomplete or incorrect (including out of date). You may be able to ask me to delete personal information, especially if you have withdrawn consent to my dealing with it or I no longer need it, or not to deal with it for the time being, for example, if you think it is incorrect. If I am dealing with your personal information on the basis of your consent, you can normally require me to forward it on to some other person named by you. You may be entitled to object to my dealing with your personal information in the public interest or in my exercise of official authority, but this entitlement is subject to many legal qualifications depending on the personal information and why I am dealing with it. You may object at any stage to my holding on to your contact details (other than your name and address on the electoral register) and in nearly every conceivable circumstance I will respect your wishes about this. You are entitled not to be subject to automated decision making, including profiling.

REDRESS

If you are not content with how I am dealing with your personal information, you may bring your dissatisfaction to the attention of the Data Protection Commission: see <https://dataprotection.ie/docs/Home/4.htm>.