



LOCAL GOVERNMENT OPERATIONAL PROCUREMENT CENTRE

(LGOPC)

Privacy Statement



Kerry County Council

Comhairle Contae Chiarraí

Version	Last Updated
1.10	18 th November 2020

INTRODUCTION

SupplyGov.ie (the “**Website**”) is a procurement website that facilitates Local Authorities and other State Agencies in procuring works, goods and services from Suppliers and Contractors. The Website is maintained by the Local Government Operational Procurement Centre (“**LGOPC**”) under the auspices of Kerry County Council (the “**Council**”). The Council fully respects your right to privacy in relation to your interactions with the Website. In addition, the LGOPC may perform additional functions (the “**Services**”) in relation to its role in facilitating Local Authorities and State Agencies in procuring works, goods and services from suppliers and contractors, some of which may involve the collection and processing of Personal Data.

The Council (“**we**”, “**our**” or “**us**”) has created this privacy policy (“**Policy**”) to demonstrate our firm commitment to privacy and to assure you (“**you**”, “**your**” or “**user**”) that in all your dealings with the LGOPC and Supplygov.ie, we will ensure the security of the data you provide. This Policy sets out the basis upon which any Personal Data we collect from you, or that you provide to us, will be processed by us, and applies to all of your Personal Data irrespective of the medium or method by which we obtain/receive your Personal Data.

In this Policy, the term “**Personal Data**” means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, our possession, and includes Personal Data as described in Data Protection Legislation.

“**Data Protection Legislation**” means the Irish Data Protection Acts 1988 to 2018, the General Data Protection Regulation (EU) 2016/679 (“**GDPR**”), and any other applicable law or regulation relating to the processing of Personal Data and to privacy (including the E-Privacy Directive and the European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (“**E-Privacy Regulations**”), as such legislation may be supplemented, amended, revised or replaced from time to time. “**Controller**”, “**Processor**”, “**Data Subject**”, and “**Processing**” shall have the meaning given to each term in the GDPR.

Please read the following carefully. Entering into/using the Website and/or the Services and providing your Personal Data in accordance with the terms of this Policy indicates that you have reviewed this Policy and have agreed to be bound by it. If you do not agree to these terms you must leave the Website immediately.

Any information you provide in this way is used only for the purpose for which it is provided and will be treated with the highest standards of security and confidentiality, strictly in accordance with Data Protection Legislation.

The contact details for the LGOPC are:

Local Government Operational Procurement Centre (LGOPC)

Kerry County Council

Unit 9, Block C,

The Reeks Gateway,

Killarney,

Co. Kerry

V93 KVK1

Email

eproc@kerrycoco.ie

General Enquiries

066 718 3734

WHY DO WE PROCESS YOUR DATA?

The LGOPC will collect and use data relating to contractors and suppliers to facilitate the procurement functionality of the Website. We use Personal Data we collect from you in the course of our business (“**Your Data**”) on any one or more of the following legal bases:

- (i) in order for us to comply with our legal or regulatory obligations;
- (ii) where the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us;
- (iii) to perform a contract with you; and
- (iv) in limited circumstances, where you have given your consent to such processing.

A. PERSONAL DATA PROCESSED ON SUPPLYGOV.IE FOR REGISTRATION

The Personal Data provided by buyers and suppliers as part of registration is used for purposes of the LGOPC’s administration of the Website including issuing of emails to registered users with updates for which they have subscribed and/or communication other platform pertinent information (e.g. notification of changes, maintenance, technical issues or request to update information), management of Contracting Authorities of the electronic exchange of information between buyers and suppliers as part of Requests for Tenders (RFTs) or Request for Quotations (RFQs) competitions, publication of Contact Award Notices on the Website.

B. PERSONAL DATA PROCESSED ON SUPPLYGOV.IE FOR TENDER COMPETITIONS

The LGOPC coordinates the establishment of Dynamic Purchasing Systems (DPS) and Framework Agreements under the Category Councils of Plant Hire and Minor Building Works & Civils. Any Personal Data provided as part of tender response documents is used for the purposes of allowing Contracting Authorities to conduct tender competitions and evaluate tender submissions in accordance with statutory requirements set out in the regulations below. The regulatory provisions comprise Directive 2014/24/EU of the European Parliament and of the Council, on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, implemented into Irish law by European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284 of 2016).

WHAT INFORMATION DO WE COLLECT?

We fully respect your right to privacy in relation to your interactions with the Website and the Services and endeavour to be transparent in our dealings with you as to what information we will collect and how we will use your information. Also, we only collect and use your details where we are legally entitled to do so. Information in relation to Personal Data collected by Irish entities is available on www.dataprotection.ie, the website of the Irish Data Protection Commissioner (“**DPC**”).

We collect information about you through two primary sources: (i) information you provide to us; and (ii) through cookies. We collect information from you as necessary in the course of providing the Website. We may collect Your Data, including through your use of the Website and/or the Services, when you register with the Website, when you contact or request information from us or as a result of your communication by e-mail or phone with the LGOPC.

The Personal Data the Council collects may include, where applicable:

A. REGISTRATION DATA

- Contracting Authority Administrator/Buyer First & Last Name;
- Contracting Authority Administrator/Buyer Email Address;
- Contractor's/Supplier's First & Last Name;
- Contractor's/Supplier's Email Address;
- Contractor's/Supplier's Postal Address;
- Contractor's/Supplier's Phone Number;
- Contractor's/Supplier's VAT Number
- Sole Traders Personal Public Services Number (PPSN);
- Authorised representative of Contractors/Suppliers:
 - First & Last Name;
 - Phone Number;
 - Mobile Number; and
 - Email Addresses,

(the "**Registration Data**")

The Personal Data the Council collects may also include, where applicable:

B. TENDER COMPETITION DATA

- Other Personal Data sought by the Contracting Authority (e.g. Curriculum Vitae data);
- Additional Personal Data provided by the Contractor/Supplier (e.g. Gender, Age, Nationality);
- Safe Pass Card details of Contractor and/or Employees: First Name and Last Names;
- Certificate of Competence with Fás Accreditation of Contractor and/or Employees: First Name and Last Name; and
- Registration numbers of machines/vehicles listed on the system under the Dynamic Purchasing System for Plant Hire.

(the "**Tender Competition Data**")

When you are a Controller in respect of the Personal Data of other Data Subjects, then: (i) you must comply with all of your Controller obligations under Data Protection Legislation; and (ii) we and you act as independent (and not joint Controllers) in respect of Your Data.

We endeavour to keep Your Data accurate and up-to-date. As such, you must tell us about any changes to such information that you are aware of as soon as possible. You can update your personal information held on the Website at any time. It is the sole responsibility of you as user to ensure that your account information is correct.

SHARING THE INFORMATION

The LGOPC may share and/or disclose the data with other participating contracting authorities such as public service bodies including other local authorities that use the Supplygov.ie service (“**Participating Contracting Authorities**”). The full list is presently available at www.supplygov.ie/BodiesUtilisingSupplyGov.aspx. In addition, data may be shared with the Office of Government Procurement (“**OGP**”), the Local Government Management Agency (“**LGMA**”) and with other bodies in accordance with statutory and regulatory obligations.

The LGOPC may use submitted information in the preparation of high level statistical reporting as part of the service to Participating Contracting Authorities, the OGP, the LGMA or for internal purposes. Such reporting contains only anonymous, aggregated data forms so as not to identify your company or relate any specific data to it.

The LGOPC has a binding agreement with Tibus Ltd. for hosting the Supplygov.ie platform and to ensure the utmost security of Personal Data. Tibus Ltd. is a Processor for both user Registration Data and Tender Competition Data. Participating contracting authorities may share Personal Data included in tender response documents with members of their evaluation teams.

Any third parties who access your Personal Data in the course of providing Services to you on our behalf are subject to strict contractual restrictions to ensure that Your Data is protected, in compliance with Data Protection Legislation. We restrict access to personal information to employees/contractors who need to know that information in order to operate, develop, or improve our Website.

Where we wish to use Your Data in any other way, we will ensure that we notify you and get your consent first (when required). When required, you will be given the opportunity to withhold or withdraw your consent for the use of Your Data for purposes other than those listed in this Policy.

We wish to remind you that this Policy applies to Personal Data that we collect/process through your use of the Website. It does not apply to any links to third-parties’ websites, and/or services, such as third-party applications, that you may encounter when you use the Website. You acknowledge that the service that we provide may enable or assist you to access the Website content of, correspond with, and purchase products and services from, third parties via third-party websites and that you do so solely

at your own risk. We make no representation or commitment and shall have no liability or obligation whatsoever in relation to the content or use of, or correspondence with, any such third-party website, or any transactions completed, and any contract entered into by you, with any such third party and the use by any such third-party of your Personal Data. We do not endorse or approve any third-party website nor the content of any of the third-party website made available via the Website. We encourage you to carefully familiarize yourself with terms of use and privacy policies applicable to any website, apps and/or services operated by third parties. Please be aware that we are not responsible for the privacy practices of any third parties.

STORAGE OF PERSONAL DATA

The data that we collect from you may be transferred to, and stored at, a destination outside the European Economic Area (“**EEA**”). It may also be processed by staff operating outside the EEA who work for us or for one of our suppliers. By submitting your Personal Data, you accept this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Policy. The safeguards in place with regard to the transfer of your Personal Data outside of the EEA are the entry by us into appropriate contracts with all transferees of such Personal Data.

All information you provide to us is stored on our secure servers. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our Website, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

RECORDS RETENTION POLICY

Your Data will be kept and stored for such period of time as we deem necessary taking into account the purpose for which it was collected in the first instance, and our obligations under Data Protection Legislation and other applicable European Union legislation. This may include retaining Your Data as necessary to administer the Website, comply with our legal obligations, to resolve disputes, to enforce our agreements (including for the 6 year limitation period in Ireland for contractual claims, plus a reasonable period thereafter, plus the 12 year limitation period for a European Union audit), to support business operations, and to continue to develop and improve our Website.

In general, Your Data will be retained by us for as long as you continue to remain registered with us to use our Website and/or Services and subject to our legal obligations as outlined above. In the event that you delete your account/registration or, in the limited circumstances where we rely upon your consent to process Your Data, withdraw your consent to our processing of Your Data, Your Data will be retained by us to the extent that we are required to retain it to comply with our legal obligations as outlined above.

Where we retain information for Website improvement and development, we take steps to eliminate information that directly identifies you, and we only use the information to uncover collective insights about the use of our Website, not to specifically analyse personal characteristics about you.

The Council is in the process of preparing retention policies for all services and business units. These policies will outline the timeframe for which Your Data will be retained by the Council and what will happen to it after the required retention period has expired. These policies will be published on the Council's website.

COOKIES

A cookie is a small text file that is placed on your hardware by a web server which enables a website and/or mobile app to recognise repeat users, facilitate the user's ongoing access to and use of a website and/or the mobile app and allows the website and/or mobile app to track usage behaviour and compile aggregate data that will allow content improvements and analyse web page flow.

The Website uses cookies only for functionality that is strictly necessary for services that are explicitly requested by the user for their session as per regulation 5(5) of the ePrivacy Regulations. The LGOPC respects the rights of users of the Website. For general web browsing no personal information is revealed to the LGOPC, although certain statistical information is available to the LGOPC via its internet service provider. This information may include:

- the logical address of the server you are using;
- the top level domain name from which you access the Internet (for example: .i.e., .com, .org, etc.);
- the type of browser you are using;
- the date and time you access our site; and
- the internet address used to link to our site.

We use the above information to create summary statistics, which allows the LGOPC to assess the number of visitors to the Website, identify what pages are accessed most frequently and, generally, help the LGOPC to make the Website more user-friendly.

We use the following cookies:

- **Strictly necessary cookies.** These are cookies that are required for the operation of our website. They include, for example, cookies that enable you to log into secure areas of our website.

You can find a list of cookies we use, the purposes for which we use them, and the duration of the operation of each cookie in the table below. The LGOPC do not use cookies for collecting personal information about visitors to the website and will not collect any information about users except that which is necessary for system administration of the web server.

COOKIE	PURPOSE	DURATION OF OPERATION
ASP.NET_SessionId	Generic session cookie. Retains the user's session information.	Sliding – expires after 60 minutes of inactivity
__AntiXsrfToken	Detects attempts to attack the SupplyGov site via cross-site request forgery.	Persists while the session is active.
.AspNet.ApplicationCookie	Detects that the user is logged on to SupplyGov.	Persists while the user is logged on.
EPROCUREMENTAPP1	Stores a user credential token.	Persists while the session is active.

The 'Help Menu' on the menu bar of most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you receive a new cookie and how to disable cookies altogether. You can also disable or delete similar data used by browser add-ons, such as flash cookies, by changing the add-on's settings or visiting the website of its manufacturer.

For more information about cookies and managing them, including how to turn them off, please visit www.cookiecentral.com. However, because cookies allow you to take advantage of some of the Website's essential features, we recommend you leave them turned on as otherwise you may not be able to fully experience the interactive features of the Website or other websites which you visit.

SECURITY

The LGOPC are committed to ensuring that your Personal Data is secure. We do our utmost to protect user privacy through the appropriate use of security technology. We restrict access to Personal Data to employees, contractors and agents who need to know such Personal Data in order to operate, develop or improve the Services. We ensure that we have appropriate physical and technological security measures to protect your information; and when we outsource any processes we require that the service provider has appropriate security measures in place.

The Website may contain hyperlinks to websites owned and operated by third parties. These third party websites have their own privacy policies, including cookies. We do not accept any responsibility or liability for the privacy practices of such third party websites and/or apps and your use of such websites and/or apps is at your own risk.

We maintain appropriate technical and organisational measures to ensure a level of security appropriate to the risks that are presented by the processing of your Personal Data. In particular, we will consider

the risks presented by accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to Personal Data transmitted, stored or otherwise processed.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your Personal Data, we cannot guarantee the security of any data transmitted to our Website and any such transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access. We are not responsible for any delays, delivery failures, or any other loss or damage resulting from (i) the transfer of data over communications networks and facilities, including the internet, or (ii) any delay or delivery failure on the part of any other service provider not contracted by us, and you acknowledge that the Website may be subject to limitations, delays and other problems inherent in the use of such communications facilities. You acknowledge that we cannot guarantee the absolute prevention of cyber-attacks such as hacking, spyware and viruses. Accordingly, you will not hold us liable for any unauthorised disclosure, loss or destruction of your Personal Data arising from such risks.

YOUR RIGHTS

As a Data Subject, you have the following rights under the Data Protection Legislation and we, as Controller in respect of Your Data, will comply with such rights in respect of Your Data:

Right to access to Personal Data relating to you

You may ask to see what Personal Data we hold about you and be provided with:

- a summary of such Personal Data and the categories of Personal Data held;
- details of the purpose for which it is being or is to be processed;
- details of the recipients or classes of recipients to whom it is or may be disclosed, including if they are overseas and what protections are used for those overseas transfers;
- details of the period for which it is held (or the criteria we use to determine how long it is held);
- details of your rights, including the rights to rectification, erasure, restriction or objection to the processing;
- any information available about the source of that data;
- whether we carry out automated decision-making, or profiling, and where we do, information about the logic involved and the envisaged outcome or consequences of that decision making or profiling; and
- where your Personal Data is transferred out of the EEA, what safeguards are in place.

Requests for your Personal Data must be made to us (see 'Data Protection Contact Details' below) specifying what Personal Data you need access to, and a copy of such request may be kept by us for our legitimate purposes in managing the Website. To help us find the information easily, please give us as much information as possible about the type of information you would like to see.

If, to comply with your request, we would have to disclose information relating to or identifying another person, we may, where required, need to obtain the consent of that person, if possible. If we cannot obtain consent, we may, where required, need to withhold that information or edit the data to remove the identity of that person, if possible.

There are certain types of data which we are not obliged to disclose to you, which include Personal Data which records our intentions in relation to any negotiations with you where disclosure would be likely to prejudice those negotiations.

We are entitled to refuse a data access request from you where (i) such request is manifestly unfounded or excessive, in particular because of its repetitive character (in this case, if we decide to provide you with the Personal Data requested, we may charge you a reasonable fee to account for administrative costs of doing so), or (ii) we are entitled to do so pursuant to Data Protection Legislation.

Right to update your Personal Data or correct any mistakes in your Personal Data

You can require us to correct any mistakes in your Personal Data which we hold free of charge. If you would like to do this, please:

- email, call or write to us (see 'Data Protection Contact Details' below);
- let us have enough information to identify you (e.g. name, registration details); and
- let us know the information that is incorrect and what it should be replaced with.

If we are required to update your Personal Data, we will inform recipients to whom that Personal Data have been disclosed (if any), unless this proves impossible or has a disproportionate effort.

It is your responsibility that all of the Personal Data provided to us is accurate and complete. If any information you have given us changes, please let us know as soon as possible (see 'Data Protection Contact Details' below).

Right to restrict or prevent processing of Personal Data

In accordance with Data Protection Legislation, you may request that we stop processing your Personal Data temporarily if:

- you do not think that your data is accurate (but we will start processing again once we have checked and confirmed that it is accurate);
- the processing is unlawful but you do not want us to erase your data;
- we no longer need the Personal Data for our processing, but you need the data to establish, exercise or defend legal claims; or
- you have objected to processing because you believe that your interests should override our legitimate interests.

If you exercise your right to restrict us from processing your Personal Data, we will continue to process the data if:

- you consent to such processing;
- the processing is necessary for the exercise or defence of legal claims;
- the processing is necessary for the protection of the rights of other individuals or legal persons; or
- the processing is necessary for public interest reasons.

Right to data portability

In accordance with Data Protection Legislation, you may ask for an electronic copy of your Personal Data that you have provided to us and which we hold electronically, or for us to provide this directly to another party. This right only applies to Personal Data that you have provided to us – it does not extend to data generated by us.

The right to data portability also only applies where:

- the processing is based on your consent or for the performance of a contract; and
- the processing is carried out by automated means.

Right to erasure

In accordance with Data Protection Legislation, you can ask us to erase your Personal Data where:

- you do not believe that we need your Personal Data in order to process it for the purposes set out in this Policy;
- if you had given us consent to process your Personal Data, you withdraw that consent and we cannot otherwise legally process your Personal Data;
- you object to our processing and we do not have any legitimate interests that mean we can continue to process your Personal Data;
- your data has been processed unlawfully or have not been erased when it should have been; or
- the Personal Data have to be erased to comply with law.

We may continue to process your Personal Data in certain circumstances in accordance with Data Protection Legislation (i.e. where we have a legal justification to continue to hold such Personal Data, such as it being within our legitimate business interest to do so (e.g. retaining evidence of billing information etc.)).

Where you have requested the erasure of your Personal Data, we will inform recipients to whom that Personal Data have been disclosed, unless this proves impossible or involves disproportionate effort. We will also inform you about those recipients if you request it.

Right to complain to the DPC

If you do not think that we have processed your Personal Data in accordance with this Policy, please contact us in the first instance. If you are not satisfied, you can complain to the DPC or exercise any of your other rights pursuant to Data Protection Legislation. Information about how to do this is available via the 'Data Protection Contact Details' facility referred to below.

WITHDRAWAL OF CONSENT

In the limited circumstances where we rely upon your consent to process Your Data, where you no longer consent to our processing of Your Data (in respect of any matter referred to in this Policy as requiring your consent), you may request that we cease such processing by contacting us via the 'Data Protection Contact Details' facility referred to below. Please note that if you withdraw your consent to such processing, it may not be possible for us to provide all/part of the Website and/or the Services to you.

CHANGES TO THE POLICY

This Policy may be updated from time to time, so you may wish to check it each time you submit personal information to the Website. The date of the most recent version will appear at the beginning of the Policy. If you do not agree to these changes, please do not continue to use the Website to submit personal information. If material changes are made to the Policy, we will notify you by placing a prominent notice on the Website. We will not process your Personal Data in a manner not contemplated by this Policy without your consent.

DATA PROTECTION CONTACT DETAILS

For all enquiries relating to Data Protection you can contact Kerry County Council at:

Phone: 066 718 3500

E-mail: dpo@kerrycoco.ie

Postal Address: Kerry County Council
Co Buildings
Rathass
Tralee
V92 H7VT
Co. Kerry

If you are not satisfied with the outcome of the response you receive from the 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
R32 AP23
Co. Laois