Clare County Council Privacy Notice Mortgage Arrears Resolution Process, MARP

Last updated 09/04/2025

The purpose of this privacy notice is to describe, in clear terms, the personal data that the MARP process collects about individuals, why it is needed, the legal basis, how it is used and how individuals may interact with the Council in relation their personal data and MARP. It also outlines the rights of individuals under data protection legislation.

Clare County Council also has a privacy statement which is a general document about how we approach data protection as an organisation and is available on the Council’s website [Privacy statement | Clare County Council (clarecoco.ie)](https://www.clarecoco.ie/%5Binfo%5D/privacy-statement/) or on request.

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1.0 Purpose of the MARP

Personal data is gathered as part of the MARP process in order to deliver assistance and resolution to loan holders who are at risk of falling into arrears or who have fallen into arrears. The Council is obliged to protect such personal data in accordance with the Data Protection Act 2018 and the provisions contained in the General Data Protection Regulation (GDPR). The purpose of the processing of personal data under MARP is to:

* Assist loan holders whose loans are at risk of arrears or whose loans are in arrears. The MARP process can deliver assistance by way of short-term or long-term resolutions.

2.0 Legal basis for the processing of personal data under MARP

 The legal basis to process personal data in the case of MARP is the following:

* The processing is necessary for the performance of a task carried out in the public interest or in the exercise of an official authority vested in Clare County Council, Article 6(1) (e). The official authority in this case derives from the Housing (Miscellaneous Provisions) Act 2009, section 34.
* In terms of the task being carried out in the public interest and in the exercise of official authority, the government guidance issued to Local Authorities also refers, namely “*Dealing with Mortgage Arrears – a Guide for Local Authorities*”, June 2014.
* The processing is necessary to comply with a legal obligation to which the Council is subject, namely, the Credit Reporting Act, 2013. Under the Credit Reporting Act 2013, lenders are required to provide personal and credit information for credit applications and credit agreements of €500 and above to the Central Credit Register. This information will be held on the Central Credit Register and may be used by other lenders when making decisions on credit applications and credit agreements.

3.0 The categories of personal data concerned

Personal data processed under MARP is:

* All the personal data included in the MARP standard financial statement.

4.0 Processing and recipients of the data

Access to the data is limited to authorised personnel dealing with loans within the housing department of Clare County Council.

Data is shared with the following recipients:

* A limited number of finance department staff of the Council have access to loan details, in order to make technical adjustments on loan accounts and for operational necessity in administering MARP resolutions.
* Central Credit Register, to comply with the Credit Reporting Act, 2013.

Limited personal data may be shared with the following recipients:

* Legal representatives of the Council in relation to mortgage deed or title changes that may be involved.
* Property valuers of the Council may be provided with name, address and contact number in order for the valuer to arrange a property valuation, where a mortgage to rent application, Voluntary Surrender or Repossession is an outcome of MARP.
* Department of Housing, Local Government & Heritage.

Third party access to personal data is not allowed, except in the very limited circumstances permitted by law. Access requests shall be processed in accordance with the Data Protection Act 2018, the GDPR and the Council’s data protection policies and procedures.

There are no plans to transfer the personal data to a third country or international organisation.

5.0 The retention period for the data

Records are retained for term of the Loan plus 7 years beyond the date of the Deed of Discharge.

6.0 Data subjects have a range of data rights

* Right of access by the data subject
* Right to rectification
* Right to erasure (‘right to be forgotten’)
* Right to restriction of processing
* Right to data portability
* Right to object and automated individual decision-making

The Council’s data access request policy and procedures are available on [www.clarecoco.ie](http://www.clarecoco.ie) or please contact dpa@clarecoco.ie. .

7.0 The right to lodge a complaint with the supervisory authority

If you are not satisfied with a decision on your request for access to data or have concerns about personal data processing, you have the right to make a complaint to the Data Protection Commission, Canal House, Station Road, Portarlington, Co. Laois, Ireland. Before doing so it is recommended that you contact Clare County Council (DPA@clarecoco.ie) to establish the circumstances. We may be in a position to resolve the problem in a timely manner.

The Data Protection Commission website [www.dataprotection.ie](http://www.dataprotection.ie/) has further details and the forms that are required to be completed if you wish to raise a concern or make a complaint.

8.0 Contact details for the data controller and data protection officer

The identity and the contact details of the controller:

Clare County Council,
New Road,
Ennis,
Co. Clare
Telephone: (065) 6846347 or 6846325 or 6846383
Email: loans@clarecoco.ie,
Website: [www.clarecoco.ie](http://www.clarecoco.ie/)

The contact details of the data protection officer:

Data Protection Office
Telephone: (065) 6846405
Email: DPA@clarecoco.ie