Comhairle Contae Chiarraí
Kerry County Council

Terms and Conditions

The Platform Terms of Use

Updated 22nd December 2021

Introduction

Thank you for visiting Kerry County Council's consultation platform and for your engagement with us. This platform and its support services are provided by Aphelion Ltd. trading as CiviQ. The platform is provided for you to share your views with us. These terms relate to how the platform should be used to provide a safe and positive environment for everyone. If you find any content that you believe violates these Terms of Use, please contact us at customerservices@kerrycoco.ie

By registering with the Platform, you acknowledge that you have read, understood, and agree to be bound by these Terms of Use. If you do not agree you may not use the Platform and should close your account (see below).

About the platform

The consultation portal (hereinafter referred to as "the Platform", is a platform to create online consultation documents, participate in these consultations by making submissions, commenting, sharing and supporting others submissions where relevant, using text, links, profiles, audio, pictures, videos and other media (hereinafter referred to as "Material") appropriately.

Privacy

Your privacy is very important to us. Please read the Privacy Policy to see how Kerry County Council collects, use and protect your personal information. We recommend that you read this before you use or register with the Platform.

Changes to these Terms of Use

We may change, modify, add to, or delete portions of these Terms of Use. The site will indicate when the Terms have been updated and we encourage you to inform yourselves of the updates. Your use of the platform implies acceptance of the Terms of Use.

Your use of the Platform

Representing a company or other entity
If you are using the Platform as a representative of a company or other entity (including, but not limited to Charity or Volunteer organisations, Student's Unions, Trade Unions, Academic Institutions, Chambers of Commerce, Departments of Government) you represent that you have the authority to enter into these Terms of Use on behalf of that company or entity, and agree that the terms "you" and "your" in this agreement refers to your company or other entity

What you agree to when joining the Platform

It is your responsibility, bearing in mind the global nature of the Internet, to comply with all applicable laws which may apply to your use of the Platform and to the material you post.

Kerry County Council and Aphelion accepts no liability for any Material posted on the Platform by users, are not responsible for and does not endorse the contents of user's comments or warrant the accuracy, truthfulness, legality or reliability of comments.

Engaging responsibly

To ensure fair use, and safe community space, you agree to NOT use the Platform to:

- post illegal or abusive Material
- treat others with disrespect
- defame, abuse, harass, stalk, threaten or otherwise violate the rights
- (such as rights of privacy and publicity) of others
- identify or speculate as to the identity of any anonymous or pseudonymous user
- solicit personal information from anyone under 18
- harm minors in any way
- solicit passwords or personally identifying information
- attempt to gain unauthorised access to the Platform administrative areas or interface, to user accounts, computer systems or networks connected to the the Platform site, through password mining or any other means
- post Material that contains violence, or offensive subject matter or contains a link to an adult website
- post Material that promotes or encourages illegal activity facilitate or encourage any
- post Material that infringes any patent, trade mark, trade secret, copyright, rights of privacy or publicity, or other proprietary right or intellectual property right of any party
- post Material that contains software viruses or harmful programs

Your account and its details

As part of the registration process, you will be asked to create a password and you will be responsible for all activities occurring under your username and for keeping your password secure. We strongly recommend you do not reuse a password which you also use elsewhere.

You agree not share your account with anyone. You agree to notify us immediately if you suspect any unauthorised use of your account or access to your password. You may change your password or profile by following instructions on the site .

Neither Kerry County Council nor Aphelion will be liable for any loss that you may incur as a result of someone else using or accessing your password or account, either with or without your knowledge.

Posting on the Platform

You are solely responsible for your conduct and any Material that you submit, post, and/or display on the Platform. You agree not to post Material contrary to the Moderation policy.

Defamatory Content

the Platform Limited operates on a "notice and takedown" basis. If you believe that any content on the Platform contains a defamatory statement, please raise it immediately with the official body or department responsible for the consultation to which the content relates.

Rights of Kerry County Council and Aphelion

Indemnity and waiver

You agree to indemnify, defend, and hold harmless Kerry County Council, Aphelion, associated contractors, employees, technology providers, from and against any third party claim, demand, loss, damage, cost, or liability including reasonable legal expenses, made or brought by any third party due to or arising out of:

1. Your use of the Platform or any part thereof,
2. The violation of these Terms of Use, our Privacy Statement, our Moderation policy by you,
3. The infringement or misappropriation by you, or a third party using your computer, of any account or password to access and/or use the Platform,
4. The infringement of any intellectual property rights of any person or entity.

Governing law

The agreement shall be governed by Irish law.