# South Norfolk Council

# Data Protection Policy

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## 1. Policy Statement

1.1 South Norfolk Council is committed to protecting the rights of privacy of all people with regard to the processing of personal data. It is necessary for the Council to process information about its residents, members, employees, service users and other individuals it has dealings with for various purposes. Such processing will be conducted fairly and lawfully in accordance with the Data Protection Act 1998. Any query regarding the accuracy of personal data will be dealt with fairly and impartially. The other aspect of the Data Protection Act 1998 provides individuals with the right to find out what personal information about them is held on computer and most paper records.

1.2 The Policy applies to all employees and members of the Council and should be adhered to when processing personal information. All agencies and individuals working with the Council, who have access to personal information, will be expected to read and comply with this policy.

1.3 This policy is open to all internal and external stakeholders and is available on the Council's website www.south-norfolk.gov.uk

## 2. Responsibilities under the Data Protection Act

2.1 The Information Rights officer is responsible for day-to-day data protection matters. The Corporate Management Team is responsible for developing and encouraging good information handling practice within the Council. Beyond this, compliance with the Data Protection Act is the responsibility of everyone that processes personal data. The Council, through its staff, is responsible for ensuring that any personal data supplied is accurate and up-to-date.

2.2 Members also have a responsibility when processing personal data in their capacity of Councillor, when undertaking duties on behalf of the Council.

## 3. Notification

3.1 The Information Commissioner maintains a public register of data controllers. South Norfolk Council is registered as such. Details of the Council's notification are published on the Information Commissioner's website www.ico.gov.uk and at the Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 01652 545 745.

3.2 The Council, as the Data Controller, is required to notify and renew its notification on an annual basis, at which time the Information Rights Officer will review this with relevant officers. Notification is the responsibility of the Information Rights Officer. Directors are

responsible for notifying the Information Rights Officer of any changes to the processing of personal data within their Directorate.

## 4. Data Protection Principles

4.1 All processing of personal data must be done in accordance with the eight data protection principles:

1. **Personal data shall be processed fairly and lawfully**
   Those responsible for processing personal data must make reasonable efforts to ensure that the data subject (any living individual who is the subject of personal data) is informed of the identity of the data controller, the purpose(s) of the processing, any disclosures to third parties that are envisaged and an indication of the period for which the data will be kept.

2. **Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.**
   Data obtained for specific purposes must not be used for any other purpose. In practice, if the Council intends to use data other than for the purpose it was obtained for, then prior consent should be sought.

3. **Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.**
   Information that is not strictly necessary for the purpose for which it is obtained, should not be collected. If personal data is given or obtained which is excessive for the purpose, it should be immediately deleted or destroyed.

4. **Personal data shall be accurate and, where necessary, kept up to date.**
   Data that is kept for a long time must be reviewed and updated as necessary. No data should be kept unless it is reasonable to assume that it is accurate. It is the responsibility of the individual to ensure that data held by the council is accurate and up-to-date. Completion of an appropriate registration or application form etc will be taken as an indication that the data contained in it is accurate. Indivuals should notify the Council of any changes in circumstances to enable personal records to be updated accordingly. It is the responsbility of the council to ensure that notifications of change in circumstances are noted and acted upon.

5. **Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.**
   Please see Paragraph 8 on retention and disposal of data.

6. **Personal data shall be processed in accordance with the rights of data subjects under this Act.**
   Data Subjects have a number of rights regarding data processing and the data that is recorded about them, including the rights of subject access (paragraph 7), the right to prevent processing and the right to prevent processing for direct marketing.

7. **Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.**
   Please see Paragraph 6 on Security of Data.

8. **Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**
   As outlined in the Council's Data Protection Register, data should not be transferred outside of the European Economic Area (EEA).

## 5. Consent

5.1 Wherever possible, personal data should not be obtained, held, used or disclosed unless the individual has given consent. "Consent" means that the data subject has been fully informed of the intended processing and has signified their agreement. There must be some active communication between the Council and the individual, such as signing a form. Consent should not be inferred from non-response to a communication.

5.2 In most instances, consent to process personal data is obtained routinely by the Council (eg. when a claimant signs a benefit claim form). Any Council forms (whether paper-based or web-based) that gather data on an individual should contain a statement explaining what the information is to be used for and to whom it may be disclosed.

5.3 If an individual does not consent to certain types of processing (eg direct marketing), appropriate action must be taken to ensure that the processing does not take place.

5.4 If any member or officer of the Council is in any doubt about these matters, they should contact the Information Rights Officer.

## 6. Security of Data

6.1 All staff are responsible for ensuring that any personal data (on others) which they hold are kept securely and that they are not disclosed to any unauthorised third party.

6.2 All personal data should be accessible only to those who need to use it. You should always consider keeping personal data:

- In a lockable room with access controlled; or
- In a locked drawer or filing cabinet; or
- If computerised, password protected; or
- Kept on encrypted disks, which are themselves kept securely.

6.3 Care should be taken to ensure that PCs and screens are not visible except to authorised staff and computer passwords are kept confidential.

6.4 Care must be taken with the deletion or disposal of personal data. Physical records should be shredded or placed in the blue wheeled bins to be shredded.

6.5 The Council has arrangements in place to ensure compliance with this requirement (e.g. through internal audit reviews of IT applications). The Council is also committed to ensuring that any breaches of data security are appropriately investigated to ensure these do not arise again, and to notifying the Information Commissioner of any significant breaches.

## 7. Rights of Access to Data

7.1 Members of the public, elected members and staff have the right to access any personal data held about them that is held by the Council. This is called a Subject Access Request and is dealt with by the Information Rights Officer. Requests should be made in writing. If you receive a request for personal information, please pass this to the Information Rights Officer.

## 8. Retention and Disposal of Data

8.1 The Council discourages the retention of personal data for longer than it is required. Considerable amounts of data are collected on current staff, members and service users. Some data will be kept for longer periods than others; data held on service users will be retained in line with current legislation.

8.2 Personal data must be disposed of in a way that protects the rights and privacy of the individual – eg: shredding, disposal of confidential waste, secure electronic deletion.

8.3 The Council has adopted a Data Retention Policy that should be followed. This is available on the Council's website: www.south-norfolk.gov.uk.

## 9. Disclosure of Data

9.1 Personal data may be legitimately disclosed where one of the following conditions apply:

- The individual has given their consent (eg. a member of staff or a service user has consented to the Council corresponding with a named third party)
- Where the disclosure is in the legitimate interests of the authority (eg disclosure to staff – personal information can be disclosed to other Council employees if it is clear that those members of staff require the information to enable them to perform their jobs)
- Where the authority is legally obliged to disclose the date (eg ethnic minority or disability monitoring)
- One of the exemptions under the Data Protection Act 1998 applies.

If in doubt, please consult your Manager or the Information Rights Officer.

## 10. Freedom of Information Act 2000

10.1 The Freedom of Information Act 2000 allows the public access, subject to certain exemptions, to all types of information held by public authorities, including this Council. Requests for personal information will be dealt with under the Data Protection Act, as outlined in Paragraph 7.

## 11. Policy Review

11.1 This Policy will be reviewed every three years. The Policy will be reviewed sooner if weaknesses in the Policy are highlighted, in the case of new risks, and/or changes in legislation.

## 12. Further Information

12.1 For further guidance or advice on the Data Protection Act, please contact the Information Rights Officer: email right2know@s-norfolk.gov.uk or telephone 01508 533747.