

# Test Valley Borough Council - Data Protection Policy

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# Test Valley Borough Council - Data Protection Policy

## 1. Introduction

Test Valley Borough Council (TVBC) is fully committed to compliance with the requirements of the Data Protection Act 1998 "The Act", which came into force on the 1<sup>st</sup> March 2000. The Council will therefore follow procedures that aim to ensure that all staff, Councillors, Contractors and any other parties who have access to personal data held by, or on behalf of the Council are fully aware of and abide by their duties and responsibilities under the Act.

## 2. Statement of Policy

TVBC needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective employees, suppliers, clients, customers, and others with whom it communicates.

All information the Council collects, including information collected for Council Tax administration purposes will be used to improve the services it delivers.

A full list of the Council's activities is shown on our Registration that is available on the Information Commissioner's website (see Section 10).

The Council is also required by law to collect and use certain types of information to comply with the requirements of government departments. All personal information must be dealt with properly no matter how it is collected, recorded and used - whether on paper, by computer, or recorded on other material - and there are safeguards to ensure this in the Act.

## 3. Sensitive Personal Data

The Act provides conditions for the processing of any personal data but makes a distinction between personal data and 'sensitive' personal data.

Personal data is defined as 'data relating to a living individual who can be identified from that data'

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade Union membership
- Physical or mental health condition
- Sexual life
- Criminal proceedings or convictions

The conditions for the processing of sensitive personal data are stricter than those for processing non sensitive personal data. TVBC will ensure all required conditions are met before any kind of data processing is undertaken.

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### **4. Data Protection Principles**

TVBC regards the lawful and correct treatment of personal information as very important to successful operations and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organisation treats personal information lawfully and correctly.

To this end we fully endorse and adhere to the eight principles of data protection, as enumerated in the Data Protection Act 1998.

Specifically, the principles require the following.

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
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.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
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.
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 freedom of data subjects in relation to the processing of personal data.

### **5. Satisfaction of Principles**

TVBC will undertake the following in order to satisfy the requirements of the Data Protection Principles to ensure appropriate processing of personal and sensitive personal data.

- Fully observe conditions regarding the fair collection and use of information.
- Meet its legal obligations to specify the purposes for which information is used. A specific example is that we will use information collected for Council Tax purposes for secondary uses that enhance the efficiency and effectiveness of other services we supply to the TVBC Taxpayer. Again these are fully detailed in our Notification available from the Office of the Information Commissioners website.
- Collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure information used is accurate, up-to-date and of good quality.
- Apply strict checks to determine the length of time information is held.
- Ensure that the rights of people about whom we hold information are able to be fully exercised under the Act. These include:
  - the right to be informed that processing is being undertaken;
  - the right of access to one's personal information;
  - the right to correct, rectify, block or erase information which is regarded as incorrect.

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- Take appropriate technical and organisational security measures to safeguard personal information.
- Ensure that personal information is not transferred abroad without suitable safeguards.

### 6. Responsibilities

There are two main Data Protection roles within TVBC. The Data Protection Officer with overall responsibility for Data Protection and the Data Protection Administrator who deals with day to day queries, compliance and awareness issues and notification to the Office of the Information Commissioner of computerised and manual systems owned and run by TVBC

It is not the responsibility of the Data Protection Officer or the Data Protection Administrator to apply the provisions of the Act. This is the responsibility of the individual keepers, collectors and users of personal data.

*TVBC will ensure:*

- There are officers with specific responsibility for data protection in the Council.
- Everyone managing and handling personal information is appropriately trained to do so and supervised where necessary.
- Queries about handling personal information are dealt with promptly and courteously.
- A regular audit (review) is made of the way personal information is managed.
- It is transparent about the use of data it holds.

*Managers, Staff and Councillors*

- Will be aware of the provisions of the Act such as keeping records up to date and accurate and its impact on the work they undertake on behalf of TVBC.
- Will take steps to ensure that all personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:
  - Paper files and other records/documents containing personal/sensitive data are kept in a secure environment,
  - Personal data held on computer applications and systems is protected by appropriate technical measures, e.g. password controls and user access levels,
  - TVBC Policies such as Electronic Communications Policy and Information Security Policy and the Home Working Policy and Procedure are properly applied
  - Personal data is only disclosed to third parties (e.g. other Government bodies) when they are satisfied an exemption from non-disclosure is applicable and the identity of the applicant has been verified,

*Contractors/Consultants (all agents acting on behalf of TVBC):*

- TVBC Contracting Officers will ensure Contractors & Consultants they employ are aware of the responsibilities placed upon them by this Policy, specifically they will:
  - Ensure that they are aware of this Policy and any data sharing policy, in addition to their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed to be a breach of any contract between TVBC and that Contractor/Consultant.
  - Allow data protection audits by TVBC of data held on its behalf, if requested.
  - Indemnify TVBC against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

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When asking customers for information TVBC will ensure:

- They are made aware of why TVBC needs the information
- They know if they have a choice about giving TVBC the information
- They know how the information will be used
- They know if TVBC will need to share it with other organisations to give them better public services - and whether they can say no
- The information isn't kept longer than necessary.
- Protect it and make sure nobody has access to it who shouldn't have

In return, TVBC ask customers to:

- Supply accurate information
- Tell TVBC as soon as possible of any changes
- Tell TVBC as soon as possible if they notice mistakes in the information.

### 7. Retention of Personal Information

Information will be held in strict adherence to the TVBC Document Retention and Disposal Schedule and appropriate legal requirements to ensure compliance with the Act.

### 8. Rights to Access Information

Employees and other persons whom TVBC hold personal information about have the right to access any personal data that is being kept about them on computer and in certain paper-based (manual) filing systems. This right is subject to certain exemptions which are set out in the Act.

Employees and other persons whom TVBC hold personal information about also have the right to prevent processing of data for the purposes of direct marketing and automated decision making systems.

Anyone wishing to be supplied with information held about them (*a subject access request*) should contact the TVBC Data Protection Administrator. All such requests will be dealt with within the forty calendar days stipulated in the Act, including where appropriate the amending or deletion of such data.

Subject access requests require the payment of the statutory £10 fee. TVBC will also request confirmation of identification from the requester before actioning the request. Access to another person's personal information is prohibited unless their explicit consent is given.

### 9. Notification

All purposes for which TVBC processes personal data are detailed within the Notification that TVBC is required to register with the Office of the Information Commissioner who is responsible for data protection compliance.

Heads of Service are responsible for ensuring that all computer and manual systems within their respective Service that contain personal data are identified and maintained and the Data Protection Administrator informed accordingly for Notification purposes.

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Anyone wishing to see the TVBC registration details, as notified to the Information Commissioner, can do so by visiting the Information Commissioner's website and enter the Council's registration number Z5449999 in the appropriate box.

### 10. Contacts

Anyone who has any queries or complaints on any issue regarding Data Protection can contact the TVBC Data Protection Administrator by writing to:

Data Protection Administrator,  
Legal and Democratic Services  
Test Valley Borough Council,  
Beech Hurst,  
Weyhill Road,  
Andover,  
Hampshire, SP10 3AJ.  
Tel: 01264 368000

For independent advice about data protection, details on the TVBC notification or for any complaints regarding TVBC processing of personal information, please contact the Information Commissioner:

- website [www.ico.gov.uk](http://www.ico.gov.uk)
- telephone 01625 545745
- fax 01625 524510
- email [data@dataprotection.gov.uk](mailto:data@dataprotection.gov.uk)
- address Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

### 11. Status of this Policy

This Policy has been approved by the Cabinet. Breaches of this policy will be taken seriously and may result in disciplinary action in accordance with Human Resources policy and procedures.

This Policy should be read in conjunction with the Council's Electronic Communications Policy, Use of IT and Media Policy, Data Sharing Code of Conduct and Information Security Policy.