

Caerphilly County Borough Council

Data Protection Policy

Version:	Version 4
Date:	February 2018
Author/s:	Corporate Information Governance Manager
Consultee/s:	Corporate Management Team; Senior Information Risk Owner; Legal Services; Information Governance Project Team
Approved by:	Cabinet
Review frequency:	Every 2 years
Next review date:	February 2020

Data Protection Policy

1. Policy objective

- 1.1 Administration and delivery of quality services involves processing personal information about people. The Council is committed to managing personal information effectively and legally to maintain confidence between those with whom we deal and the Council.
- 1.2 This policy describes Caerphilly County Borough Council's approach to personal information.

2. Scope and definitions

- 2.1 This policy covers the Council's obligations under all legislation applicable in the UK covering data protection and privacy, and references the definitions in the General Data Protection Regulation 2016 (GDPR).
- 2.2 'Personal Information' is defined as any information relating to an identifiable person who can be directly or indirectly identified. Certain categories of data are subject to additional protections, and includes:
 - Criminal allegations, proceedings, outcomes and sentences
 - Physical or mental health or condition
 - Politics
 - Racial or ethnic origin
 - Religion or other beliefs of a similar nature
 - Sex life
 - Sexual orientation
 - Trade union membership
 - Genetics
 - Biometrics (where used for identification purposes)
- 2.3 'Processing' personal information means any activity involving personal information throughout the information lifecycle, from collecting and creating the personal information, to using it, making it available to others when necessary, storing it, and disposing of it when no longer required.
- 2.4 The policy applies to all employees, elected members, and other individuals/organisations acting on behalf of the Council who have access to personal information that the Council is responsible for. Detailed procedures accompany this policy to direct the processing of personal information in a fair, lawful and transparent manner.

3. Data protection principles

- 3.1 Personal information of all stakeholders – current, former and prospective service users, employees, suppliers and others - will only be processed in compliance with

laws on privacy and data protection, specifically adhering to the GDPR principles that personal information must be:

1. processed lawfully, fairly and in a transparent manner;
2. collected for specified, explicit and legitimate purposes;
3. adequate, relevant and limited to what is necessary;
4. accurate and, where necessary, kept up to date;
5. kept in a form which permits identification of data subjects for no longer than necessary; and
6. processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

3.2 The Council will demonstrate accountability in adhering to the rights of individuals set out in data protection law, including their right:

- to be informed
- of access
- to rectification
- to erasure
- to restrict processing
- to data portability
- to object
- and rights in relation to automated decision making and profiling.

4. Accountability and monitoring

4.1 A Statutory Data Protection Officer (DPO) is designated to oversee the management of personal information Council-wide, reporting to the Council's Senior Information Risk Owner (SIRO).

4.2 Heads of Service as Information Asset Owners adhere to the Council's Information Risk Management Policy, supported by Service Area Information Governance Stewards.

4.3 Data Protection/Privacy Impact Assessments will be undertaken at an early stage whenever use of personal information is proposed and particularly during new collaborations.

4.4 A record of personal information processing activities is maintained by each Service Area, and the way that the information is managed is regularly evaluated using Privacy Impact Assessments where appropriate.

4.5 Clear and timely privacy notices are communicated that enable the subject of the data to understand how their personal information is being used.

4.6 Sharing of personal information is carried out in compliance with approved protocols, including the Wales Accord on Sharing Personal Information and data processor agreements.

4.7 Disposal of personal information will be strictly in line with the Council's Records Retention and Disposal Procedure.

4.8 Everyone processing personal information understands their responsibilities and receives appropriate information to support them, including annual training.

5. Complaints and data security incidents

5.1 Failure to comply with the law on data protection may result in:

- Serious consequences for individuals that the data relates to, including embarrassment, distress, financial loss
- Irreparable damage to the Council's reputation and loss of confidence in the Council's ability to manage information properly
- Monetary penalties and compensation claims
- Enforcement action from the Information Commissioner
- Personal accountability for certain criminal offences and for breaching the Employee or the Elected Member Code of Conduct

5.2 Complaints or concerns can be made to the Council's Data Protection Officer, and will be dealt with in accordance with the Council's Information Governance Complaints Procedure.

6. Related policies and resources

6.1 This policy should be read in conjunction with the following Council policies:

- Records Management Policy
- Information Risk Management Policy
- Access to Unpublished Information Policy
- IT Security Policy

6.2 Additional guidance and resources:

- For the public - see the Council's website.
- For employees - the Council's Information Governance intranet pages.

7. Further Information

7.1 Further Information is available from Data Protection Officer/Corporate Information Governance Unit, 01443 86 4322; dataprotection@caerphilly.gov.uk