

# Data Protection Policy

Blackpool Council



# Data Protection Policy

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# Data Protection Policy

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## Policy Statement

Blackpool Council recognises the need to fully comply with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR), and the obligations set out in these.

The Council needs to collect and use information about its members of the Public (past or current customers and residents) and those who do business with the Council, as well as its past, present or prospective employees. The Council may also be required by law to collect and use information to comply with Central Government requirements.

Blackpool Council regards the lawful and correct handling of all personal information as a very important and essential element of its successful service delivery. It is equally important that the Council maintains a level of confidence with those who carry out business with Blackpool Council.

## Scope of Policy

This policy applies to all personal data held as information in any format including paper, electronic, images and sound, and emails that may be sent or received by the Council.

All stages of the lifecycle of personal data are covered by this policy:

- Obtaining of data;
- Storage and security of data and any information this data creates;
- Use and disclosure of data and any information this data creates;
- Sharing of data and any information this data creates;
- Disposal and destruction of data and any information this data creates;

This policy applies to all part-time and full-time employees, including those working from home and from other locations, Elected Members (Councillors) in their roles as Cabinet members, and all other workers (including casual and agency workers, secondment posts and contractors) using the Council's equipment and computer network. This policy also applies to Volunteers and students (including work experience or work-placement).

This policy does not apply to individual Councillors in their constituency or ward work as they are registered separately for processing any personal data they may collect for this work.

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## Overview & Definitions of the Legislation

The DPA 2018 and GDPR were implemented in May 2018 and require all organisations that process personal data to follow certain 'rules' (Principles). This legislation also defines certain terms and gives individuals a number of rights.

## Principles

There are 6 key Principles that provide a framework for good practice and the proper handling of personal data that are enforceable by the Information Commissioner.

Personal data shall be:

1. Processed lawfully, fairly and in a transparent manner ('lawfulness, fairness and transparency').
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes [...] ('purpose limitation').
3. Adequate, relevant and limited to what is necessary in relation to the purpose for which they are processed ('data minimisation').

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4. Accurate and, where necessary, kept up to date; every reasonable step to ensure inaccurate data are erased or rectified without undue delay ('accuracy')
5. Kept in a form which permits identification of the individual for no longer than is necessary for the purpose which the data are processed [...] ('storage limitations').
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

## Definitions and terms

The following are included to help with understanding of both the policy and the legislation. This is not an exhaustive list of definitions or terms.

**Personal Data** – Information about an identified or identifiable natural person (living individual) – someone who can be identified directly or indirectly including with the use of an online identifier.

**Special Category Data (Sensitive Personal Data)** – Personal data of an individual that relates to their racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health, sex life or orientation.

N.B. processing data that relates to Offences or alleged offences, court proceedings or sentencing fall within the Law Enforcement Directive

**Data Subject** – The living individual who is the subject of the personal data.

**Data Controller** – A natural or legal person, public authority, agency or other body that determines the purposes and way in which personal data is processed. Blackpool Council is the Data Controller.

**Data Processor** – A natural or legal person, public authority, agency or other body that processes personal data on behalf of a Data Controller.

**Processing** – Any operation on the data including Obtaining/collecting, recording, organisation, storage or holding the personal data, disclosure; and any other operation on this e.g. destruction.

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## Individual's Rights

The Council recognises that individuals have a number of rights and will ensure that these can be fully complied with. The main rights for individuals include:

- The right to be informed that the Council is processing their personal data (generally via a [Privacy or Information Notice](#));
- The right to access their own personal data (known as a Subject Access Request);
- The right to rectification;
- The right to erasure (known as the 'Right to be forgotten');
- The right to prevent restrict processing in certain circumstances;
- The right to data portability;
- The right to object to processing of personal data in certain circumstances;
- The right not to be subject to a decision based solely on automated processing including profiling.

More information about the DPA 2018 and GDPR, an individual's rights can be found on [the Council's website](#) or the [Information Commissioner's website](#).

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## Subject Access Requests

When an individual requests their own personal data, this is called a Subject Access Request or Right of Access.

Whilst the Council recognises that requests can be made verbally, to avoid confusion and ensure that we do not disclose personal data incorrectly, it is helpful if this is made in writing.

We do verify the applicant's identify and address – again this is to ensure that we do not incorrectly disclose personal data to anyone who is not entitled to receive it.

The request should describe the information requested and / or provide adequate detail and references to help the Council identify and locate the personal data and information.

To help, we publish a [Subject Access Request form](#) on the Council website.

An unreasonable repeat request, or where the Council has responded to a Subject Access Request for the same or similar personal data information within the previous 12 months may be refused or a charge may be applied.

If another person is helping to make the Subject Access Request, or is acting on behalf of an individual, the individual (the data subject) must provide written authorisation for this. This may be a letter or form freely signed by the individual. This requirement includes those who appoint a solicitor to act on their behalf.

The Council is obliged to respond within 1 month from the day after the request is received. This timescale may be extended by another 2 months if the request is complex.

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## Compliance with the principles of data protection

To enable it to fully comply with the legislation, Blackpool Council will:

- Only collect and hold the data and information which are needed, and follow all necessary conditions to enable the Council to do this including identification of the correct legal basis, or consent if this is required.
- Only use the data and information collected for the purpose specified, or compatible purposes and make individuals aware of any other use or sharing.
- Only use the data and information for marketing of goods and services where the individual has chosen (consented) to receive this.
- Make every effort to ensure data and information are up-to-date and where opinions or intentions are recorded, that these are professionally expressed.
- Follow the Council's published [Corporate Retention Schedule](#) to determine how long the data and information should be kept for, ensuring it is not kept for any longer than is necessary.
- Ensure that any transfers of data or information are undertaken with appropriate safeguards in place.
- Enforce the Information and ICT Security Acceptable Use Policy and other associated policies to keep the data and information secure, preventing unauthorised access or processing or accidental loss.
- Put procedures in place to enable the Council to deal with Subject Access Requests in line with the legislation and within the legislated timescale.
- Ensure that contracts containing suitable clauses, are in place for any data processing undertaken externally for the Council.

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- Ensure that its notification (its registration) to the Information Commissioner is renewed on an annual basis and that it accurately reflects the processing that the Council undertakes.

## Complaints and breaches

If an individual is unhappy with the way in which the Council is handling their personal data or information, or they believe that the Council has breached the data protection principles or shared or disclosed their data incorrectly, they can submit a complaint to the Council.

Any complaint should be submitted in writing to: Data Protection Officer, Blackpool Council, PO Box 4, Blackpool, FY1 1NA, or by email to [dataprotectionofficer@blackpool.gov.uk](mailto:dataprotectionofficer@blackpool.gov.uk).

If an individual is unhappy with the Council's response to a Subject Access Request, they can ask for a review.

Any review request should be submitted in writing to: Data Protection Officer, Blackpool Council, PO Box 4, Blackpool, FY1 1NA, or by email to [dataprotectionofficer@blackpool.gov.uk](mailto:dataprotectionofficer@blackpool.gov.uk) within 40 working days of their receipt of the council's response.

If an individual is unhappy with the outcome of the review, they have the right to apply to the Information Commissioner's Office for an assessment. They can contact the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, ([www.ico.org.uk](http://www.ico.org.uk)).

Any other queries about data protection can be made in writing to: DPA, Information Governance Team, Blackpool Council, PO Box 4, Blackpool, FY1 1NA, or emailing [DPA@blackpool.gov.uk](mailto:DPA@blackpool.gov.uk).

## Supporting this Policy

Blackpool Council will ensure that all of its employees and Elected Members who are cabinet or committee

members, are provided with training and awareness in data protection and ICT Security to enable them to handle personal data correctly.

The Council will ensure that it has appointed a Data Protection Officer as required under GDPR. They will have an appropriate level of knowledge and training to provide advice on data protection matters. They will be provided with sufficient resources to undertake their legislated tasks. This officer will liaise with the Information Commissioner's Office when required.

To affirm its commitment to accountability and governance, the Council will ensure that it maintains documentation to demonstrate its compliance with the legislation. This will include a Record of Processing Activities (ROPA) to document how it processes personal data, publication of its retention schedules and its disposal policy. Privacy by Design and Default will be led by the completion of Data Protection Impact Assessments (DPIAs) when required for any new collection of personal data, any new or replacement system and where there is any public monitoring (i.e. CCTV) or automated decision making.

Procedures and policies will be put in place to support compliance with information related legislation and records management.

The Council will ensure that it has an Incident/ Breach reporting process in place for staff and individuals. Any breach of this policy or the GDPR/DPA2018 will be investigated and dealt with appropriately, including when necessary, self-reporting to the Information Commissioner's Office and/or the Dept. of Health for breaches involving Social Services or Public Health. If a breach is found to be serious, any recommendations or instructions received from the Information Commissioner's Office as a result of their assessment or investigation will be implemented by the Council.

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## Further information

Further information on data protection can be found:

- On the [Council's website](#)
  - In the Council's e-learning course (for staff and members)
  - On the [Information Commissioner's website](#).
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## Document Control

<b>Document owner:</b>	Information Governance Team
<b>Document number:</b>	2.0
<b>Document category:</b>	Unclassified
<b>Document location:</b>	IG Team SharePoint Site
<b>Issued by:</b>	Information Governance Team
<b>Issued on:</b>	August 2013
<b>Last edited:</b>	January 2019

## Record of Amendments:

Date	Version	Amended by	Description of changes
August 2018	2.0	D Topping	Updated previous version to reflect legislation changes and reformat to corporate branding.
January 2019	2.1	D Topping	Reformatted to Accessibility Standards for publication on website.

## Approved By:

Name	Title	Signature	Date
Patricia Butcher	Data Protection Officer		7 January 2019
Tony Doyle	Senior Information Risk Owner		
	On behalf of Corporate Leadership Team		