


DATA PROTECTION ACT 1998**COUNCIL POLICY**

Department	Organisation, Property & IT, ICT Services	Ref. Number	ICT/0008/01
Authorised By	Tony Doyle, Head of ICT Services	IAR Classification	Unclassified
Author	Debbie Topping, ICT Manager (Information Governance)	Issue Date	August 2013
Reviewer		Revision Date	
		Version No.	1.0
Page 1 of 5			

BLACKPOOL COUNCIL – ICT SERVICES		
Topic	Data Protection Act – Council Policy	

POLICY STATEMENT

Blackpool Council recognises the need to fully comply with the requirements of the Data Protection Act 1998 (DPA) and the obligations it sets out.

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, current 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.


OVERVIEW & DEFINITIONS OF THE DATA PROTECTION ACT 1998

The current version of the DPA was implemented in 1998 and requires all organisations that process personal data to follow certain 'rules' (Principles). DPA also defines certain terms and gives individuals a number of rights.

Principles

There are 8 Principles that provide a framework for good practice and the proper handling of personal data that are enforceable by the Information Commissioner.

Department	Organisation, Property & IT, ICT Services	Ref. Number	ICT/0008/01
Authorised By	Tony Doyle, Head of ICT Services	IAR Classification	Unclassified
Author	Debbie Topping, ICT Manager (Information Governance)	Issue Date	August 2013
Reviewer		Revision Date	
		Version No.	1.0

BLACKPOOL COUNCIL – ICT SERVICES		
Topic	Data Protection Act – Council Policy	

1. Personal data shall be processed fairly and lawfully, and in particular, shall not be processed unless specific conditions have been 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 processed for any purpose or purposes 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 freedoms of data subjects in relation to the processing of personal data.

Definitions and terms

The following are included to help with understanding of both the policy and the DPA.

Personal Data – Information about a living individual who can be identified from that information or when combined with other information.

Sensitive Personal Data – Personal data of an individual that relates to their Race or Ethnic Origin, Political Beliefs, Religious Beliefs or beliefs of a similar nature, Membership of a Trade Union, Physical or mental health or condition, Sexual life, Offences or alleged offences, court proceedings or sentencing.

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

Data Controller – A person who determines the purposes and way in which personal data is processed. This is an individual or an organisation. Blackpool Council is the Data Controller.

Data Processor – A person who processes personal data on behalf of a Data Controller.


Processing – Obtaining, recording, or holding the personal data and any other operation on this e.g. destruction.

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 (known as a Subject Access Request)
- The right to access their own personal data
- The right to prevent processing in certain circumstances
- The right to ask the Council to correct, block, rectify or erase personal data that is regarded as incorrect.

Department	Organisation, Property & IT, ICT Services	Ref. Number	ICT/0008/01
Authorised By	Tony Doyle, Head of ICT Services	IAR Classification	Unclassified
Author	Debbie Topping, ICT Manager (Information Governance)	Issue Date	August 2013
Reviewer		Revision Date	
		Version No.	1.0

BLACKPOOL COUNCIL – ICT SERVICES		
Topic	Data Protection Act – Council Policy	

More information about the Data Protection Act 1998 and an individual’s rights can be found on the Information Commissioner’s website at www.ico.org.uk

SUBJECT ACCESS REQUESTS

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

The request must be made in writing and be accompanied by adequate proof of identity and address of the individual – the data subject. 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.

A Subject Access Request form is published on the Council website and this may be used to submit a request (<http://www.blackpool.gov.uk/Your-Council/Transparency-and-open-data/Data-protection/Making-a-subject-access-request.aspx>).

The Council is entitled to charge the legislated fee for a Subject Access Request and does charge this fee. The fee may be waived in certain circumstances, and Blackpool Council has decided to automatically waive the fee when the requested personal data is from its Social Services records only.

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.

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.


The Council is obliged to respond within 40 days from the date of receipt of the request.

COMPLIANCE WITH THE DATA PROTECTION PRINCIPLES

To enable it to fully comply with the DPA, 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 obtaining explicit consent where possible or 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 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 ICT Security Policy and other associated policies to keep the data and information secure, preventing unauthorised access or processing or accidental loss.

Department	Organisation, Property & IT, ICT Services	Ref. Number	ICT/0008/01
Authorised By	Tony Doyle, Head of ICT Services	IAR Classification	Unclassified
Author	Debbie Topping, ICT Manager (Information Governance)	Issue Date	August 2013
Reviewer		Revision Date	
		Version No.	1.0

BLACKPOOL COUNCIL – ICT SERVICES		
Topic	Data Protection Act – Council Policy	

- Put procedures in place to enable the Council to deal with Subject Access Requests in line with the DPA and within the legislated timescale.
- Ensure that its notification to the Information Commissioner (its registration) is renewed on an annual basis and that it accurately reflects the processing that the Council undertakes.

COMPLAINTS

If an individual is unhappy with the way in which the Council is handling their personal data or information, or is unhappy with the Council’s response to a Subject Access Request, they can submit a complaint to the Council.

These complaints will be passed to the Council’s nominated officer for Data Protection and it will be investigated in line with the requirements of the DPA.

SUPPORTING THIS POLICY

Blackpool Council will ensure that all of its employees and Elected Members are provided with training and awareness in Data Protection and ICT Security to enable them to handle personal data correctly.

There will be a nominated officer who has an appropriate level of knowledge and training to provide advice on Data Protection matters. This officer will liaise with the Information Commissioner’s Office when required.

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

Any breach of this policy or the DPA will be investigated and dealt with appropriately. 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.

FURTHER INFORMATION

Further information on Data Protection can be found:

- On the Council’s website (<http://www.blackpool.gov.uk/Your-Council/Transparency-and-open-data/Data-protection/Data-protection.aspx>),
- In the Council’s e-learning course
- On the Information Commissioner’s website www.ico.org.uk.

Department	Organisation, Property & IT, ICT Services	Ref. Number	ICT/0008/01
Authorised By	Tony Doyle, Head of ICT Services	IAR Classification	Unclassified
Author	Debbie Topping, ICT Manager (Information Governance)	Issue Date	August 2013
Reviewer		Revision Date	
		Version No.	1.0
Page 5 of 5			