Nottinghamshire County Council

Data Protection Policy

Document control

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Approved by:	
Date:	
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Date:	

Contents

1. POLICY STATEMENT

1.1 The Data Protection Act 1998 ("**Act**") places legal responsibilities for the management of personal information on the County Council.

1.2 Everyone has rights with regard to how their personal information is handled. During the course of our activities the County Council will collect, store and process personal information about individuals ("**data subjects**") who have contact with the County Council, and we recognise the need to treat it in an appropriate and lawful manner.

1.3 The types of information that we may be required to handle include details of current, past and prospective employees, suppliers, customers, service users and others that we communicate with. The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in the Act and other regulations. The Act imposes restrictions on how we may use that information.

1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. STATUS OF THE POLICY

2.1 This policy has been approved by full Council. It sets out our rules on data protection and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, transportation and destruction of personal information.

2.2 The Monitoring Officer is responsible for ensuring compliance with the policy. Any questions or concerns about the operation of this policy should be referred in the first instance to the Governance Team in Legal Services.

2.3 This policy applies to all Members and Officers of the County Council and any agency staff, contractors, consultants and partners that have access to personal data held by or on behalf of the County Council

2.4 If you consider that the policy has not been followed you should raise the matter with your line manager.

3. DATA PROTECTION PRINCIPLES

Anyone processing personal information which relates to, and identifies, an individual (including an expression of opinion about such individual) ("**personal data**") must comply with the eight data protection principles. These provide that personal data must be:

(a) Processed fairly and lawfully;

(b) Processed for limited purposes and in an appropriate way;

(c) Adequate, relevant and not excessive for the purpose;

(d) Accurate;

(e) Not kept longer than necessary for the purpose;

(f) Processed in line with data subjects' rights;

(g) Secure;

(h) Not transferred to people or organisations situated in countries without adequate data protection measures.

4. COMPLIANCE

4.1 All Members and Officers of the County Council and any agency staff, contractors, consultants and partners that have access to personal data held by or on behalf of the County Council should comply with this policy. The County Council shall endeavour to:

(a) Provide clear information to individuals about the purpose or purposes for which their information will be used, who it will be used by and for what purpose or purposes it will be shared with others;

(b) Only process relevant and adequate personal data;

(c) Keep personal data accurate and up to date;

(d) Retain personal data only for as long as necessary for legal, regulatory or legitimate County Council purposes;

(e) Respect individual's rights in relation to their personal data, including their rights of subject access;

(f) Keep all personal data, in whatever format, secure;

(g) Take appropriate technical and organisational security measures to safeguard personal information;

(h) Only transfer information outside the European Economic Area in circumstance where it can be adequately protected;

(i) Ensure that third party processors of the County Council's personal data have adequate controls and security measures in place;

(j) Acknowledge, investigate and respond to all complaints relating to a request for information;

(k) Develop guidance for its Members and Officers in order to help ensure awareness and compliance of the County Council's obligations under the Act.

5. RETENTION OF DATA

Personal data should not be kept longer than is necessary for the purpose it was obtained. This means that data should be destroyed or erased from our systems when it is no longer required. For guidance on how long certain data is likely to be kept before being destroyed, contact the Information Manager.

6. PROCESSING IN LINE WITH DATA SUBJECTS' RIGHTS

Data should be processed in line with data subjects' rights. Data subjects have a right to:

(a) Request access to any data held about them by the County Council;

(b) Prevent the processing of their data for direct-marketing purposes;

(c) Ask to have inaccurate data amended;

(d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

7. INFORMATION SECURITY

7.1 We must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Data subjects may seek redress from the Courts. The Information Commissioner also has the power to issues fines for breaches of data security.

7.2 The Act requires us to put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. Where personal data is to be transferred to a third-party data processor, the third-party data processor should comply with those

procedures and policies, or have in place their own adequate controls and security measures.

7.3 Please refer to the County Council's Information Security Policy Framework.

8. DEALING WITH SUBJECT ACCESS REQUESTS

8.1 A formal request from an individual for information that we hold about them ("**Subject Access Request**") must be made in writing. Subject Access Requests should be dealt with within the relevant Department with advice and support from the Governance Team in Legal Services. The data subject may be charged a fee of £10 for the provision of such information.

9. NOTIFICATION

9.1 The County Council has a statutory duty under the Act to provide Notification to the Information Commissioner about how it uses personal data. The Notification should be kept up to date. In order to help ensure that the County Council's Notification is kept up to date, departments proposing to use personal data for different purposes should inform the Governance Team in Legal Services.

10. MONITORING AND REVIEW OF THE POLICY

10.1 This policy is to be kept under review by the Monitoring Officer, CLT and the Standards Committee. Recommendations for any amendments are reported to full Council.

10.2 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.