

Information Rights Policy

Introduction

1. This policy sets out Nottinghamshire County Council's (NCC's) commitment to upholding information rights and ensuring that information is managed openly, lawfully and responsibly.
2. Information rights include both the public's right to access information held by the Council and individuals' rights in relation to their personal data. These rights arise primarily under the Freedom of Information Act 2000, Environmental Information Regulations 2004, the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR).
3. The Council holds and uses information to deliver services and fulfil its legal and statutory functions. In doing so, we will balance openness and transparency with the protection of personal data and confidential information.
4. Individuals should be confident that they can exercise their rights and that we will handle information responsibly, securely and in line with legal requirements and good practice.
5. This policy forms part of the Council's Information Governance Framework and is supported by standards, procedures and guidance which set out how these commitments are implemented in practice.

Definitions

6. **"We"** means Nottinghamshire County Council and includes all members, employees, trainees/apprentices and volunteers, as well as contractors, suppliers and partners delivering Council services on our behalf.
7. **Information** is used as a collective term to describe data, documents, records and content, including audio recordings and digital or photographic images, whether held in paper or electronic form.
8. **Processing** means any operation or set of operations carried out on personal information, including collection, recording, organisation, storage, alteration, retrieval, use, disclosure or destruction.

9. **Personal information** means any information relating to an identifiable individual (noting that data protection legislation applies primarily to living individuals, but access to information regimes may apply more broadly).
10. **Council information** includes any information held by us on behalf of individuals, businesses or partners, or created by the Council in the course of delivering its services.
11. **Data subject** means the individual to whom personal data relates.

Scope

12. The principles and commitments set out in this policy apply to all members, employees, trainees/apprentices and volunteers of Nottinghamshire County Council, as well as contractors, suppliers and partners delivering Council services on our behalf.
13. Elected Members should note that, in respect of their constituency duties, they act as data controllers in their own right. They are therefore responsible for ensuring that any personal information they hold or use in this capacity is processed in accordance with relevant legislation
14. This policy does not apply to information held by schools, which are separate data controllers and are responsible for their own compliance with data protection and access to information legislation. Where a request relates to information held by a school, the requester should normally contact the Head Teacher of the relevant school directly.

Principles and Commitments

Personal information

General commitments

15. We collect and use personal information to deliver services and fulfil our legal and statutory functions.
16. We will handle all personal information in a safe, responsible and secure manner.
17. We will meet our obligations to protect personal data and the right to privacy in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, the Human Rights Act 1998 and other relevant legislation and common law.

18. We will take a risk-based approach to the management of personal information and to responding to requests, balancing openness with the protection of individuals and third parties.
19. We will consider and address risks to personal information when planning new or changed ways of working, for example when introducing new systems or processes.
20. We will investigate and may take disciplinary or contractual action where staff or contractors misuse personal information or fail to protect it appropriately.

Use and sharing of personal information

21. We may need to use and share personal information to perform our statutory duties, legal obligations and public tasks.
22. We will ensure that there is a lawful basis for all processing of personal information and will not rely on, or seek, consent where a more appropriate legal basis applies.
23. Where consent is the only lawful basis for processing, we will ensure that it is freely given, that individuals are informed of their right to withdraw consent, and that appropriate mechanisms are in place to allow them to do so.
24. We will maintain an [Appropriate Policy Document](#) setting out how we process special category and criminal conviction data.

Transparency and information management

25. We will provide clear and accessible privacy notices explaining why we collect personal information, how it is used and shared, and the rights available to individuals.
26. Individuals' rights may vary depending on the lawful basis for processing, as set out in our privacy notices.
27. We will maintain and publish a [Records Retention and Disposal Schedule](#) which sets out how long different types of information are kept.

Individuals' rights

28. Individuals have rights in respect of their personal information under data protection legislation. These include:
 - a) The right to be informed about how and why their data is used.

- b) The right of access to personal information held about them.
 - c) The right to rectification of inaccurate or incomplete data.
 - d) The right to erasure of personal data in certain circumstances.
 - e) The right to restrict processing in certain circumstances.
 - f) The right to object to processing.
 - g) The right to data portability.
 - h) The right to withdraw consent where this is the legal basis relied upon.
 - i) Rights in relation to automated decision-making and profiling.
 - j) The right to raise concerns and complaints about how their personal data is handled, including the right to request an internal review and to complain to the Information Commissioner's Office.
29. These rights are not absolute and may be qualified depending on the circumstances. Further detail on how these rights apply in practice, including when they are limited or subject to exemptions, is set out in the Council's Data Subject Rights Procedures.

Responding to requests and accountability

- 30. We will respond to information rights requests as soon as possible and within the relevant statutory timescales, and in a fair and consistent manner.
- 31. We will monitor performance against statutory timescales and report on compliance as part of our Information Governance assurance processes.
- 32. We will maintain procedures and provide guidance and training to ensure staff understand their responsibilities in handling information rights.
- 33. Where suppliers process personal information on our behalf, they will be contractually required to support us in meeting our information rights obligations.

Public information

General commitments

- 34. We hold information in order to deliver services and fulfil our public functions. Where appropriate, we will make information available proactively through our website, publications and other accessible formats.
- 35. We are committed to being an open, accountable and transparent Council and will proactively publish information wherever possible to reduce the need for formal requests.

36. We will support open data principles by making information available in reusable formats where appropriate.
37. We recognise that not all information can be made publicly available. We will restrict access to information where necessary, for example where it is confidential, contains personal data, or is otherwise protected by law.

Access to information

38. We will maintain a Publication Scheme and make as much information as possible available through it. Wherever possible, information will be accessible in digital format via our website www.nottinghamshire.gov.uk.
39. We will maintain procedures for requesting and responding to formal requests for information under access to information legislation and will respond within statutory timescales (normally 20 working days).
40. We will make clear where charges or restrictions on use apply to requested information.

Review and complaints

41. We will maintain procedures to enable individuals to request a fair and impartial review where they are dissatisfied with our initial response.
42. We will respond to review requests within reasonable timescales, normally within 20 working days.
43. We will ensure individuals are informed of their right to seek advice from, or make a complaint to, the Information Commissioner's Office if they remain dissatisfied.

Responsibilities

44. Nottinghamshire County Council is responsible for ensuring compliance with information rights legislation in relation to the information it holds. These obligations are overseen by the Information Commissioner's Office and, where necessary, the courts.
45. Responsibilities for implementing this policy are as follows:

Staff member/group	Responsibility
All staff and others working for or on behalf of NCC.	• Be aware of relevant information rights legislation • Understand and comply with this policy and associated procedures

Data Protection Officer	• Monitor compliance with this policy • Provide advice, guidance and training • Report on information governance performance and risks.
Complaints and Information Team	• Maintain records information rights and access requests • Coordinate responses and manage communication with requesters.
HR Service	• Manage subject access requests relating to current or former employees • Maintain records and coordinate responses for HR-related information requests
All managers	• Ensure implementation of this policy within their areas of responsibility. • Ensure staff undertake mandatory data protection and freedom of information training at the required intervals. • Support staff in complying with information rights obligations

46. Wilful or negligent failure to comply with information governance policies, standards and procedures will be investigated and may be treated as a disciplinary matter, which could lead to dismissal or the termination of work agreements or service contracts.

Monitoring and review

47. This policy and its supporting standards will be actively monitored and formally reviewed at least every two years, or sooner where required to reflect changes in legislation, guidance or organisational practice.

Supporting Documents

48. The following information governance standards, procedures and guidance support this policy (as at the date of approval):

- [Records Retention & Disposal Schedule](#)
- [Data Subject Information Rights Procedure](#)
- [Subject Access Requests \(SARs\) Procedure](#)
- [Personal Data Erasure Procedure](#)
- [Personal Data Accuracy and Rectification Procedure](#)
- [Data Protection Complaints Procedure](#)
- [Freedom of Information and Environmental Information Regulations Requests Procedure](#)
- [Access to Information Procedure](#)
- [Access to Deceased Persons Records Procedure](#)
- [Privacy Notice Procedure](#)
- [Obtaining and Managing Consent to Process Personal Data Procedure](#)

External Legislation

39. External legislation related to this policy includes:

- UK Data Protection Regulation (GDPR)
- Data Protection Act 2018
- Data (Use and Access) Act 2025
- Human Rights Act 1998
- Protection of Freedoms Act 2012
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Computer Misuse Act 1990

Further Information

39. Further Information can be obtained from:

The Complaints & Information Team

By email: accessto.records@nottscc.gov.uk

By telephone: 0115 977 2788

By post: Complaints & Information Team, County Hall, West Bridgford,
Nottingham, NG2 7QP

Document Control

Owner	Data Protection Officer
Author	Caroline Agnew, Data Protection Officer
Last Reviewer	Caroline Agnew, Temporary IG Programme Advisor
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Version	Date	Changes
1.0	28/03/2019	Original document approved by Policy Committee, based on the IG framework policy suite developed by Warwickshire County Council.
2.0	30/10/2019	Lists rights, underpinning procedures, updates links and minor changes to align with post-GDPR knowledge and experience.
2.1	17/01/2023	Policy review and minor amends
2.2	26/11/2024	Policy review and minor amends

2.3	06/08/2026	Policy updated and restructured to improve clarity, strengthen information rights and accountability, and align with the Information Governance Framework and supporting procedures.
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