

## **East Herts Council**

### **Policy for Handling Personal Data**

### **Policy Statement No 10 (Issue No. 2)**

**(This replaces Data Protection and Information Policy Statement No 10 (issue No 1)**

<b>Policy for Handling Personal Data Document Control</b>
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### Document

<b>Client</b>	East Herts Council
<b>Project</b>	Data Protection
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### Change History

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1.0		
2.0	09/02/15	Draft Update
2.1	24/03/15	Draft for Senior Management Group Consultation
3.0	22/04/15	Final Draft for Reporting

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## **1.0 Introduction**

### **1.1 Background**

1.1.1 East Herts Council needs to collect and use information about people with whom it deals in order to carry out its business and provide its services. Such people include council tax payers, benefits claimants, housing and other tenants, business owners, employees (past, present and prospective), suppliers, partners, contractors and other business contacts. The information may include name, address, email address, date of birth, private and confidential information, sensitive information including views, opinions and objections. We may occasionally be required by law to collect and use certain types of such personal information to comply with the requirements of law. The council also collects and holds a large amount of data regarding employees; this includes sensitive data as well as general personal data. No matter how it is collected, recorded and used (e.g. on computer or on paper) this personal data must be dealt with properly to ensure compliance with the Data Protection Act 1998 (the Act).

1.1.2 The lawful and proper treatment of personal information by East Herts Council (the Council) is extremely important to the success of our services and operations; and in order to maintain the confidence of our service users and employees. We ensure that the Council treats personal information lawfully and correctly.

### **1.2 Data Protection Principles**

1.2.1 The Council will adhere to the Eight Principles of the Data Protection Act 1998 which are summarised as follows:

- 1) *Personal data shall be processed fairly and lawfully.*
- 2) *Personal data shall be obtained/processed for specific and lawful purposes*
- 3) *Personal data shall be adequate, relevant and not excessive.*
- 4) *Personal data shall be accurate and kept up to date.*
- 5) *Personal data shall not be kept for longer than is necessary.*
- 6) *Personal data shall be processed in accordance with the rights of data subjects.*
- 7) *Personal data must be kept secure.*
- 8) *Personal data shall not be transferred to a country or territory outside the EU unless there is an adequate level of protection.*

## **2.0 Scope**

- 2.1 This policy applies to everyone engaged in the delivery of service on behalf of the Council. This will include all Council employees (permanent, fixed term, temporary employees, casual and agency workers), Councillors when engaged in undertaking the business of the Council and its Committees, and all people or organisations acting on behalf of the Council (any shared service arrangements, third party representatives, volunteers, agents, contractors and consultants).

## **3.0 Roles and Responsibilities**

### **3.1 East Herts Council will:**

- 3.1.1 Ensure there is one person with overall responsibility for data protection, in the role of Senior Information Risk Owner; this is currently the Director of Customer and Community Services.
- 3.1.2 Provide training to employees who handle personal data, at both a corporate and service level, such that areas of risk are identified and employees are able to understand the sources of risk and the appropriate measures to take to mitigate these.
- 3.1.3 Provide a clear procedure in the event of a near miss or actual data protection breach.
- 3.1.4 Undertake risk assessment at a service level to ensure risks are mitigated and removed wherever possible on an on-going basis.
- 3.1.5 Develop and maintain data protection procedures to include: governance, roles and responsibilities, notification, subject access, near miss/breach reporting, internal review of decisions, training and compliance review.

### **3.2 All employees will (through appropriate training and responsible management):**

- 3.2.1 Observe all forms of guidance, codes of practice and procedures about the collection and use of personal information.
- 3.2.2 Understand fully the purposes for which East Herts Council uses personal information within their service area.
- 3.2.3 Collect and process appropriate information, and only in accordance with the purposes for which it is to be used by East Herts Council to meet its service needs or legal requirements.
- 3.2.4 Ensure information is correctly input into East Herts Council systems.

- 3.2.5 Ensure information is destroyed (in accordance with the provisions of the Act) when it is no longer required and with regard to East Herts Council's Document Retention Guidelines.
- 3.2.6 On receipt of a request from an individual for information held about them by or on behalf of immediately notify their line manager and follow the East Herts Council Subject Access request procedure.
- 3.2.7 Do not share any information with another party, internally or externally without the authority to do so by the data subject, the application of a specific exemption of the Data Protection Act with the approval of the Head of Service and a member of the Information management team or an authorised data sharing agreement which follows the East Herts Council Data Sharing protocol.
- 3.2.8 Understand that breaches of this policy may result in disciplinary action up to and including dismissal.

#### **4.0 Training and Support**

- 4.1 Support is available from the Information Team on all aspects of this policy.
- 4.2 All guidance, training and procedures for Data Protection at East Herts will be published on the staff intranet [www.eastherts.gov.uk/intranet/dataprotection](http://www.eastherts.gov.uk/intranet/dataprotection)
- 4.3 The council will provide a basic standard of training at the corporate level. This will introduce the Data Protection Principles and the general responsibilities of all employees.
- 4.4 Heads of Service, responsible for the Data Protection compliance within their services, will ensure their managers and team members complete the corporate training provided and have training about any specific service risks and the mitigating actions/processes in place in their services.
- 4.5 During the data protection risk assessment process a training needs analysis should be undertaken and discussed with Human Resources to identify any additional learning and development support required in order to follow this policy.

#### **5.0 Compliance**

- 5.1 Responsibility for compliance with this Policy and the requirements of the Data Protection Act rests with the employee whilst undertaking their duties and the Head of the Service under whose auspices any personal data processing is conducted.

## **6.0 Monitoring**

6.1 Compliance with the policies and procedures in this document will be monitored by the Information Team; this will include an annual review of Data Protection Risk Assessment completed by each Head of Service and the mitigating actions put in place where potential risks have been identified.

6.2 External Audit will also undertake independent reviews.

## **7.0 Review**

7.1 This Policy will be reviewed by the Council's Digital Media and Information team three years or sooner if there are any changes in legislation requiring amendments to be made.