



New Forest
DISTRICT COUNCIL

INFORMATION RIGHTS POLICY

CONTENTS	Page
1. INTRODUCTION	2
2. GENERAL INFORMATION	3
3. INFORMATION	3
4. ACCESS TO PERSONAL DATA	4
5. PORTABILITY	6
6. ERASURE	7
7. CORRECTION	8
8. RESTRICTION	8
9. OBJECTION TO OUR REASON FOR PROCESSING	9
10. OBJECTION TO AUTOMATED DECISION MAKING	10
11. NOTIFICATION	10
12. CONTACT	11
APPENDIX 1 REQUEST FOR PERSONAL DATA FORM	

1. INTRODUCTION

- 1.1 On 25 May 2018 the General Data Protection Regulations (GDPR) was introduced together with the Data Protection Act 2018. This changed the rules surrounding how we process your personal information and your rights in respect of this. In order to ensure that you fully understand your rights we have prepared this guidance note to assist you.
- 1.2 Your rights are contained in the following broad categories which are explained in more detail in the following paragraphs
- 1.3 The rights are:
 - 1.3.1 Information about what we are doing with your personal data
 - 1.3.2 Subject Access – asking for a copy of your personal information
 - 1.3.3. Portability – transferring your data to you or another organisation
 - 1.3.4 Erasure – the right to ask for your personal information to be deleted
 - 1.3.5 Correction – correcting any inaccuracies in the information we hold
 - 1.3.6 Restriction – removing your information from day to day use but keeping it elsewhere
 - 1.3.7 Objection to the grounds on which we are processing your data
 - 1.3.8 Objection to automated decision making
 - 1.3.9 Notification

2 GENERAL INFORMATION

- 2.1 We have set out below what the above rights mean in greater detail, however, before you are able to exercise your rights (other than your rights to information and notification which are automatic rights) we may ask you to provide us with proof of your identity.
- 2.2 If you make a request under any of the above rights, we will respond to your request within 30 days. However, we will endeavour to process your request as soon as possible and, if we can do so sooner than the 30 day period, we will.
- 2.3 In exceptional circumstances, for example if your request is complicated or is linked to many other requests, we may need to extend the timescale by up to a further 60 days. If that situation occurs, we will notify you within the first 30 days that we intend to apply an extension, the length of the extension, and the reasons for it.
- 2.4 In exceptional circumstances where we believe that your request is clearly unfounded or excessive we may decline to comply with your request. Examples of situations where your request may be declined include where you have requested that we look through 30 years' worth of records; or you have insisted that we look at our records, even though we have already informed you that it is highly unlikely that we hold this information. In those circumstances we will notify you that we intend to decline to comply with your request and give you the opportunity to reduce the scope of your request so that it is no longer unfounded or excessive. If you fail to do this, we will formally close your request.

3 INFORMATION

When we collect and process your personal information we will notify you. This will either be at the time that we collect the information directly from you, or at the time information is provided to us by another party if they haven't previously notified you that we would be sent your information. This is normally referred to as a Privacy Notice, and it will confirm to you;

- 3.1.1 Which department/s are receiving your information,
- 3.1.2 Why your information is being processed,
- 3.1.3 Who has access to your information, this will be clarified by way of job, team or service titles
- 3.1.4 How long those departments will keep your information,
- 3.1.5 The reasons the information is needed,
- 3.1.6 The consequences if you don't provide it
- 3.1.7 Contact details for the Council's Data Protection Officer to discuss the way that we are processing your personal information.

3.2 If at any time these reasons or details change we will update you

4. ACCESS TO PERSONAL DATA

4.1 This is also referred to as a "subject access request" and is the right that you have to be provided with a copy of the information that we hold about you. We will process your request in 30 days unless we have notified you that we require an extension because your request is particularly complicated or linked to a number of other requests as explained at para 2.3 above. The time commences once the ID and clarification (if required) are received.

4.2. You have a right to know the following:

4.2.1 What personal information we hold about you

4.2.2 The reasons we hold this information and how we process it

4.2.3 Who has access to this information

- 4.2.4 Where the information came from, unless it would be inappropriate to share this information.
- 4.2.5 Whether we are carrying out automated processing of your data including profiling. This means that a computer is making a “profile” or a decision about you based on the information we hold.
- 4.3 The Council is not required to respond to requests for information unless it is provided with sufficient details to enable the location of information to be identified, and to satisfy itself as to the identity of the individual making the request.
- 4.4 All requests will be logged on the Council’s Subject Access Request (SAR) register.
- 4.5 You will be provided with one copy of your information. If you wish to have further copies of the same information we are likely to consider this to be excessive and are likely to refuse your request. When hard copies are posted, they will be sent securely by recorded delivery.
- 4.6 If you send your request to us electronically, such as via email then we can respond to you electronically if you confirm that in your request. This will be sent via secure email, or if that is not available, the attached information will be sent via a password-protected encrypted attachment.
- 4.7 You may wish to come into Council offices to view the information rather than be sent it in the post or electronically. In those circumstances please contact the Information Compliance and Complaints officer to arrange a mutually convenient appointment.
- 4.8 In order to assist you in making your subject access request, we have prepared a form to set out exactly what you are seeking. A copy of this form is enclosed with this policy at Appendix 1. We will also accept requests that are not sent in on the form though we may seek further clarification if it is not clear what information is being sought. A request can also be made via email, fax, post or social media. Irrespective of the format the request is sent in, the request must be in writing. Verbal requests will not be accepted.
- 4.9 There may be occasions where we restrict or withhold information if we consider that it would be harmful to other individuals if the information was shared.
- 4.10 If we are refusing to provide you with the information, we will provide a written explanation and explain how you can challenge the decision.

5. PORTABILITY

- 5.1 There are limited situations where this right can be applied to the information held about you by the Council. However, in certain limited circumstances, where we are processing your data under a contract, or with your consent, you may be able to request that we provide you with a copy of your personal data in a commonly used electronic format or that we provide this directly to another organisation.
- 5.2 This only applies to your information that was provided to us directly by you and which we hold electronically. This does not apply to information we have obtained about you from elsewhere or to any paper records.
- 5.3 If you make a request that we accept could apply to the information we hold we would firstly send you a list of the data that we hold and ask that you confirm which parts you wish to have transmitted.
- 5.4 There may be occasions where we restrict or withhold information if we consider that it would be harmful to other individuals if the information is shared.
- 5.5 Once we have transferred your data to you or another organisation this will not mean that we no longer hold your data. We will consider the reasons why we hold your personal information and whether those reasons are still relevant. We will confirm to you, following the transfer, whether we still intend to hold your information, and, if so, how long we will hold it for and the reasons for that.
- 5.6 We will not accept any responsibility for your personal information that has been provided to yourself or another party under “portability” from the point that it is transferred. If we retain your information for our own purposes as set out above we will not update the information that has been previously provided under a portability request. If the information has been passed directly to another organisation, that organisation is responsible for that information from the moment it has been received.
- 5.7 If we refuse your request for portability we will notify you within 30 days with the reasons for our refusal.

6. ERASURE

- 6.1 This is sometimes referred to as “the right to be forgotten”. It means that in certain circumstances you have the right to request that we delete information that we hold about you. As with your right to portability, there are limited circumstances where this will apply to information we hold about you as there are often overriding legal requirements which mean that information held by the Council cannot be deleted.
- 6.2 Firstly, we will assess whether we still need the information and whether there is any legal reason to keep it. If there is no reason for us to keep it then the information will be deleted within 30 days.
- 6.3 If the information was published or provided to third parties we will make all reasonable efforts to notify those parties who have accessed the data of your request. If your information had been published on our website we will remove all links to the information and any copies of it.
- 6.4 There may be situations when we do not agree to delete the information. In those circumstances we would explain to you our reason/s. Examples of reasons why we would not delete your information could be any of the following:
- 6.4.1 A legal requirement.
 - 6.4.2 We have the power to process the information and we believe it is in the public interest to continue to do so.
 - 6.4.3 Public health reasons.
 - 6.4.4 The information is needed for the public archives.
 - 6.4.5 Current or future legal claims that we may need to bring or defend.
- 6.5 In some circumstances where we believe we are justified in keeping the information we may be able to remove some of your personal information which would mean that you could not be easily identified. This is called “pseudonymisation”. Whilst we still need to comply with the rules concerning how we process your information, this would make it harder for the information to be identified as relating to you.

6.6 If the data can be fully anonymised to the point that you wouldn't recognise yourself from the information retained, and there is no way of restoring the link between your identity and the information, we would treat this as having complied with your request.

7. CORRECTION

7.1 We have a duty to ensure that the information we hold about individuals is accurate and up to date. However, there may be occasions where the information we hold is not.

7.2 If you identify that we hold incorrect or incomplete information you have the right to request that we correct the data. Unless we consider your request is unfounded or excessive we will do this as soon as possible, but no later than 30 days after your request. This could also mean adding an extra statement to your record to clarify information.

7.3 When your information has been corrected, any incorrect information will be deleted at the same time unless you exercise your right to restriction, as set out below.

8. RESTRICTION

8.1 In certain specific circumstances you have the right to ask us to quarantine your information. This means keeping it in a place where it is not being used as part of our day to day business but that it is accessible when it is required.

8.2 The circumstances where "restriction" can be used are:

8.2.1 When you have asked us to correct inaccurate or incomplete information, whilst this request for correction is being processed, you can ask for the information to be restricted so that we still hold the information but it is not available for use.

8.2.2 If you have made a complaint that the actions we have carried out in relation to your information are unlawful, you can ask that we restrict the information so that we are no longer processing it, but that it remains available to you for the purposes of pursuing your complaint

- 8.2.3 If you require the information to pursue or defend a civil claim but we no longer need the information, you can request that we quarantine your information until you no longer need it for that purpose.
- 8.2.4 If we say that we are processing your information on the grounds set out in paragraph 9 below you can object to us doing this. Whilst your objection is being processed you can ask to have your information restricted during this period.
- 8.3 If we agree to your request for restriction, the information will be restricted for as long as is necessary to meet the requirements for which the restriction is approved. We will give you at least 14 days' notice if we intend to remove the information from restriction and explain the reasons why.
- 8.4 Whilst the information is being held under restriction we will not access or process the information in any way unless one of the following applies:
 - 8.4.1 We have your consent
 - 8.4.2 We require the information to bring or defend a legal claim
 - 8.4.3 We require the information to protect another individual or organisation
 - 8.4.4 It is in the public interest

9. OBJECTION TO OUR REASONS FOR PROCESSING

- 9.1 We need to have a reason that allows us to process personal information. One of the reasons could be that we have a legal power to do something and that it is in the public interest for us to process personal information under that power.
- 9.2 In all situations where you have the right to object because we are processing information for this reason above we will endeavour to make you aware of this. You can also object to any direct marketing that we carry out or where we process information for historical research and statistics.

9.3 If we accept your objection we will immediately stop processing your personal data and notify you of such. If we decide it is necessary and appropriate for us to continue to process your personal information we will write to you with our reasons.

10. OBJECTION TO AUTOMATED DECISION MAKING

10.1 Automated decision making is where a decision is made about you by a computer or other electronic means based on information that has been entered into the computer.

10.2 Profiling is collecting data about individuals to evaluate certain aspects such as work performance, economic situation, interests or behaviour.

10.3 We do not currently carry out any automated decision making or profiling and all our decisions are made with human intervention. However, should our processes change we will notify you in sufficient time detailing what measures we have implemented to protect your rights and we will do the following:

10.3.1 Allow you to seek human intervention in the decision

10.3.2 Allow you to provide us with your opinion

10.3.3 Build in a review process of any decision

10.4 Before we take a decision to carry out any form of automated decisions or profiling we will ensure that a Privacy Impact Assessment is undertaken and all the risks of our actions are fully considered.

11. NOTIFICATION

We make sure that we keep your personal information secure and safe from any unauthorised or inappropriate access. However, although unlikely, there may be occasions where there is a breach. If we consider that there is a high risk to you as a result of the breach we will notify you in writing, and without delay, of the following:

- 11.1.1 What breach has occurred
 - 11.1.2 The likely consequences of the breach
 - 11.1.3 The measures we have taken to address the breach and minimise or limit any damage
 - 11.1.4 The contact details for the officer who you can speak to about the breach
- 11.2 If, for any reason, for example if we no longer hold your contact information, we are unable to inform you directly of a breach, we will issue a public statement.

12. CONTACT

- 12.1 If you wish to exercise any of the above rights please contact the Information Compliance and Complaints Officer by any of the following methods:

Email: data.protection@nfdc.gov.uk

Telephone: 023 8028 5588

Address: Information Compliance and Complaints Officer, Legal Services,
Appletree Court, Lyndhurst, Hants, SO43 7PA

- 12.2 If you wish to discuss how we process your personal data please contact the Data Protection Officer by any of the following methods:

Email: data.protection@nfdc.gov.uk

Telephone: 023 8028 5588

Address: Data Protection Officer, Legal Services, Appletree Court, Lyndhurst,
Hants, SO43 7PA

12.3 If you wish to complain about how our organisation processes your personal data you can contact the Information Commissioner's Office:

Address: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: casework@ico.org.uk

APPENDIX 1

REQUEST FOR PERSONAL DATA

Please provide the following information so that we may ensure that we are processing the relevant information as part of your request

Full Name: _____

Other/previous names we may know you by: _____

Current Address: _____

Any other address/es for last 12 months: _____

Date of Birth: *(if more than one person with your name at address)* _____

Other information that may assist us with locating your personal data *(e.g. name of officer dealing with your matter)*: _____

Please provide me with the information that I am entitled to under GDPR

If there is specific information you wish to request please state this, otherwise please tick to confirm which department/s you wish us to direct your request to:

Specific information:

Departments (please tick)

Housing – tenancy management Council Tax Business rates Licensing

Planning Enforcement Human Resources Environmental Health Homelessness

Electoral Services Insurance CCTV Complaints Housing Benefit

Waste and recycling Planning – development control

Other (not listed above) _____

Other (not listed above) _____

What time period do you wish us to consider?

Last Month Last 3 months Last 6 months Last 12 months

Specific date or period (please state) _____

How do you wish to receive the information? (please tick)

Paper copies by post Paper copies collected in person By email

Address or email to be sent to: _____

How do you wish us to contact you with any queries or to notify you the information is ready for collection?

Telephone (please provide number below) Email (please provide below) Post

Signed: _____ Date: _____