

**South Hams District Council**

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**West Devon Borough Council**

**Data Protection Policy**

# Data Protection Overview

## What is Data Protection?

The Data Protection Act 1998 ('the Act') applies to personal information that is held by the Council about living, identifiable individuals. Information may be automatically processed, such as on a computer, recording device or closed circuit TV system, or on paper such as hand-written meeting notes stored in a folder.

The Act comprises **eight principles**, which require that personal information must be:

- Fairly and lawfully processed, and shall not be processed unless certain conditions for processing are met;
- Held only for specified and lawful purposes, and not processed in any way that is incompatible with those purposes;
- Adequate, relevant, and not excessive;
- Accurate and where necessary kept up to date;
- Kept for no longer than necessary;
- Processed in accordance with the rights of individuals, which includes the right to see a copy of information held about them;
- Kept secure, with appropriate security measures taken to prevent the loss, destruction or unauthorised disclosure of the information;
- Only transferred to countries outside the European Economic Area with adequate protections in place.

## How does the Data Protection Act affect me?

The Act applies to all Councillors, Staff, Partners, Agents and Contractors - anyone who has access to, uses or passes on personal information in their day-to-day work.

Breaches of principle may result in the Council facing monetary penalties of up to £500,000, being publicly named-and-shamed, and would result in the loss of trust from the people we provide services to.

For users of the Policy, it is a criminal offence to obtain or disclose personal information without the Council's authorisation or consent, and, when providing

information in response to a subject access request, if they alter, deface, block, erase, destroy or conceal any information that the requester is entitled to.

## Data Protection Policy

### What is the Council's Data Protection Policy?

The Council's aims are to make every effort to ensure:

- Compliance with the Principles of the Act
- Personal information is well-managed, held securely and that the rights of individuals are respected.
- Data protection is integrated into the Council's working practices and information systems from the moment information is collected through to its destruction.
- We have effective Codes of Practice, procedures, staff reporting and training in place to ensure this Policy works in practice.

This Policy is supported by Councillors and the Senior and Extended Leadership Teams and commits the Council to providing the necessary resources to ensure that this Policy's goals can be achieved.

**Codes of Practice** and procedures that support and underpin this Policy are available on the Council's website.

### Who is Responsible for Data Protection?

#### Data Protection Officer

The Data Protection Officer is the lead officer with overarching responsibility for Data Protection. The Data Protection Officer will report to the Audit Committee as necessary, and is responsible for:

- Ensuring the objectives of the Act and related legislation are achieved and assisting the Council with its compliance and maintaining standards of good practice.

- Ensure the Policy objectives are achieved and reporting progress to the Senior Leadership Team.
- Providing advice to the Council for the resolution of queries and maintaining the accuracy of the Council's register entry and keeping it up to date.
- Managing data protection procedures, policies, Codes of Practice and revised documentation.
- Arranging training opportunities for Councillors and those who work for the Council.
- Constructing and reviewing compliance monitoring programmes; ensuring their completion and reporting findings

### **Extended Leadership Team**

The Extended Leadership Team and its nominated officers will support the Data Protection Officer to meet the Council's overall Policy objectives, and endeavour to ensure that adequate funding is available to enable compliance.

This includes:

- ensuring that personal information held within their area of responsibility is managed in a way which meets the aims of the Council's Data Protection Policy.
- submitting all changes to processing of personal information to the Data Protection Officer
- identifying training needs and cascading information to staff,
- ensuring procedures and policy are supported
- dealing with compliance queries/issues and responding to subject access requests,
- reporting deviations from this Policy and supporting Codes of Practice to the Data Protection Officer
- handling enquiries or assessments from the Information Commissioner relating to their area of responsibility.

### **People who work at the Council**

All people who work for the Council who create, receive and use personal information, have responsibilities under this Policy, its Codes of Practice and the Act.

It is the responsibility of the Extended Leadership Team to ensure that anyone who is sub-contracted or employed on a temporary or voluntary basis is made aware of this Policy and underlying Codes of Practice and practice procedures.

Where personal data is disclosed to our service providers (or anyone else acting on our behalf) we will ensure that there is a written agreement in place that includes the requirement for them to comply with the Data Protection Act (in particular Principle 7 - Security).

## **What happens if I contravene this policy?**

Disciplinary action, including dismissal, may be taken against any member of staff who contravenes this Data Protection Policy and supporting Codes of Practice and procedures.

On discovering that this Policy is not being complied with or if an intentional breach of the Data Protection Principles, undertaking, or criminal offence has taken place under the Act, the Data Protection Officer shall have full authority to take such immediate steps as considered necessary.

## **Is this policy linked to any other policies and procedures?**

This policy is linked to the following policies and information available on our website:

- Data Protection Codes of Practice
- ICT Policy
- Freedom of Information Policy
- Regulation of Investigatory Powers Act Policy
- Records Management Policy

## **Is there any guidance to help?**

There is Guidance on the Data Protection webpage and you can ask for further guidance from your Manager and the Data Protection Officer.

## **Will this policy be monitored or reviewed?**

Compliance with the Data Protection Policy will be monitored and reviewed every three years (or earlier if required) to ensure that it takes account of new legislation and best practice.

This Data Protection Policy has been approved by the Council on .....

