

# **DATA PROTECTION POLICY**

Version:	1.1
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Authorised by:	
Release Date:	
Policy Review Date:	

**Revision History:**

Revision Date	Revised by	Previous Version	Description of Revision

**Document Distribution:** This document is for the attention of all staff.

## **Introduction**

The Assessor and Electoral Registration Officer and Central Scotland Valuation Joint Board (CSVJB) needs to collect, store, process and when required share information or data about people with whom it has contact in order to carry out its public functions and/or meet its statutory obligations.

CSVJB may need to hold personal data on a wide variety of individuals such as Council Tax payers, Ratepayers, past and present staff members and prospective staff as well as suppliers of goods and services in order to fulfil its commitments.

CSVJB recognises that it is essential to deal both legally and competently with personal data while conducting its day-to-day business. This creates a level of confidence between CSVJB and the people whose information it holds and demonstrates that CSVJB respects the privacy of those individuals.

This policy is not a stand alone document and should be read in conjunction with other related policies, procedures and guidance.

## **Purpose**

The purpose of this policy is to ensure that CSVJB fully adheres with its legal obligations as set out in the General Protection Data Regulation (GDPR) and other Data Protection Legislation in relation to the protection of personal data that it holds about any individual.

In complying with the Principles of Data Protection as laid down by GDPR CSVJB not only protects itself but also staff, customers and others who have contact with CSVJB. However, both CSVJB and individuals may be held accountable by the [Information Commissioner's Office](#) (ICO), the body which oversees the data protection laws.

## **Data Protection Principles**

The General Data Protection Regulation sets out six principles for the processing of personal information which are legally binding on CSVJB. The personal information must be:

1. Processed lawfully, fairly and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the General Data Protection Regulation in order to safeguard the rights and freedoms of the data subject.
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **Data Protection Officer**

CSVJB is required to have a named individual as the person with the overarching responsibility for ensuring compliance with the data protection principals and also the promotion of good practice throughout the organisation. The relevant officer will be identified in CSVJB's Scheme of Delegation

The role of the Data Protection Officer (DPO) is to:

- Inform and advise CSVJB and its employees about their obligations to comply with the General Data Protection Regulation and other data protection laws.
- Monitor compliance with the General Data Protection Regulation and other data protection laws, including the assignment of responsibilities, awareness raising and training of staff involved in the processing operations and related audits.
- Provide advice about data protection impact assessments and monitor their performance;
- Co-operate with the supervisory authority (the Information Commissioner's Office).
- Act as the contact point for the Information Commissioner's Office on issues related to the processing of personal data.

### **Employee Responsibility**

Each member of staff who deals with personal data has a responsibility to follow the procedures and guidelines set down by CSVJB in relation to data protection in order to ensure that data is held securely; not disclosed to any unauthorised parties and that it is disposed of securely once it is no longer required to be kept.

All staff will undertake data protection training as part of their induction and will be required to do refresher training annually.

## **Data Security**

The need to ensure that data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely.
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

## **Personal Data Breaches**

The GDPR introduces a duty on all organisations to report certain types of personal data breach to the ICO. This must be done within 72 hours of becoming aware of the breach. Staff are required to contact their line manager and the Principle Administration Officer immediately on the discovery of a potential data breach in line with CSVJB's Data Security Breach Procedure. In the absence of your line manager or Principle Administration Officer, this should be any member of the management team and the Assistant Assessor.

## **Retention of data**

In order to comply with various legal requirements, CSVJB is required to retain data it holds for differing lengths of time.

Once the data is no longer required to be held it must be securely destroyed. Information on the retention periods can be found in CSVJB's data retention schedule and policy.

## **The rights of individuals**

The General Data Protection Regulation provides individuals with the following rights regarding their personal information:

- The right to be informed about how their information will be used.
- The right of access to their personal information.
- The right to rectification, which is the right to require CSVJB to correct any inaccuracies.
- The right to request the erasure of any personal information held by CSVJB where CSVJB no longer has a basis to hold the information.
- The right to request that the processing of their information is restricted.
- The right to data portability.
- The right to object to CSVJB processing their personal information.
- Rights in relation to automated decision making and profiling.

CSVJB will publish detailed information for the public that will set out what these rights are and how these can be exercised

## **Lawful Processing**

CSVJB must have a valid lawful basis in order to process personal data.

There are six available lawful bases for processing. No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on the purpose and relationship with the individual.

- **Consent:** the individual has given clear consent for CSVJB to process his/her personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract that CSVJB has with the individual, or because the individual has asked the Council to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for CSVJB to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public interest:** the processing is necessary for CSVJB to perform a task in the public interest or in the exercise of official authority vested in CSVJB.
- **Legitimate interests:** the processing is necessary for the purposes of legitimate interests pursued by CSVJB or a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. However, this basis is not available to processing carried out by CSVJB in the performance of its official tasks: it can only apply to CSVJB when it is fulfilling a different role

### **Privacy by Design**

Data protection impact assessments (DPIAs) help CSVJB to identify the most effective way to comply with their data protection obligations and meet individuals' expectations of privacy. These should be carried out whenever a service is introducing a new system or where processing of personal data is likely to result in a high risk to the rights and freedoms of individuals.

### **Other Policies, Procedures & Guidance**

Information Handling Policy  
 Clear Desk Policy  
 Data Protection Security Breach Procedure  
 Information Asset Disposal Policy  
 Acceptable Use Policy

### **Training on Data Protection**

An Introduction to GDPR – Clacks Academy (OLLE)