



*Dunbartonshire and Argyll & Bute
Valuation Joint Board*

Data Protection Policy

Version	Originator	Summary of Changes	Date
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Policy Statement

To operate efficiently, Dunbartonshire and Argyll & Bute Valuation Joint Board and the Assessor & Electoral Registration Officer for Dunbartonshire and Argyll & Bute (collectively known as DABVJB for the purposes of this policy) must collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information to comply with the requirements of government.

DABVJB regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to its successful operations and to maintaining confidence between DABVJB and those with whom it carries out business. DABVJB will ensure that it treats personal information lawfully and proportionately.

To this end DABVJB is committed to protecting the rights and privacy of individuals including those rights set out in the General Data Protection Regulation and other data protection legislation.

DABVJB's principal aim is to ensure that all personal data processing carried out by it, or on its behalf, complies with the six data protection principles and other key legislative requirements.

This Policy applies to all employees and Board Members as well as consultants, contractors, agents or any other individuals performing a function on behalf of the DABVJB.

1. Introduction

In 1998, when the previous Data Protection Act was enacted by Parliament, the internet was in its infancy, social media and smart telephones had not been invented and the way we shared information was very different. The General Data Protection Regulation protects the rights of individuals in these new circumstances. This policy sets out how DABVJB will protect the rights of individuals and comply with the law.

To comply with the current legislation, all employees, Board Members, consultants, contractors and other agents of DABVJB who use its computer facilities or paper files to hold and process personal information must comply with the Policy.

2. Definitions

Personal Data

This is data which relates to a living individual (“data subject”) who can be identified:

- From the data or.
- From the data and other information which is in the possession of, or is likely to come into the possession of, the data controller.

This includes the person’s name, address, telephone number, national insurance number as well as any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Special Category Data

This is personal data consisting of information as to any of the following:

- Racial or ethnic origin.
- Political opinions.
- Religious or philosophical beliefs.
- Trade union membership.
- Genetics.
- Biometrics (where used for ID purposes).
- Health.
- Sex life.
- Sexual orientation.

Special category personal data is subject to much stricter conditions of processing.

The various policy statements on Special Category Data can be found at www.saa.gov.uk/dab-vjb/privacy-notice

Record

A record is recorded information, in any form, including data in systems created, received and maintained by DABVJB and kept as evidence of such activity.

Vital Record

This is a record without which an organisation would be unable to function or to prove that a key activity had taken place.

Format

A record can be in any format including (but not limited to) paper files, e-mail, audio/visual, electronic documents, systems data, databases, digital images and photographs.

Records Management

Is the control of DABVJB's records during their lifetime, from creation to storage until archiving or destruction.

A copy of DABVJB's records management plan can be found at www.saa.gov.uk/dab-vjb/public-records-act

Processing

The definition of processing covers everything from obtaining and gathering in information to using the information and, eventually, destroying the information.

Data Controller

A Data Controller is a person or organisation that decides how any personal information can be held and processed, and for what purposes. Dunbartonshire and Argyll & Bute Valuation Joint Board is a Data Controller as is the Assessor and Electoral Registration Officer for Dunbartonshire and Argyll & Bute.

Data Processor

This role is carried out by any person other than a DABVJB employee (for example, contractors and agents) who process personal information on behalf of DABVJB.

Data Subject

This is the person whose information has been given to the Data Processor

3. Roles and Responsibilities

Data Controller

The Assessor and ERO, in addition to being a data controller in his/her own right, has responsibility for the information held by Dunbartonshire and Argyll & Bute Valuation Joint Board

Senior Information Risk Owner

The Depute Assessor and ERO is the Senior Information Risk Owner (SIRO) and has overall strategic responsibility for governance in relation to data protection risks. The SIRO:

- Acts as advocate for information risk at Management level.
- Drives culture change regarding information risks in a realistic and effective manner.
- Oversees the reporting and management of information incidents.

The DABVJB's SIRO is the Depute Assessor & ERO.

Management Team

Their role is to understand what information is held by their service, what is added and what is removed, how information is used and moved, and who has access and why. Through the Management Team they must ensure that written procedures are in place and followed relating to these activities, risks are assessed, mitigated and the risk assessment processes are audited.

The overall responsibility and accountability for ensuring that all staff and associated third parties comply with information legislation, this Policy and associated policies and procedures, lies with the Management Team.

Data Protection Officer

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

- Inform and advise DABVJB 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.

DABVJB's DPO is the Depute Assessor & ERO for Grampian Valuation Joint Board.

Individual Members of Staff and Elected Members

Individual members of staff and elected members are responsible for protecting personal information held or processed on computer, or held in paper records, within their care.

4. Lawful Bases for Processing Personal Information

The lawful bases for processing are set out in the General Data Protection Regulation. At least one of these must apply whenever DABVJB processes personal information:

Consent: the individual has given clear consent for DABVJB to process his/her personal data for a specific purpose.

Contract: the processing is necessary for a contract that DABVJB has with the individual, or because the individual has asked the DABVJB to take specific steps before entering into a contract.

Legal obligation: the processing is necessary for DABVJB 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 DABVJB to perform a task in the public interest or in the exercise of official authority vested in DABVJB.

Legitimate interests: the processing is necessary for the purposes of legitimate interests pursued by DABVJB 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 applicable to processing carried out by DABVJB in the performance of its official tasks.

5. 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 DABVJB to correct any inaccuracies.
- The right to request the erasure of any personal information held by DABVJB where DABVJB 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 DABVJB processing their personal information.
- Rights in relation to automated decision making and profiling.

The legal basis used for processing the information determines what rights are applicable. Further information on data subjects' rights can be found at www.ico.org.uk

6. The Data Protection Principles

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

7. Notifying the Information Commissioner

DABVJB must advise the Information Commissioner's Office that it holds personal information about living people.

8. Processing Personal Information

DABVJB will hold and process personal information only to support those activities it is legally entitled to carry out.

DABVJB may on occasion share personal information with other organisations. In doing so, DABVJB will comply with the provisions of the Information Commissioner's [Data Sharing Code of Practice](#).

The individual from whom the personal information is collected must be advised of the purpose for which the information will be held or processed and who the information may be shared with. This is done through the provision or availability of a Privacy Notice. These can be viewed at www.saa.gov.uk/dab-vjb/privacy-notices

9. Training

All staff will be provided with training or awareness information in basic data protection law and practice as soon as reasonably practicable after starting to work for DABVJB. All staff have a confidentiality clause in their contracts of service.

Staff who work on computer systems that hold or process personal information, or who use the information associated with those systems, will receive relevant training. If written procedures for using such systems are not yet in place, staff will be trained in legitimate ways of finding and providing information and told which information must not be recorded.

Information security training forms part of our core training requirements and must be undertaken annually.

Any training requirements identified during data breach investigations will be fulfilled as soon as practicable

10. Information Security

The DABVJB's approach to Information Security is set out in West Dunbartonshire Council's ICT Acceptable Use and Information Security Policy and in the 'West Dunbartonshire Council Information Security Staff Guidance' document both of which have been adopted by DABVJB.

11. Complaints

Any complaints received by, or on behalf of, a member of the public containing allegations of inappropriate disclosure of information must be notified in line with DABVJB's Data Breach Procedures in addition to being dealt with through DABVJB's Complaints Handling Procedure.

12. Breaches of Security

Organisations which process personal data must take appropriate measures against unauthorised or unlawful processing and against accidental loss, destruction of or damage to personal data. Despite the security measures taken to protect personal data held by DABVJB, a breach can happen.

If a breach occurs the Depute Assessor or Assessor must be notified immediately to allow a review of the incident to be carried out and to take appropriate action as required.

A copy of DABVJB's Data Breach Procedure can be found on our website.

More information on breach management can be found on Information Commissioner's Office [Guidance on Data Security Breach Management](#).

13. Monitoring and Reporting

This policy will be reviewed as required but no less than bi-annually.

14. Related Policies and Procedures

- DABVJB Records Management Policy.
- West Dunbartonshire Council ICT Acceptable Use and Information Security Policy.
- DABVJB Records Retention Schedule.
- DABVJB Freedom of Information Policy.
- DABVJB Complaints Handling Procedure.
- DABVJB Subject Access Request procedures
- DABVJB Personal Data Audit
- DABVJB Data Protection Impact Assessment Procedures
- DABVJB Data Breach Procedures

15. Further Information and Guidance

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Further information is also available from the [Information Commissioner's website](#)