

Scottish Assessors' Web Portal Data Protection Policy

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Contents

Scottish Assessors Web Portal	3
Policy Statement	3
1. Introduction	4
2. Definitions	4
3. Roles and Responsibilities	6
4. Lawful Bases for processing Personal Information	7
5. Rights of Individuals	7
6. The Data Processing Principles	8
7. Notifying the Information Commissioner	8
8. Processing Personal Information	9
9. Training	9
10. Information Security	10
11. Complaints	10
12. Breaches of Security	10
13. Subject Access Requests	10
14. Monitoring and Reporting	11
15. Related Policies and Procedures	11
16. Further Information and Guidance	11

The Scottish Assessors Web Portal

The Scottish Assessors' Portal provides Council Tax Bands and Rateable Values for all properties in Scotland. It also contains general advice and guidance in relation to Council Tax, Non-Domestic Valuation and Rating and Electoral Registration.

All fourteen Assessors in Scotland work together to develop and maintain the Scottish Assessors' Portal which provides a single point Internet access to Valuation Roll and Council Tax information on a Scotland-wide basis, sourced from the locally managed and maintained databases held by each of the Assessors. The portal is also used as a repository for shared documents and data such as minutes of SAA meetings.

This policy covers the data collected by, generated at, shared or made available to the public through the web portal.

It is recognised that despite the shared display of Valuation Roll and Council Tax List and related data through the portal, each Assessor remains the Data Controller for the information gathered locally and presented centrally. A Data Sharing Agreement will be maintained which covers the shared display of data at the portal and which recognises each Assessor as an individual Data Controller.

For documents and data which are generated by the SAA and shared at the portal (e.g. Minutes of meetings) or for data which is generated by the portal (e.g. web site analytics data) Assessors & EROs are Joint Controllers and a separate sharing agreement will be implemented for such data.

Policy Statement

To operate efficiently, Scottish Assessors & EROs ("Assessors") must collect and use information about people. These include members of the public and their representatives. In addition, they may be required by law to collect and use information to comply with the requirements of government.

Scottish Assessors respect the privacy of individuals and the lawful and careful treatment of personal information is very important to their successful operations. It also helps maintain confidence between Assessors and those with whom they carry out business. Assessors will ensure that personal information is treated lawfully and proportionately.

To this end Assessors are committed to protecting the rights and privacy of individuals including those rights set out in the General Data Protection Regulation and the Data Protection Act 2018.

The Assessors' principal aim is to ensure that all personal data processing carried out by, or on behalf of them, complies with the six data protection principles (See Section 6, below) and other key legislative requirements.

1. Introduction

Assessors depend on computer systems and paper records (paper files) to carry out much of their normal business. In 1998, when the previous Data Protection Act 1998 was enacted by Parliament, the internet, social media and smart telephones were in their infancy and the way we shared information was very different to the position today. The General Data Protection Regulation and the Data Protection Act 2018 protect the rights of individuals in these new circumstances. This policy sets out how Assessors will protect the rights of individuals and comply with the law.

To comply with the current legislation, all employees, consultants, systems suppliers, contractors and other agents of the Scottish Assessors and EROs must comply with this Policy.

2. Definitions

Personal Data

The 2018 Data Protection Act defines “Personal data” as any information relating to an identified or identifiable living individual.

“Identifiable living individual” means a living individual who can be identified, directly or indirectly, in particular by reference to—

- (a) an identifier such as a name, an identification number, location data or an online identifier, or
- (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

Personal data extends to 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. For the Assessors’ purposes, certain categories of data, for example, property attribute data and business information, may be held and treated as Personal Data.

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.

- Criminal Convictions

Special category personal data is subject to much stricter conditions of processing but will not normally be held at the portal. Where any Assessor or ERO does collect special category data through their own local subsite, they will be responsible for ensuring proper controls and notifications to users.

Record

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

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

Records Management is the control of Assessors' records during their lifetime, from creation to storage until archiving or destruction.

A copy of each Assessor's records management plan can be found at the relevant Assessor's web site.

Processing

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

Data Controller

A Data Controller is a person or organisation who/which decides how any personal information can be held and processed, and for what purposes. Each Assessor is a Data Controller.

Data Processor

This role is carried out by any person other than an Assessor's employee (for example, contractors and agents) who process personal information on behalf of Assessors.

Data Subject

This is the person whose information is held by the Data Controller or has been given to the Data Processor.

3. Roles and Responsibilities

Data Controller

As stated above, each Assessor retains the Data Controller responsibility for all local data provided to and displayed at the Scottish Assessors' portal. Assessors and EROs are, however, Joint Data Controllers for shared documents such as Practice Notes, Minutes of SAA meetings and information gathered for the purposes of web use analysis.

Senior Information Risk Owner

The Assessors' Portal Senior Responsible Officer is the Senior Information Risk Owner (SIRO) for the portal and has overall strategic responsibility for governance in relation to data protection risks which exist at the portal. The SIRO:

- Acts as advocate for information risk at Portal Management Committee.
- Oversees the reporting and management of information incidents.

Portal Management Committee (PMC)

The PMC's role is to understand what information is held and processed at the portal, what is added and what is removed, how information is moved, and who has access and why. The PMC must ensure that written procedures are in place and followed relating to portal activities, risks are assessed, mitigated and the risk assessment processes are audited.

The overall responsibility and accountability for ensuring that all portal activities and individuals involved in its operations comply with data protection legislation, this Policy and associated policies and procedures, lies with the PMC. This responsibility extends to both shared data and jointly held data.

Data Protection Officer

Each Assessor is a Data Controller with an appointed DPO who can advise on all aspects of the shared portal data. A Data Protection Officer, as detailed below, has been appointed for data where Assessors & EROs are Joint Controllers.

Heather Syme
Renfrewshire Council
Renfrewshire House,
Cotton Street,
Paisley
PA1 1LA

Tel: 0141 618 7022
Email: heather.syme@renfrewshire.gov.uk

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 Assessors process personal information:

- **Consent:** the individual has given clear consent to process his/her personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract that the Data Controller has with the individual, or because the individual has asked the data holder to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for the Data Controller 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 the Data Controller to perform a task in the public interest or in the exercise of official authority vested in the relevant body.
- **Legitimate interests:** the processing is necessary for the purposes of legitimate interests pursued by the Data Controller or a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

For the vast majority of the personal information held at the portal the lawful basis for processing the data is that it is necessary for the performance the public task to compile, publish and maintain the Valuation Roll, Council Tax Valuation List and Electoral Register in accordance with the Local Government (Scotland) Act 1975, the Local Government Finance Act 1992 and the Representation of the People Act 1983, respectively.

Information included in SAA Minutes, other shared documents and web site analytics will be processed as necessary for the purposes of the legitimate interests of Assessor & EROs.

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 the relevant Assessor to correct any inaccuracies.
- The right to request the erasure of any personal information held by an Assessor where the Assessor 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 the relevant Assessor 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 Assessors. 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

Each Assessor must advise the Information Commissioner's Office that he/she holds personal information about living people. As the portal is a tool for processing local Assessor data there is no requirement for separate notification of portal activities to the ICO.

8. Processing Personal Information

Assessors will hold and process personal information only to support those activities it is legally entitled to carry out. This will extend to all holding and processing of personal information at the portal.

Assessors will share data, including personal information, with each other under statutory provision. A Data Sharing Agreement will define and regulate such data sharing.

Assessors will share personal information with other organisations where permitted to do so. The Assessors' portal is used as one vehicle for the sharing of such data. In doing so, they will comply with the provisions of the Information Commissioner's [Data Sharing Code of Practice](#). Data Sharing Agreements or Data Processing Agreements will be used to define and regulate such data sharing.

The individual from whom the personal information is collected from must be advised of the purpose for which the information will be held or processed and who the information may be shared with. Where Assessors collect personal information locally, Privacy Notices will be provided at the point of collection. Where users provide personal information through the portal (e.g. on-line NDR appeals, CT proposals and Forms of Return) there will be signposting to the relevant Privacy Notices. Consent for the collection and use of cookies is obtained through a pop-up prompt.

Where personal information held has been provided through the portal (e.g. on-line NDR appeals, CT proposals and Forms of Return) rules will be established to automatically delete the data after an appropriate retention period.

9. Training

Each Assessor will be responsible for training or providing awareness information in data protection law and practice. Similarly, Assessors will be responsible for training in Information Security. All Assessors' staff should have entered a formal commitment to respect the confidentiality of data either through a clause in their contracts of service or by some other, equivalent, means.

Portal administrators that access or process personal information, or who use the information associated with those systems, will receive relevant training.

The Assessors portal will require project managers, system hosts, developers and other contractors to enter into appropriate Data Processor Agreements which will require suitable data protection training and awareness of all persons so engaged.

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

10. Information Security

The security of information held by, and processed at, the Assessors portal will be provided for by a combination of:-

- Technical Security including disaster recovery and back-up procedures - contractually agreed with system hosts and developers, and
- Procedural Arrangements - established by the Portal Management Committee.

11. Complaints

Any complaints received by, or on behalf of, a member of the public containing allegations of inappropriate disclosure of information at or through the portal must be notified to the Senior Information Risk Officer (SIRO – see above), by e-mailing portalsupport@saa.gov.uk in line with the Portal Incident Management Plan.

12. Breaches of Security

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

If a breach occurs at or through the use of the portal, it should be advised to the relevant Assessor(s) in line with the 'Breach Notification' clause in the agreed Assessor Data Sharing Agreement. The SIRO must also be notified (e-mail to portalsupport@saa.gov.uk). The SIRO will inform other Assessor(s). Portal administrators, project managers and system hosts/suppliers will take all reasonable steps to assist in any further reporting or investigation which is required, including by local Assessors.

Insofar as the portal is an issue in the breach, the SIRO will also initiate a review of the incident and will take appropriate remedial action, including reporting the breach to the ICO, if appropriate.

More information on breach management can be found on the Information Commissioner's Office website - see <https://ico.org.uk>

13. Subject Access Requests (SARs)

Where any SAR is made to the portal which refers to local data jointly held, the request should be directed to the relevant Assessor.

Where any SAR is made to the portal which refers to data which is Jointly Controlled by Assessors & EROs, it will be referred to the SIRO.

The relevant Data Sharing Agreements contain detailed advice on SAR procedures.

14. Monitoring and Reporting

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

15. Related Policies, Procedures and documents

Assessor Data Sharing Agreement
Assessor & ERO Data Sharing Agreement
Data Processor Agreements with Consultants and Site Hosts/Developers
Portal Incident Management Plan
Portal and Assessor & ERO Privacy Notices
Portal Information Security Procedures
Portal Disclaimer

16. Further Information and Guidance

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