

# Privacy notice

**Elected Members**

**Date: October 2020**

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This Privacy Notice will be kept under regular review to ensure that it is fit for purpose.

## 1.0 Introduction

Councillors have different roles which can make their position complex.

### Within South Derbyshire District Council

South Derbyshire District Councillors hold an elected position. The Council shares information with Councillors as part of their role. Sometimes this is because they have a legal need to know the information. Where this applies it is Council which is the 'data controller' (the person or organisation deciding how the information is handled and who receives it).

This privacy notice is intended to give a clear explanation of councillors' data processing practices and how personal information is safeguarded when the Councillor is undertaking official council business. When this applies, they work to South Derbyshire District Council rules about handling personal information.

### A Councillor's role as a community leader or handling Casework from constituents

Councillors deal with casework raised by local residents as part of their work in the community. This means that they may contact officers of the Council or other organisations on your behalf to investigate your concerns and respond to your enquiries.

When Councillors are doing this, they themselves are acting as the data controller and are responsible for compliance. Councillors are responsible for telling residents what they do with personal information they collect, store and dispose of your data when conducting casework.

Councillors can be contacted by email at [firstname].[lastname]@southderbyshire.gov.uk

Information collected during casework:

Councillors will receive whatever information you send them as part of your inquiry including your contact details and the details of your query. This might include information such as information about your health or whether or not you are alleged to have committed a criminal offence.

If Councillors contact South Derbyshire District Council or another organisation, they may also receive information from that organisation in order to allow the Councillor to respond to your enquiry. This might be from the Council or from another local authority.

## 2.0 Who we are

South Derbyshire District Council is registered as a data controller with the Information Commissioner's Office.

Our address is Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.

The Council is committed to protecting your privacy when you use our services. This privacy notice explains when and why we collect this information, how we use it, the conditions under which we may disclose it to others, how we keep it secure and what rights you have in relation to the data we hold about you.

### 3.0 How do we collect information from you?

We collect information from you when you fill in any forms on our website [www.southderbyshire.gov.uk](http://www.southderbyshire.gov.uk) or associated customer portals, when you contact us in writing, speak to us on the phone or face to face or communicate with us by email or any other type of electronic communication.

### 4.0 What types of information do we collect from you?

We collect different sorts of information about you, depending on the service you want from us and/or the reason why we need to process information about you. This could be personal information (for example your name and address), or other more sensitive data that we would only collect and use in very particular circumstances that are set out by law.

Depending on the nature of the enquiry, councillors will collect:

- names
- contact details
- dates of birth
- signatures

Councillors may also collect information about individuals' such as:

- family
- lifestyle
- finances
- education
- employment
- housing

Special personal data collected by councillors may include information such as:

- physical and mental health
- trade union memberships
- racial or ethnic origin
- political affiliation

Councillors may also on occasion collect personal data relating to a person's criminal convictions.

#### What is the lawful basis?

The legal basis for data processing we are relying on comes from Article 6 of the UK General Data Protection Regulations (UK GDPR). The following sections apply:

- Article 6(1)(c) Legal Obligation - processing is necessary for compliance with a legal obligation to which the controller is subject;
- Article 6(1)(e) Public task -the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

We may also ask for your consent in certain circumstances in accordance with:

- Article 6(1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purpose

We rely on the following conditions as per Article 9 (2) of the UK GDPR:

- the data subject has given explicit consent to the processing of those personal data for one or more specified purposes
- (g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject
- (f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity

## 5.0 How is your information used?

In accordance with your consent and schedule 1 Part 2 of the Data Protection Act 2018 we may use your information to:

- Enable councillors or officers of the council to investigate or assist with any issues which you may have raised, and so that we can notify you of any updates or keep you informed;
- Ensure any requests you have made for a councillor, to attend an event you have organised can be dealt with appropriately.

In accordance with our public tasks arising from the following provisions:

- Local Government Act 1972
  - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
  - Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020
  - School Standards and Framework Act (SSFA) 1998
  - Localism Act 2011
  - Coronavirus Act 2020

We may use your information to:

- Ensure any petition you have led or signed is dealt with in accordance with the council's Petitions Scheme, and to ensure you are notified of the outcome;
- Allow officers to ensure any Public Questions you have asked to put at meetings of the Council are dealt with appropriately, and to enable necessary checks to be undertaken to ensure those asking questions are South Derbyshire residents;
- Enable regulatory matters where you are either an applicant, appellant or objector to proceed, where appropriate, to be considered at council committees such as Planning Control Committee, Licensing Committee, or a sub-committee of either of the above;
- Enable the council to deal with complaints about councillors which you may have raised, in accordance with the council's Councillor Complaints Procedure;

- Enable the Council to conduct public meetings in publicly accessible forums, such meetings may be conducted virtually via digital broadcasts or held as a 'face to face' meeting. Public meetings will be routinely recorded, and the videos will be published in an effort to promote transparency.
- Enable the Council to contact and where necessary visit you for the purpose of granting an award.
- Allow the Council to collate messages of condolence on the death of a member of the royal family and create a publicly available Book of Condolence

## 6.0 Who has access to your information?

We may share your information with the following third parties:

- Councillors appointed to committees which need to consider regulatory matters where you are an applicant, appellant or objector;
- The Local Government Ombudsman, only in cases where you have referred a matter to them for resolution and they have requested the information from us in order to deal with your complaint;
- Other council departments, where an issue you have raised through your local councillor, or through us in seeking to reach your local councillor, requires a response that those other departments are best placed to provide
- Your local councillor or another councillor, where you have an issue with us and have specifically asked for a councillor to respond.
- The wider public where issues are raised and discussed within public democratic meetings and broadcasts.

We will not sell or rent your information to third parties. We will not share your information with third parties for marketing purposes.

## 7.0 Research and statistics

Anonymised and pseudonymised data may be used for research and statistical purposes. Any data collected may be used for research and statistical purposes that are relevant and compatible with the purpose that the data was collected for.

## 8.0 What are your rights in relation to personal data we process?

Subject to various exceptions and limitations, individuals have the right to access their information.

**Access** – you can request copies of any of your personal information that is held by the Council.

**Rectification** – you can ask us to correct any incorrect information.

**Deletion** – you can ask us to delete your personal information. The Council can refuse to delete information if we have a lawful reason to keep this.

**Portability** – you can ask us to transfer your personal data to different services or to you.

**Right to object or restrict processing** – you have the right to object to how your data is being used and how it is going to be used in the future.

**Right to prevent automatic decisions** – you have the right to challenge a decision that affects you that has been made automatically without human intervention, for example an online form with an instant decision.

For further information, please visit the Data Protection Act 2018 section of our website.

## 9.0 How long will we keep your information for?

Personal data will be kept by councillors for as long as it is necessary. Where information is no longer required, councillors will securely dispose of the information.

We keep and dispose of all records in line with our record retention schedule.

Information about this can be found at [Retention Schedule](#) and will comply with the Data Protection Act 2018.

## 10.0 What precautions are in place to protect the loss, misuse or alteration of your information?

Your personal data will be stored electronically or in hard copy files as appropriate. The Council uses a variety of different systems to process and store personal data.

We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us.

However, we cannot guarantee the security of any information you transmit to us. We recommend that you take every precaution to protect your personal information.

## 11.0 Keeping your data up to date

We want to ensure any information we hold is accurate. You can help us by promptly informing us of any changes to the information we hold about you.

## 12.0 Under 13s

If you are aged 13 or under, please get your parent/guardian's permission whenever you provide us with personal information.

## 13.0 Where can I get advice and more information?

We want to ensure any information we hold is accurate. You can help us by promptly informing us of any changes to information we hold about you. If you have any worries, questions, or complaints about how your personal information is handled, please contact our Data Protection Officer by emailing [dataprotectionofficer@southderbyshire.gov.uk](mailto:dataprotectionofficer@southderbyshire.gov.uk) or by telephoning 01283 595795.

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 (national rate number).

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Further guidance on the use of personal information can be found at [www.ico.org.uk](http://www.ico.org.uk)

## 13.0 Automated decision making or profiling

No decision will be made about you solely on the basis of automated decision making (where a decision is taken about you using an electronic system without human involvement) which has a significant impact on you.

## 14.0 Changes to our policy

We keep our privacy notice under regular review, and we will make new versions available on our privacy notice page on our website.