

Data Protection Policy



1 Policy Statement

- 1.1 This Policy applies to all Employees working for or on behalf of the Council with any form of access to Council information, computer devices or ICT systems. For the purpose of this Policy the term 'Employee' refers to all full-time and part-time employees, temporary employees, agency workers and consultants.
- 1.2 This Policy should be read in conjunction with the Data Protection Code of Practice, and other associated relevant policies, procedures and guidance as contained within the Information Management Framework.
- 1.3 The Council have appointed a Data Protection Officer (DPO). The DPO is a senior manager who has overall responsibility for data protection in the Council, and acts in an independent manner in line with legislation. The Senior Information Management Officer (SIMO) is responsible for all duties delegated by the DPO, including the administration of advice and guidance to all employees.
- 1.4 Managers are responsible for all matters relating to data protection within their area, ensuring that service level procedures are in place so that operations are conducted in line with data protection requirements.
- 1.5 Managers are responsible for ensuring all employees undertake appropriate data protection training.

2 Data Protection Legislation

Data Protection Principles

- 2.1 The Council will maintain appropriate safeguards to ensure adherence to the six personal data principles, the data controller principle, the rights of data subjects and transferring data outside the European Union (EU).
- 2.2 Personal Data Principles:
 1. Processed lawfully, fairly and in a transparent manner in relation to the data subjects (lawfulness, fairness and transparency).
 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, in accordance with Article 89(1), not be considered to be incompatible with the initial purpose (purpose limitation).
 3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (data minimisation).
 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 (accuracy).
 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 in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject (storage limitation).

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 (integrity and confidentiality).

2.3 Data Controller Principle:

The controller shall be responsible for, and able to demonstrate compliance with the personal data principles (accountability).

Data Subject Rights

2.4 The rights of individuals (data subjects) should also be observed and St. Helens Borough Council must ensure that these rights can be fully exercised, where appropriate, under data protection legislation. These include:

- the right to be informed (Privacy Notice);
- the right of access (to their own personal data);
- the right to rectification (inaccuracies corrected);
- the right to erasure;
- the right to restrict processing;
- the rights in relation to automated decision making and profiling;
- the right to data portability;
- the right to object.

Transferring Data Outside the UK

2.5 Data may only be transferred outside of the UK where there are adequate safeguards in place. There are various options available to facilitate this. The SIMO should be consulted prior to any transfer. This includes cloud storage and servers.

Data Breaches

2.6 A data breach (potential or actual) occurs where personal data may have been destroyed, lost, altered, disclosed / accessed without authority or is unavailable when it is needed.

2.7 Where a data breach has been identified, line managers are responsible for ensuring it is reported internally in line with the Data and ICT Security Incident Management Policy.

Data Protection Impact Assessments (DPIA)

2.8 Line Managers are responsible for completing DPIAs when considering new processing activities that are likely to result in a high risk to the rights and freedoms of individuals, including, but not limited to, using new technologies and routine sharing of high risk information.

2.9 Where a DPIA is required, the SIMO must be consulted from the beginning of the process.

2.10 Where appropriate, the SIMO in consultation with the DPO will engage with the Information Commissioner's Office (ICO) regarding the DPIA.

The ICO

2.11 The ICO is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

2.12 The ICO reports directly to UK Parliament.

The Council should inform the ICO of any breach which is likely to result in a risk to the rights and freedoms of individuals, within timescales.

Version Control

Date	Version	Comments
October 2013	1.0	First finalised version
September 2015	1.1	Policy subject to full review
December 2015	1.2	Draft approved by IMG
February 2016	1.2	Union Consultation
March 2016	2.0	Approved by Executive Decision
March 2017	2.1	Annual Review
May 2018	3.0	Review for legislative changes (GDPR)
January 2021	4.0	Review for new ways of working