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Data Protection Policy

1. Data Protection Statement

- a) North East Lincolnshire Council recognises that in order to carry out its functions and satisfy its legal obligations it needs to collect and use personal and special categories of personal data. We further recognise that personal data must be treated appropriately and lawfully to ensure successful operations and maintain the confidence of citizens, employees and partners.
- b) This policy sets out our commitment to protecting personal data and how we implement that commitment with regards to the collection and use of personal data.

2. What is personal data

- a) The General Data Protection Regulation defines personal and special categories of personal data as follows:
- b) '**personal data**' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- c) '**special categories of personal data**' is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation

3. Our commitments

a) We are committed to:

- i. meeting our legal obligations as laid down by the General Data Protection Regulation and associated legislation;
- ii. ensuring that we comply with the principles of the General Data Protection Regulation as set out in Article 5;
- iii. processing personal data in a lawful, fair and transparent manner;
- iv. ensuring data subjects are fully informed about the processing of their personal data;
- v. only collecting and processing personal data for explicit and legitimate purposes and not further process in a manner that is incompatible with those purposes;
 - a. only collecting and using the minimum amount of personal data we need for the purpose we are using it for;
- vi. taking appropriate steps to ensure that the personal data we collect and use is accurate and if necessary kept up to date;
- vii. only keeping personal data for as long as is necessary;
- viii. ensuring that data subjects' can appropriately exercise their rights;
- ix. ensuring adequate measures are in place to keep personal data secure from unauthorised or unlawful processing and protected against accidental loss, destruction or damage;
- x. ensuring that a nominated officer is responsible for data protection compliance and provides a point of contact for all data protection issues (Data Protection Officer);
- xi. ensuring that all staff are made aware of good practice in data protection;
 - a. providing adequate training for all staff about their responsibilities when handling personal data;
 - b. ensuring that everyone handling personal data knows where to find further guidance;
- xii. ensuring that queries about data protection are dealt with effectively and promptly;
- xiii. ensuring we have sufficient guarantees that anyone processing personal data on our behalf will implement appropriate technical and organisational measures to keep personal data protected and secure, only act under our instructions, and act in accordance with the requirements of the General Data Protection Regulation; and
- xiv. regularly reviewing our data protection procedures and guidelines.

b) We recognise that children and young people merit specific protection with regard to their personal data, as they may be less aware of how the processing may affect them and how to protect themselves and exercise their rights particularly in relation to marketing and profiling. We will therefore ensure that appropriate technical and organisational measures are in place when we are processing the personal data of children and young people to implement the data protection principles and safeguard individual rights.

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- c) We recognise that international transfers of personal data are subject to various restrictions under data protection legislation. All international transfers must be notified to and approved by the Council's Information Security and Assurance Board, to ensure the transfer meets the criteria specified under articles 45, 46 and 49 of the General Data Protection Regulation.
- d) When processing confidential patient information for purposes other than patient care and treatment, we will always respect the national data opt-out choices made by individuals concerning the use of their personal data.

4. Registration as a Data Controller

- a) North East Lincolnshire Council is registered with the Information Commissioner (ICO) as a data controller for the personal data it processes (Registration number Z5951373).
- b) Details of the Council's notification and the separate notifications for the Superintendent Registrars Service (Z7097889) and the Electoral Registration Officer (Z8809111) [are available on the ICO's website](https://ico.org.uk/esdwebpages/search) (<https://ico.org.uk/esdwebpages/search>)
- c) Further details about our processing of personal data can be found in our [Privacy Notice](https://www.nelincs.gov.uk/council-information-partnerships/information-governance/) (<https://www.nelincs.gov.uk/council-information-partnerships/information-governance/>)

5. The rights of a data subject

- a) A data subject has the following rights.

Inform	To be informed about the processing of your personal data.
Access	You can ask us for the personal data we hold about you (a Subject Access Request) and for details about that data and it has been used.
Rectification	You can ask for inaccurate data to be corrected, incomplete data to be completed or a supplementary statement attached to your information.
Erase	You can ask us to delete any data we hold about you, if legislation and our retention schedules no longer require us to hold it.
Restriction	You can ask us to temporarily stop processing your personal data in certain circumstances. For further details see Article 18.

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Data Portability	You can ask us for copies of the data in an electronic format we hold about you in certain circumstances. For further details see Article 20.
Objection	You can ask us to stop processing your personal data in certain circumstances. For further details see Article 21.
Automated decisions / profiling	You have the right not to be subjected to a decision based solely on automated processing, including profiling, which has legal effects for you or significantly affects you.
Complain	You can make a complaint to the Information Commissioner's Office if you are unhappy with how we have handled or used your personal data.

- b) To exercise any of your rights, or if you have a question or complaint (internal review request) about the handling of your personal data, please contact the Council's Information Governance and Complaints team.
- c) To ensure the data subject is who they say they are, and to prevent the disclosure of any personal data without proper authorisation, we will require proof of the data subject's identity and current address, before processing a request.
- d) If a data subject is dissatisfied with the outcome of an internal review, they have the right to appeal directly to the ICO for an independent review.

Address	Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Email	casework@ico.org.uk
Telephone	0303 123 1113 (local rate) or 01625 545 745 (national rate)

6. Lawful basis for processing personal data

- a) To process personal data at least one of the lawful basis for processing as specified in Article 6 (1) of the General Data Protection Regulation must be met.
- b) To process special categories of personal data at least one of the lawful basis for processing as specified in Article 9 (2) of the General Data Protection Regulation must be met.
- c) To process Criminal convictions and offence data in accordance with Article 10 of the General Data Protection Regulation, a lawful basis for processing under Article 6 (normally condition c) and Article 9 (normally conditions b, f, g or h) must be met.

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- d) Section 10 (2) and Schedule 1 Part 1 of the Data Protection Act 2018 adds further conditions and safeguards for processing of special categories of personal data on the basis of Articles 9 (2) (b), (h), (i) and (j).
- e) Section 10 (3) and Schedule 1 Part 2 of the Data Protection Act 2018 adds further conditions and safeguards for processing of special categories of personal data on the basis of Article 9 (2) (g).
- f) Section 10 (5) and Schedule 1 Parts 1, 2 or 3 of the Data Protection Act 2018 Subsection 5 of Section 10 of the Data Protection Act 2018, adds further conditions and safeguards for processing of personal data relating to criminal convictions and offences or related security measures that is not carried out under the control of official authority.
- g) This policy is the appropriate policy document required by the Data Protection Act 2018, for the processing of special categories of personal data / personal data relating to criminal convictions and offences or related security measures as identified in in points 6.4, 6.5 and 6.6 above.
- h) Details of the lawful basis for our processing of personal data along with the periods of retention can be found in our Record of Processing Register and Corporate Retention Schedule.
- i) In limited circumstances it may not be prudent or reasonable to notify or seek the consent of a data subject about the processing of their personal data, as it would seriously impair or prevent the achievement of the objectives of the processing. Any decision taken to process personal data without notifying or seeking the consent of the data subject must be recorded by practitioners in accordance with agreed procedures.

7. Contact details of the Council's Data Protection Officer Information Governance and Complaints team

Address	Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU
Email	transparency@nelincs.gov.uk
Telephone	01472 326426