

Council's handling of sensitive & criminal information

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This guidance is the “appropriate policy document” for the Council that sets out how we will protect individuals’ sensitive information and where applicable criminal information relating to criminal offences or convictions as required by the Data Protection Act 2018. This guidance also meets the requirements for the Council to have an appropriate policy document in place, when we need to use sensitive or criminal information for the purposes of:

- performing or exercising our public tasks or statutory obligations e.g. fraud prevention; or when
- information is required in connection with employment or social security matters e.g. social benefit support, or when recruiting for jobs that require working with the vulnerable or children.

It also meets the requirement that an appropriate policy document is in place where the processing of sensitive information is necessary for reasons of a substantial public interest. The specific conditions under which sensitive or criminal information may be processed for reasons of a substantial public interest are set out under relevant sections of the Act.

Procedures for securing compliance

The General Data Protection Regulation sets out the data protection principles. These are our procedures for ensuring that we comply with them.

Principle 1

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

We will:

- ensure your information is only used where a lawful basis applies, and where lawful
- will use your information fairly, and ensure that you are not misled about the purposes of any processing
- ensure you receive information about our processing for transparency

Principle 2

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

We will:

- only collect your information for specified, explicit and legitimate purposes, and we will inform you what those purposes are in a privacy notice
- not use your information for purposes that are incompatible with the purposes for which it was collected. If we do use your information for a new purpose that is compatible, we will inform you about it first.

Principle 3

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

We will only collect the minimum personal information we need to achieve the purpose for which it is collected. We will ensure that the information we collect from you is adequate and relevant.

Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

We will ensure that your information is accurate, and kept up to date where necessary. We will take particular care to do this where our use of your information has a significant impact on individuals.

Principle 5

Personal data shall be kept in a form which permits identification of customers for no longer than is necessary for the purposes for which the personal data are processed.

We will only keep your personal information in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need your information it shall be deleted or rendered permanently anonymous.

Principle 6

Personal data shall be 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.

We will ensure that there are appropriate organisational and technical measures in place to protect your information.

Accountability principle

The Council shall be responsible for, and be able to demonstrate compliance with these principles. The Council's Records & Information Governance Manager is the Council's Data Protection Officer and supports the Council in complying with the data protection principles.

We will:

- ensure that records are kept of all personal data handling activities, and that these are provided to the Information Commissioner on request
- carry out a Data Protection Impact Assessment for any high risk personal data processing, and consult the Information Commissioner if appropriate
- ensure the Data Protection Officer is appointed to provide independent advice and monitoring of Council's services personal data handling, and that this person has access to report to the highest levels of the Council
- have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law

Policies regarding retention & erasure of personal information

We will ensure, where sensitive or criminal information is handled, that:

- there is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data
- where we no longer require sensitive or criminal information for the purpose(s) for which it was collected, we will delete it or render it permanently anonymous.
- We will provide customers with information about how their information will be handled, and this will include the period for which the information will be stored, or if that is not possible, the criteria used to determine that period.