

Data Protection Policy

Carmarthenshire County Council's Data Protection Policy

Carmarthenshire County Council needs to collect and use certain types of information about people with whom it deals in order to carry out its day to day functions. These people include residents of the County, staff, elected members, suppliers of goods and others. This personal information must be processed properly, whether on paper, on a computer, or recorded on other material and there are safeguards to ensure this in the Data Protection Act 1998. Under the terms of the Act, processing is defined as the collection, retention and use of information, including disclosure.

The lawful and correct treatment of personal information by Carmarthenshire County Council is therefore very important in delivering our services and maintaining confidence between those with whom we deal and ourselves. To ensure that Carmarthenshire County Council treats personal information lawfully and correctly, the Data Protection Principles, as set out in the Data Protection Act are fully endorsed and adhered to.

Specifically, the Data Protection Principles require that:

1. Personal data shall be processed fairly, lawfully and, in particular, shall not be processed unless specific conditions are met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Therefore, Carmarthenshire County Council will, through appropriate management, strict application of criteria and controls:

- observe fully, conditions regarding the fair collection and use of information;
- meet its legal obligations to specify the purposes for which information is used and ensure that our entry on the Public Register of Data Controllers includes these purposes;
- collect and process appropriate information only to the extent that it is necessary to fulfil operational needs or to comply with any legal requirements;
- ensure that when information is collected, on forms or by other methods, specific advice is given as to the purpose of gathering the information and the use that will be made of it;
- ensure a response is made within 21 days to a data subject notice/court order asking the organisation to cease, or not to begin processing personal data;
- ensure that an individual's request to cease, not to begin or prevent processing for a specific purpose is complied with;
- ensure the quality and accuracy of information used, and that any information held is factually relevant to the area of work concerned and does not contain any defamatory or derogatory remarks regarding an individual;
- ensure that personal information is not held for longer than usefully required;
- apply strict checks to determine the length of time information is held and make sure personal data is destroyed once the appropriate retention period has expired;
- ensure the rights of individuals about whom information is held can be fully exercised under the Act. These include:
 - ▷ the right to be informed that processing is being carried out and for what purpose;
 - ▷ the right of access to one's personal information
 - ▷ the right to prevent processing in certain circumstances and,
 - ▷ the right to correct, block or erase information which is regarded as inaccurate information;
- take appropriate technical and organisational security measures to safeguard personal information and ensure that access is restricted to only those officers who require it;
- ensure that personal information is not transferred abroad without suitable safeguards.

In addition, Carmarthenshire County Council will ensure that:

- there is someone with specific responsibility for Data Protection in the organisation;
- everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- everyone managing and handling information is appropriately trained to do so;
- everyone managing and handling personal information is appropriately supervised;
- anybody wanting to make enquiries about handling personal information knows what to do;
- queries about handling personal information are promptly and courteously dealt with;
- methods of handling personal information are clearly described;
- we conduct a regular review and audit of the way personal information is managed;
- methods of handling personal information are regularly assessed and evaluated;
- our performance in relation to handling personal information is regularly assessed and evaluated.

Ensuring Equality of Treatment

This policy will be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, age, gender, gender reassignment, sexual orientation, parental or marital status.

If you require this document in an alternative format, or for further information or advice please contact:

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Appendix

Definitions of terms in the Act

The following are common terms which are referred to in the Data Protection Act 1998:

Data
Is recorded information that is processed on computer as well as any manual documents held by public authorities.

Processing
Is obtaining, recording, holding, disclosing or doing anything with the data, including disposing of it.

Data Controller
The organisation or person responsible for holding and controlling the contents of data and the purposes for which it is to be used. The Council is a data controller.

Personal data/information
Information that relates to a living individual who can be identified from the information, or could be used with other information we hold, or is likely to be held by us, to identify an individual.

Data Subject
Is the person whose personal information is held by a data controller.

Subject Access
Is the right you have as a data subject to ask whether a data controller is holding personal data which relates to you and to be supplied with a copy of it.

Information Commissioner
The Information Commissioner's Office (ICO) is an independent body responsible for ensuring that organisations comply with the Act and can prosecute those who commit offences in breach of the Act. The ICO also deals with complaints and enquiries about Data Protection.

Notification
The process by which a data controller notifies the ICO which types of personal information they hold and the purposes for which they process it. These details appear on a public Register of Data Controllers, which anyone can access.

Sensitive Data
Is defined in the Act as the following:

- Racial or ethnic origin
- Political Opinions
- Religious or other beliefs of a similar nature
- Trade Union Membership
- Physical or mental health or condition
- Sexual Life
- Offences (including alleged offences)
- Criminal proceedings, outcomes and sentences