

Privacy Notice for Councillors

Introduction

This notice is provided within the context of the changes required by the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This document will therefore be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

Service description

In order for the elected Councillors of Thanet District Council (“the Council”) to receive and process your request for assistance or respond to your enquiry, it is necessary to collect, store and process personal data necessary to provide you with relevant information, services or support.

What information we hold

In order to provide this service, Councillors may need to process some personal information which will generally include your name, address and contact information together with details of your problem or concern. It may be necessary to collect what GDPR has classed as **special** category of data including race or ethnic group, sexuality and sexual life, religious or philosophical beliefs, trade union membership, genetic and biometric data, physical or mental health, as well as criminal convictions.

Where we get your information from

Councillors get your personal information from you, other constituents, groups or members of the public in relation to matters which they have been asked to pursue in the interests of individuals and groups who live in their ward.

How will your personal information be used

Your personal information will be included as part of details of cases of interest, as part of information provided by signatories on petitions, responses to questionnaires and contact details for the purpose of communicating news and updates.

Who we will share your personal information with

If you have contacted your Councillor about a personal or policy issue, they may pass your personal data on to a third-party in the course of dealing with your request or query, such as local authorities, government agencies, public bodies, health trusts and regulators. They

may also pass your information to Council Officers in Thanet District Council in order to allow them to investigate the matter.

Any third parties with whom Councillors may share your data are obliged to keep your details securely, and to only use your data for purposes already communicated to you.

If you specifically ask Councillors not to disclose information identifying you to other third parties it is necessary for them to contact, they will try to respect that. However, it must be noted that it may not be possible to progress a matter for you on an anonymous basis.

We will not pass personal details of constituents who contact Councillors to anyone else unless required to do so by law or where this is in connection with a criminal investigation.

The Councillors will never sell your data. However, they may share some of your personal information with third parties to:

- help prevent fraud. Your information may be shared with credit reference agencies and other companies for use in credit decisions. Credit agencies may record these searches, but that will not affect your credit standing.
- pursue people or companies who owe money. Your information may be shared with debt collection agencies.
- help business partners, suppliers and sub-contractors to deliver any contract the Councillors enter with them or you, on your behalf
- Help the Councillors if they need additional professional or legal advice on a matter relating to you.
- to improve and optimise the performance of websites and social media accounts. Analytics and search engine providers that Councillors use can collect your data when interacting online. However, they will aggregate and anonymise the information, meaning individuals will not be personally identifiable.
- work out if a grant was successful in achieving its aims. This could be funding from a Government or a grant from a local, regional or national organisation such as Sport England and National/Heritage Lottery Fund. However, they will aggregate and anonymise the information, meaning individuals will not be personally identifiable.

The Lawful Bases for collecting and processing your information

Councillors may use your information in dealing with your requests when you ask them to pursue a matter on your behalf. Local authorities' Councillors can process your personal information to carry out tasks under the lawful bases of 'legitimate interests' basis and/or 'consent'¹.

The legal bases relied on for processing personal information in relation to responding to requests from constituents are:

- consent or explicit consent of the constituent making the request (or any other relevant persons where this is appropriate)

¹ Article 6 of GDPR

- necessary in pursuit of the Councillor's legitimate interests as an elected representative and those of their constituents; and it is assessed these interests override any privacy intrusion involved in processing personal data about other individuals;
- discharging functions as an elected representative for the purpose of responding to requests from constituents where this is permissible, without explicit consent.

Additional lawful basis for processing other categories of data

Some of the information that is collected is classified as **special category personal data** or personal data consisting of **criminal convictions and offences** (including alleged offences).

In order to process special category of data, the Councillors needs to have an additional lawful basis to above. In this instance, special category of data is processed for exercising specific rights of the council under the Data Protection (Processing of Sensitive Personal Data)(Elected Representatives) Order 2002. And where the Council collects and process criminal convictions information, this is done lawfully under the provisions of the Data Protection Act 2018 (DPA)².

If you provided personal information about someone other than yourself, we may need to check the facts with that other person. If you ask the Councillors to take action on behalf of a friend or relative, they may need to contact that person to confirm that they are happy for them to act on their behalf. If you feel it would not be appropriate for the Councillors to contact the other person, you should discuss this at the point of giving this other person's information.

Ward news and events

Your local Councillor would like to send you information about ward news and events, but they will not use your contact details to do this unless you have said that you would like to be sent this information.

If you have said that you would like this information, but later change your mind, you have a right at any time to let us know if you no longer wish to be sent this information. If you wish to receive or stop receiving this information, please contact your local Councillor.

How long do we keep your personal information

We will process your personal data until your matter has been resolved and will store electronic data and paper records for a period of three years [or 6 months after your complaint has been finalised]. This is to allow your Councillor to build up case history and to return to your records should further matters arise.

² The DPA 2018 [Part 2, para. 5 (1&2) and para. 6(1&2)] supplements the GDPR by providing the legal basis for processing criminal convictions and offences. In the Council's case, as a 'public authority' and when it is in the public interest to do so.

Your Rights

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grant you a number of rights including:

- right to ask us to provide you with copies of personal information we hold about you at any time, known as a Subject Access Request;
- right to object to the use of your personal information for certain type of processing, such as direct marketing or automated processing, including profiling;
- right to ask us to delete, update and correct any out-of-date or incorrect personal information that we hold about you free of charge, and;
- the right to opt-out at any time where you have given consent and to have your data erased where you have given consent.

You are entitled to receive a copy of your records **free of charge** and within **a month**. For more information on how we process your personal information and how to make a subject access request, please visit [contact the councillor directly](https://democracy.thanet.gov.uk/mgMemberIndex.aspx). Their details can be found on the council's website. <https://democracy.thanet.gov.uk/mgMemberIndex.aspx>

Please note that in certain circumstances access to your records may be limited, for example, if the records you have asked for contain information relating to another person.

If you wish to exercise any of these rights, you should contact the Councillor using the contact details provided above.

You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

Further information

If you would like to know more about how we use your information, please contact the councillor directly.

How do I complain?

You also have the right to complain to the Information Commissioner's Office, at:

The Information Commissioner

Wycliffe House, Water Lane, Wilmslow, Cheshire

SK9 5AF

Tel: 0303 123 1113 or 01625 545745

Website: www.ico.org.uk