

Privacy Notice for Information Governance

Introduction

This notice is provided to meet the requirements of the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) to provide transparency in how we process personal data within the Information Governance service. This document will be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

Service description

This is a specific privacy notice on the collection and processing of personal data by Thanet District Council for people accessing the Information Governance service, including those that work with Thanet District Council that are subject to information rights legislation. This service processes Freedom of Information 2000 (FOI) and Environmental Information Regulations 2004 (EIR) requests and data concerning individuals exercising their rights under the GDPR and DPA, including Subject Access Requests (where one can request a copy of personal data held by the Council).

It is important that you read this notice, together with any other privacy information we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

The information collected and held by the Council will vary depending on the Information Governance service used and the nature of the request the individual instigated.

What information we hold

To provide these services, we may need to process some personal data, including:

FOI and EIR requests:

- Name
- Email address
- Telephone number
- Postal address
- Personal information submitted by the requestor
- Type of requestor and organisation, if applicable

Data protection requests, including subject access requests:

- Name
- Email address
- Telephone number
- Postal address

- Confirmation of identity that could include copies of documents such as passport, birth certificate, driving licence or other forms of acceptable forms of identification
- Letter to authorise a third party to oversee a DPA rights request
- CCTV footage
- Audio recordings from telephone systems
- Personal data, including highly sensitive personal information, collated in the process of actioning an individual's request for a copy of their data held in other Council departments

In addition to the above, we may also hold the following information, particularly when processing subject access requests:

- Racial or ethnic origin
- Religion
- Sexuality and sexual life
- Physical or mental health
- Trade union membership
- Criminal convictions and offences

We may process special category data and criminal offence data in the course of providing individuals with copies of personal data held by Thanet District Council that has been securely supplied to the Information Governance team from other parts of the Council.

The Information Governance team may view documents such as:

- Antisocial behaviour logs and complaints, including photos
- Social housing tenant records
- Planning application personal data
- Employment records, including grievances
- Homelessness and Housing Options files
- Complaints
- Telephone recordings

Where we get your information from

FOI/EIR requests

Most FOI/EIR requests are emailed to us at FOI@thanet.gov.uk, our official email address or submitted electronically via the FOI form on the Corporate website. We receive requests through the post processed and forwarded to the Information Governance team by the Mail Centre staff and passed on from other staff too. We may also receive requests via the Council's Complaints team or other departments who receive requests directly. We forward the requests to the relevant departments that we believe or know to hold recorded information.

Data Protection requests

In the same way as FOI/EIR requests are received, we also receive personal data through the dataprotection@thanet.gov.uk email address. In some cases, third parties such as charities and organisations such as Citizens Advice, may represent individuals to help them with requests for

copies of their data. We forward the requests to the relevant departments to process them and are sent in return the personal data held by that department.

Civica

On behalf of Thanet District Council, Civica deals with the collection, administration and enforcement of council tax and business rates, payment and administering of housing benefit, council tax support and deals with queries from customers. At times, the Information Governance service may work with Civica to provide the Information Governance service.

How your information will be used

We collect your personal information for the following purposes:

- To meet our statutory obligations under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 to process your information requests
- To work with approved partners, where applicable, who are subject to the Council's FOI/EIR process such as Civica or Mears (who provide the maintenance for the social housing) (however we do not forward on the names of requestors)
- To process subject access requests and other data protection individual rights requests
- To investigate complaints against the Council including Ombudsman referrals
- To deal with all data protection matters including any alleged data breaches
- To process complaints against the Council with the Information Commissioner's Office

The Information Governance service also processes personal data, special category personal data and criminal offence data to respond to requests for disclosure:

- for the prevention or detection of crime
- for the apprehension or prosecution of offenders
- for the assessment or collection of a tax or duty
- where disclosure is required by law
- in connection with legal proceedings

Lawful basis for processing data under GDPR

We are permitted to use information to carry out tasks that are in the public interest (GDPR, Article 6(1)(e)), as well as to provide services that we are under a statutory obligation to provide (GDPR, Article 6(1)(c)).

The legal basis for processing your personal information is:

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Regulation Of Investigatory Powers Act 2000
- UK General Data Processing Regulation
- Data Protection Act 2018

If you fail to provide certain information when requested, we may not be able to perform the services you have requested or we may be prevented from complying with our legal obligations.

We rely upon the following lawful conditions for processing your personal data:

Purpose	Lawful grounds for processing	Activity
Data Protection Impact Assessments	GDPR, Article 6(1)(e)	To complete a DPIA.
Data protection related customer feedback and complaints	GDPR, Article 6(1)(e)	To respond to data protection related customer feedback and complaints.
	<i>GDPR, Article 9(2)(b)</i>	<i>Complaints from members of staff</i>
	<i>GDPR, Article 9(2)(f)</i>	<i>Complaints that are likely to give rise to a legal claim against the Council.</i>
Data subject rights requests	GDPR, Article 6(1)(a) GDPR, Article 6(1)(e)	To respond to a data subject rights request.
	<i>GDPR, Article 9(2)(a)</i>	<i>Where the individual has given explicit consent</i>
	<i>GDPR, Article 9(2)(b)</i>	<i>Requests from members of staff</i>
	<i>GDPR, Article 9(2)(f)</i>	<i>Requests that are likely to give rise to a legal claim against the Council.</i>
	<i>Part 3 of the DPA</i>	<i>Where the data held concerns criminal offence data AND the Council has "official authority" as part of our public tasks, e.g. Licensing, planning, housing</i>
	<i>DPA, Schedule 1, para 6 - Statutory etc and government purposes</i>	<i>Where the data held concerns criminal offence data but the Council does not have official authority</i>
FOI/EIR requests	GDPR, Article 6(1)(a) GDPR, Article 6(1)(e)	To process FOI/EIR requests and provide a written response
Information Governance Audits	GDPR, Article 6(1)(e)	To complete an information governance audit. It is not intended to process special category personal data.
Notification of data protection and information security breaches	GDPR, Article 6(1)(e)	To process personal data you supply when notifying us of a data protection or information security breach.
	<i>GDPR, Article 9(2)(f)</i>	<i>Notifications that are likely to give rise to a legal claim against the council.</i>
	<i>GDPR, Article 9(2)(b)</i>	<i>Related to members of staff</i>

Key: Personal data

Special category data

Criminal offence data

Who we will share your information with

We may share and receive personal information about you with the following:

- Other internal council departments
- The Council's Shared Service Providers e.g. EK Services for IT
- Civica for council tax, business rates and housing benefit
- Third parties that you have authorised to represent you
- The Local Government Ombudsman
- Local health providers
- Other Local Councils
- The Magistrates' Court

We may share your case details with the Information Commissioner's Office if you make a complaint directly to them and are requested to do so. The Information Commissioner's Office can request personal data from Thanet District Council that is unredacted for the purpose of investigating complaints.

The Information Governance team recognises the sensitive nature of many of the documents processed and we only share confidential information with other council staff on a needs to know basis to fulfil our purpose.

How long do we keep your personal information?

The Council will only keep your personal data for as long as it is required to fulfil the purpose it was collected for or for as long as is required by legislation.

What security precautions are in place to protect the loss, misuse or alteration of your information?

We are strongly committed to data security and will take reasonable and appropriate steps to protect your personal information from unauthorised access, loss, misuse, alteration or corruption. We have put in place physical, electronic, and managerial procedures to safeguard the information you provide to us. However, we cannot guarantee the security of any information you transmit to us. We recommend that you take every precaution to protect your personal information.

Your data protection rights

We recognise that some of the personal data we receive may be highly confidential, therefore the Information Governance team takes much care in respecting the rights and freedoms of the individuals when we process such information.

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

- Your right of access - You have the right to ask us for copies of your personal information.

- Your right to rectification - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.
- Your right to erasure - You have the right to ask us to erase your personal information in certain circumstances.
- Your right to restriction of processing - You have the right to ask us to restrict the processing of your personal information in certain circumstances.
- Your right to object to processing - You have the right to object to the processing of your personal information in certain circumstances.
- Your right to data portability - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

You have the right to request information that is held about you and this is known as the 'right of subject access'. Making a request for your personal information is known as a 'Subject Access Request'. 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 <https://www.thanet.gov.uk/privacy-statement>

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. You also have the right to rectify errors in your records, the right to withdraw consent given to process your data, and the right to have your data erased when you have withdrawn 3 consent.

If you wish to exercise any of these rights, you should contact the Data Protection Officer using the contact details provided below. 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 or to exercise any of your rights, please contact the Data Protection Officer (DPO) at Thanet District Council:

Data Protection Officer
Thanet District Council
Cecil Street
Margate
CT9 1XZ

Email: dataprotection@thanet.gov.uk
Tel: 01843 577 000

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

Phone: 0303 123 1113 or 01625 545745

Website: www.ico.org.uk