

# **WARWICK DISTRICT COUNCIL**

## **DATA PROTECTION POLICY**

### **1. Objective**

Warwick District Council intends to fulfill its obligations under the Data Protection Act. The Council will endeavour to ensure that all processing is appropriately registered/notified and will conduct a periodic review and update of the registrations/notifications. It is the aim of Warwick District Council that all appropriate staff are fully informed of their obligations under the Data Protection Act and are aware of their personal liabilities. Any employee deliberately acting outside their recognised authority will be subject to the Council's disciplinary procedures and possibly legal action. Individuals about whom information is held and processed by Warwick District Council can be assured that the Council intends to fulfill its Data Protection obligations. It is possible that other legislation may override Data Protection law. This policy document applies only to information covered by the Data Protection Act 1984 and the Data Protection Act 1998 and will be updated/amended as necessary according to the laws of England and Wales.

### **2. Fair Obtaining/Processing**

Warwick District Council will, as far as is practicable, ensure that all individuals providing information about themselves or other people are aware of the way in which that information will be held, used and disclosed. Individuals will, where possible, be informed of the likely recipients of the information whether the recipients are internal or external to the Council. Processing within Warwick District Council will be fair and lawful, individuals will not be misled as to the uses to which the Council will put the information given.

Forms which are used to obtain personal information will contain a "fair obtaining" statement giving details of the likely uses of the information and, where information is collected in person or by telephone, the employee asking for the details will advise on how those details will be used. Each Business Unit will implement their own arrangements to meet this requirement.

### **3. Data Uses and Processes**

Warwick District Council will not use or process personal information in any way that contravenes its registered/notified purposes or in any way that would constitute a breach of Data Protection law. Any new purposes introduced will, where appropriate, be notified to the individual and - if required by the law - their consent will be sought.

### **4. Data Integrity**

Warwick District Council will not collect data from individuals where that

information is excessive or irrelevant in relation to the registered/notified purpose(s). Details collected will be adequate for the purpose and no more. Information collected which becomes, over time or by virtue of changed purposes, irrelevant or excessive will be deleted.

Information will only be held for as long as is necessary for the registered/notified purpose - after which the details will be deleted. Where details of individuals are stored for long-term archive storage or historical reasons and it is necessary to retain the personal detail within the records, it will always be done within the requirements of the legislation.

The Council will ensure as far as is practicable, that the information held will be accurate. It is the intention of Warwick District Council to check where possible the details given. Information received from third parties (i.e. neither the individual concerned nor the Council) will carry an indication that it was so received. Where a person informs the Council of a change of circumstances, such as home address or non-contentious data, their record(s) will be updated as soon as possible. Where the individual requests that information be changed and it is not possible to update it immediately, or where the new information needs to be checked for its accuracy or validity, a marker or note will be placed on the "challenged" record indicating the nature of the dispute or delay. The Council and the individual will attempt to reach an amicable agreement on the dispute. but where this is not possible the Council's dispute procedures will be implemented.

A copy of the "challenged data" procedure is available from the Council's Data Protection Officer.

## **5. Security**

Warwick District Council has implemented appropriate security measures as required under the Data Protection Act. In particular, unauthorised staff and other individuals are prevented from gaining access to personal information. Appropriate building security is in place with visitors being received and supervised at all times within Council property where information about individuals is stored. The general public visiting Council buildings should not feel that the measures are restrictive or oppressive, the measures are there to protect the privacy of the Council's data subjects.

Computer systems are installed with password controls and, where necessary, audit and access trails to establish that each user is fully authorised. In addition, employees are fully informed about overall security procedures and the importance of their role within those procedures.

Security arrangements are reviewed regularly, all reported breaches or potential weaknesses are investigated and, where necessary, further or alternative measures will be introduced to secure the data.

All staff will be informed about the limits of their authority on disclosing information both inside and outside the Council. Details will only be disclosed on

a needs basis within the Council. Where details need to be passed outside the Council it will in general be done with the person's consent except where this is not possible or where it is required by law, allowed under the Data Protection Act exemptions (such as crime prevention/detection, to prevent injury, etc) or where it is in the person's vital interests. Any unauthorised disclosure will be dealt with under the Council's disciplinary procedures.

Redundant personal data will be destroyed under the Council's procedure for disposal of confidential waste.

## **6. Subject Access/Subject Information Requests**

Any person whose details are held/processed by Warwick District Council have a general right to receive a copy of their own information. There are a few exceptions to this rule, such as data held for child protection or crime detection/prevention purposes, but most individuals will be able to have a copy of the data held on them. The Council has a policy of not charging for such requests. Any codes used in the record will be fully explained, any inaccurate, out of date, irrelevant or excessive data will be dealt with under the procedures outlined in Section 4, Data Integrity.

Warwick District Council will attempt to reply to subject access requests as quickly as possible and in all cases within the 40 days allowed by the Data Protection Act. Repeat requests will be fulfilled unless deemed unreasonable, such as a second request received so soon after the first that it would be impossible for the details to have changed. A subject access/information request should be submitted on the appropriate form wherever possible; this will ensure that the Council has the required information to be able to conduct a data search and to fulfill the request. In some cases, especially with requests not submitted on the correct form, further information may be required from the requester which may delay the start of the 40-day maximum time limit.

## **7. Further Information, Enquiries and Complaints**

Warwick District Council's Data Protection Officer is the first point of contact on any of the issues mentioned in this policy document. The Data Protection Officer will be responsible for dealing with all internal and external enquiries. Where possible, requests for detailed information should be in writing. All complaints should be written, dated and should include details of the complainant as well as detailed account of the nature of the problem.

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