Chorley Council

Data Usage Policy

2018

Version 1.1 February 2018

Beacon Authority 2008-2009 Transforming Services: Citizen Engagement and Empowerment

Beacon Authority 2009-2010 Cohesive and resilient communities

Beacon Authority 2009-2010 Better outcomes for people and places

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INTRODUCTION

Changes in technology have resulted in us communicating and gathering information from our stakeholders via many new methods. The majority of our data gathering is now done so electronically.

The introduction of GDPR in May 2018 also brings changes to the rights of individuals who we hold personal data about.

We need to ensure we communicate certain information to individuals about how their information will be used, stored, how long it will be retained for and the rights they have relating to that data. This needs to be clear and concise; we need to ensure this is worded as simply as possible and delivered to the data subject at the correct time.

Article 13 of the GDPR sets out what information we must provide when we are collecting personal data from a data subject; it specifies we must provide the following information at the point when the data subject provides their personal information:

- Who we are (when acting as Data Controller) and our contact details
- Contact details of our Data Protection Officer
- The purposes of the processing for which personal data are intended, as well as the legal basis for the processing
- If applicable, the legitimate interests
- The recipients or categories of recipients of the personal data, if any
- If we intend to transfer personal data to third countries or international organisations
- For what period the personal data will be stored; or if that's not possible, the criteria used to determine that period
- of their right to request access to held information
- of their right to rectification
- of their right to erasure of personal data (where applicable)
- of their right to restriction of processing (where applicable)
- of their right to data portability
- of their right to withdraw consent (where applicable)
- of their right to lodge a complaint with the supervisory authority (ICO)
- Whether the provision of personal data is a statutory or contractual requirement, whether the Data Subject is obliged to provide the personal data and of possible consequences of failure to provide data
- The existence of any automated decision making. If automated decision making is used, we must provide meaningful information about the logic involved, the significance and envisaged consequences of such processing for the Data Subject

Article 13 also explains that we must notify the data subject if we intend to further process the personal data for a purpose or purposes other than that for which the personal data were originally collected.

Article 14 also sets out requirements when personal data is obtained but is not directly obtained from the data subject. The same information must be provided as detailed above, however, rather than being provided at the point when the data subject provides the information, instead it must be provided:

- within a reasonable period after obtaining the information, at least within one month, having regard to the specific circumstances in which the personal data are processed
- if disclosure to another recipient is envisaged, at the latest when the personal data is first disclosed

- if personal data are to be used for communication with the data subject, at the latest at the time of the first communication with the data subject

For information, Article 4(1) of the GDPR defines personal data as:
'personal data means any information relating to an identified or identifiable nature person ('data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person'
Essentially this is information from which an individual person can be identified.

PURPOSE

The purpose of this policy is to identify appropriate and inappropriate use of data and to ensure Chorley Council meets its requirements of advising data subjects of rights available to them. We must inform individuals:

- how we will process their data
- if their data will be shared
- of the rights they are entitled to
- the required contact details
- how long data will be stored for
- whether submission of personal data is a statutory or contractual requirement
- of any automated decision making take place

POLICY OBJECTIVES

The objective of this policy is to create a set of guidelines that will detail:

- the information we need to provide to individuals when they provide personal information to us, or
- the information we will communicate to individuals when we receive their data via another channel; and
- when and how the information will be communicated

SCOPE

This policy applies to all personal information held by Chorley Council.

POLICY STATEMENT

Chorley Council will ensure that the required information is communicated with data subjects at the correct time.

Where data is gathered directly from the Data Subject, the required information will be provided at point of gathering the data.

Where data is provided by another source or channel, the required information will be communicated with the Data Subject as soon as possible. We will communicate the information within one month of its receipt, wherever possible.

On receipt of personal data, we will advise the Data Subject of:

- Who we are (when we are acting as Data Controller) and our contact details
- Contact details of our Data Protection Officer
- The purposes the information has been requested for; how we intend to process the personal data, as well as the legal basis for the processing
- If applicable, the legitimate interests
- Whether or not the personal data will be shared and if so, who it will be shared with or details of the categories of recipients who it will be shared with
- If we intend to transfer their personal data to countries based outside EU or international organisations
- How long we will store the personal data for; or where this is not possible, the criteria used to determine that period
- their right to request access to held information
- their right to rectification; have errors corrected
- their right to erasure of personal data (where applicable)
- their right to restriction of processing (where applicable)
- their right to data portability
- their right to withdraw consent (where applicable)
- their right to lodge a complaint with the supervisory authority (ICO)
- Whether or not them providing their personal data is a statutory or contractual requirement
- whether the Data Subject is obliged to provide the personal data and of possible consequences of failure to provide data
- The existence of any automated decision making.
- If automated decision making is used, we must provide meaningful information about the logic involved, the significance and envisaged consequences of such processing for the Data Subject

Role	Responsibility	Frequency
All officers (All Directorates)	Ensure they are aware of and understand the wording of the Privacy Notice and digital opt-in arrangements	Ongoing
	Will make their line manager aware, if they become aware of any problems with the Privacy Notice webpage / opt-in function	Ongoing
Line Managers / Team Leaders (All Directorates	Ensure their staff are aware of and understand the Privacy Notice	On-going
	Ensure any problems reported or identified with the Privacy Notice webpage / function are reported to ICT as soon as possible	On-going
Data Controllers (All Directorates)		On-going
		On-going
Data Protection Officer	Is aware of any changes to the GDPR, particularly those which may result in the amendments to the Privacy Notice	On-going
Directors/Heads of Service		
Chief Executive	Overall Officer level responsibility	
Internal Audit	Produce reports following internal audits, with recommendations for improvements in procedures	On-going
	Undertake spot checks as identified	On-going
Policy & Communications		Bi-ennually
	Undertake spot checks as required and identified in the risk assessment	On-going
ICT Team	The Information Manager will have overall responsibility for ensuring online notifications such as Privacy Notices displayed as webpages and digital opt-in arrangements are operational	As required
	To carry out necessary work to ensure webpage based Privacy Notice and digital opt-in arrangements are functioning correctly and remain operational	As required

MONITORING AND REVIEW ARRANGEMENTS

This policy will be reviewed annually (or as required following legislative changes).

DOCUMENT AND VERSION CONTROL

Version	1.1
Author	Ally Lloyd, GDPR Compliance Officer, Chorley Council
Sign off date	
Publication date	