

What is Data Protection?

The Data Protection Act applies to personal information that we hold about you. It sets the rules for how we handle your information. If the rules are not followed the Council risks breaking the law.

What is personal information?

Personal information is any information, which can be used to identify you. This includes all the obvious details we might hold about you such as your name and address, National Insurance number, Council Tax reference number, benefits entitlement.

Some types of personal information are classified as sensitive by the Act and require more careful handling. This includes information about ethnic or racial origin, political opinions and religious beliefs.

Why do you need to hold personal information about me?

We provide a wide range of services. To do this we need to keep essential personal information about people like you who use our services.

How is personal information held?

Personal information can be recorded in a number of ways for example:

- Manual Records
- Electronically held information
- CCTV Images
- Video and audio tapes
- Microfilm

What are the rules?

The rules for processing personal information are known as the 8 data protection principles; these are that data must be:

1. lawfully and fairly processed;
2. processed for limited purposes;
3. adequate, relevant and not excessive;
4. Accurate;
5. not kept for longer than is necessary;
6. processed in line with individuals rights
7. secure and;
8. not transferred to countries without adequate protection

Can you disclose my personal information to anyone other than me?

We may need to share your information both internally within the Council and externally with other organisations, so that we can provide the services that you need. This means that we have:

- told you for what purpose(s) we will use your information, and
- who we are intending to share it with

There are some circumstances where we may be required to disclose your information in a fair and lawful manner. This maybe for the purposes of:

- Preventing or detecting crime;
- The assessment or collection of any tax or duty; or
- Where we are obliged by law to provide the information to another person e.g. Her Majesty's Revenue and Customs, Child Support Agency, Asylum and Immigration, etc.

Does the Council need my consent?

In most cases we do not need your consent because the Data Protection Act and other legislation lets us process personal information without your consent. Where sensitive personal information is involved extra care will need to

be taken, which may mean that we will seek your consent.

Can I see my personal information?

Generally Yes. You have a right of access to your personal information. This is usually referred to as 'subject access request'.

Your request must be made in writing and you will need to provide proof of identity. To help you make a request the Council has an application form, which is available on our website (www.westsomersetonline.gov.uk) or from Council offices. If you want access to CCTV information you will need to use the special CCTV application form, which is also available on our website, or from Council offices. We will charge you a fee of up to £10.

When we have received your request and we have enough information to action it we must give you the information within 40 calendar days.

Sometimes, your personal information may contain information about other individuals. This is referred to as 'third party information'. There are generally two categories of third party information, these are:

- information about other people, e.g. family members, carers, friends etc.
- information that has been provided by another person or agency about you, e.g. doctors, solicitors, etc.

You are only permitted to access information about you and we may have to withhold or edit information, so that it does not identify third parties.

Can I use e-mail to make a subject access request?

Yes but you will need to provide original proof of identity/authority before we can process your request so it may be better if you use our application form.

Can I make a request for someone else?

Yes, but we need to be absolutely sure that you are authorised by them to make the request. Proof must be in writing and signed by that person. Sometimes the person you are making the request for is unable to exercise their right of access because they are too young or they do not have the mental capacity to understand their rights.

Parents/carers are able to make an application on behalf of children, but they have no automatic right to the information. If a child is old enough to give informed consent and understands the contents of the information, the Council will be guided by their wishes. In all cases, disclosure of information will only occur if it is in the best interests of the child. Authority to act on behalf of an adult lacking mental capacity would normally require a lasting power of attorney, which we will ask to see a copy before we disclose any information.

What other rights do I have under the Data Protection Act?

You have the following rights:

- to prevent processing likely to cause damage or distress;
- To prevent processing for the purposes of direct marketing;
- To seek compensation if you have suffered damage and distress as a result of a breach of the Act by us;

- To make a request as to whether any provision of the Act has been contravened by us;
- To make a request to the Information Commissioner for an assessment as to whether any provision of the Act has been contravened by us.

We cannot directly market you without your express consent.

What if I think information held about me is wrong?

The Act gives you the right to have inaccurate, factual data about yourself corrected. If you believe that any of the information held by the Council is inaccurate as a matter of fact, please write to the Council's Data Protection Officer.

Where can I find out more?

On the Council's website www.westsomersetonline.gov.uk or you can contact the Council's Data Protection Officer on 01643 703704. For independent advice about data protection, privacy and data-sharing issues, you can contact the Information Commissioner at www.ico.gov.uk.



Data Protection And You

This document can be made available in large print, Braille, tape format or in other languages upon request

