

## Councillor Privacy Notice

The processing of personal data is governed by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018), collectively referred to as data protection law.

As an elected Councillor within Newark and Sherwood District Council, I am the accountable person (controller) for the processing of personal information in connection with requests received by me from residents.

In accordance with data protection legislation this Privacy Notice provides guidance relating to how I process personal information for the purpose of responding to requests from residents and provides information about the privacy rights of individuals. My contact details can be found at [find your councillor](#).

If you would like more information about the UK GDPR and the Data Protection Act 2018, this can be obtained from the Information Commissioner's Office through their website at <https://ico.org.uk/> or their helpline on 0303 123 1113.

### Why I need your Information?

When you ask for my help and assistance I will need to collect, use and store some information from you. I will make use of personal data provided by you and council officers to enable me to provide you with a response to your enquiry or request for assistance. This will include personal information such as your name, address, contact number and email, together with the details of your query.

The law treats some types of personal data as 'special category data' because, due to its sensitivity, the information requires more protection. This information consists of:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- health
- sex life; or
- sexual orientation

It will only be necessary to collect this type of data where it is of relevance to the request you are making.

## **Who your information may be shared with?**

Personal information about you will only be disclosed on a 'need to know' basis, with a relevant organisation and/or individual who is able to provide information to help address or resolve your query.

A relevant third party organisation and/or individual will be determined by the nature of the query you have raised and therefore will vary from case to case.

Examples of third parties include:

- local and/or central government
- elected representatives and other holders of public office
- landlords
- statutory law enforcement agencies and investigating bodies
- healthcare, social and welfare advisers or practitioners

The personal information you provide, and I may receive from organisations or individuals during my enquiries, will only be used to progress the query you have raised. Your personal data will not be used in a way that goes beyond your reasonable expectations.

Any third parties with whom I may share your data are obliged to keep your details securely and to only use your data for purposes already communicated to you. I will respect any specific request that you make asking me not to disclose information identifying you to other third parties. However, it must be noted that it may not be possible to progress a matter for you on an anonymous basis.

I will not pass personal details of constituents who contact me to anyone else, unless required to do so by law or where it is in connection to a criminal investigation.

## **How long will your personal data be kept?**

I will process your personal data for as long as it takes for me to investigate your case and to provide you with a response. If I am no longer your local District Councillor, for example if I am not re-elected or I retire, your records will be deleted within six months after I cease to be a councillor.

## **What is the legal basis for processing personal data?**

Under data protection law, I can only process your personal data if it is lawful to do so. Please see details below of the lawful bases that I rely on for processing different types of personal data.

For processing personal data, I rely on the following lawful basis(es):

- UK GDPR Article 6(1)(e) – where processing is necessary for me to perform a task which is in the public interest, or for my official functions as an elected representative, where that task has a clear basis in law (public task)
- UK GDPR Article 6(1)(f) – where processing is necessary to meet my legitimate interests which are not part of my public function.
- UK GDPR Article 6(1)(a) – where you have provided consent for me to process your information for a specific purpose

I will very rarely rely on consent to process your information. Where it is required, I will gain your consent before processing begins.

### **Special category data**

When I process special category data, I rely on the following additional lawful basis(es):

- UK GDPR Article 9(2)(a) – where you have provided me with explicit consent to process your information for a specific purpose
- UK GDPR Article 9(2)(g) – where processing is necessary for reasons of substantial public interest, specifically:
  - for statutory and government purposes (Schedule 1, Part 2, section 6, DPA 2018)
  - for the safeguarding of children and of individuals at risk (Schedule 1, Part 2, section 18, DPA 2018)
  - where processing is necessary for purposes relating to political activities, including case-work (Schedule 1, Part 2, section 22, DPA 2018)
  - where processing is necessary for an elected representative to respond to a request (Schedule 1, Part 2, section 23, DPA 2018).

### **Criminal offence data – general processing**

I may also process criminal offence data if it is necessary for you to provide it so that I can assist you with your query. This may include:

- Information about any criminal record or criminal history
- Allegations of criminal behaviour, including unproven allegations
- Absences of convictions, for example the results of DBS checks, or Police National Computer checks
- Personal data of victims and/or witnesses
- Personal data about criminal penalties that may have been awarded.

In addition to the lawful bases that I have identified under ‘Personal data’ above, I process criminal offence data under the following condition(s) of Schedule 1 of the DPA 2018:

- where processing is necessary to carry out specific statutory and government purposes (Schedule 1, Part 2, section 6, DPA 2018)

- where processing is necessary for the safeguarding of children and individuals at risk (Schedule 1, Part 1, section 18, DPA 2018)
- where processing is necessary for purposes relating to political activities, including case-work (Schedule 1, Part 2, section 22, DPA 2018)
- where processing is necessary for an elected representative to respond to a request (Schedule 1, Part 2, section 23, DPA 2018).

## **Consent**

Where I rely on consent to process your personal and special category data, you have the right to withdraw your consent at any time.

If you would like to withdraw consent for me to process your personal data, please contact me to let me know.

## **How is your personal data safeguarded?**

Reasonable security measures are taken to ensure that personal information within my control is protected from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data, misuse, or theft.

As the Council provides support services for me as an elected member, communications addressed by post to myself at the Council either posted to me or scanned and sent by secure email. If you contact me using my Council email address, this information is held securely on a dedicated controlled area of the Council's secure network, with access restrictions.

## **What are your rights?**

The new data protection legislation strengthens the rights of individuals.

This includes the right to:

- be informed (which this notice fulfils)
- access (subject access request)
- rectification
- erasure
- restrict processing
- data portability
- object
- and rights related to automated decision making, including profiling

The Information Commissioner's Office (ICO) is responsible for upholding these rights in the UK. For a detailed explanation of all these rights and the circumstances in which they apply, please visit the ICO web site at: <https://ico.org.uk/>

### **Complaints, compliments and comments**

If you wish to submit customer feedback, please go to the Newark and Sherwood District Council website and use the online feedback form, [Customer feedback | NSDC](#)

You have the right to complain to the Information Commissioner if after contacting me about a data protection concern, you are not satisfied with my response.

Complaints may be submitted to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

or by completing the ICO on line form at <https://ico.org.uk/concerns/handling/>