**Causeway Coast & Glens**

Borough Council

**DATA PROTECTION POLICY**

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| Author | P McLaughlin |
| Date | 29.10.14 |

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| --- | --- |
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**1. INTRODUCTION**

* 1. The Data Protection Act 1998 replaces and extends the 1984 Act and places a legal obligation on persons who record and process personal information relating to living individuals. Although this area of the law appears to be complicated, the Act simply requires that adequate controls exist to protect individuals from the consequences of poor quality information and/or the misuse of information held about them.
	2. The Act does not affect the Council using information which does not directly or indirectly identify an individual. Additionally, the Act does not apply in circumstances when the Council is simply giving advice in general terms, eg Council byelaws or matters of Council policy.
	3. While the 1984 Act dealt with automatically processed information including information processed on computers, the 1998 Act places additional obligations on those processing information contained in ‘structured manual files’. It also applies to the lawfulness and integrity of the CCTV systems operated by the Council.

1.4 The term ‘processing’ includes any function that can be performed using information and includes the actual disclosure of information. The Council has introduced this Data Protection Policy for the information of all Elected Members, Council employees and Council residents.

**2. POLICY STATEMENT**

2.1 It is the intention of Causeway Coast and Glens District Council to fulfil its legal obligations within the provisions of the Data Protection Act 1998. The Council will ensure that the Information Commissioner is properly informed of all its notifiable users of information and it will conduct periodic reviews and update these register entries where necessary.

2.2 Individuals whose personal information is held and processed by the Council can be assured that their information will be processed in accordance with the eight Principles of the Data Protection Act (Appendix 1).

2.3 It is the aim of the Council to ensure that all appropriate staff are properly trained, kept fully informed of their obligations under the Data Protection Act and that they are aware of their personal data protection liabilities. Any Council employee deliberately acting outside their recognised responsibilities may be subject to the Council’s disciplinary procedures.

2.4 It is the intention of the Council to allocate such resources as may be required to ensure the effective operation of the policy.

 Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_

 Mayor

Causeway Coast and Glens Borough Council

 Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_

 Chief Executive

Causeway Coast and Glens Borough Council

**3. ACCOUNTABILITY AND RESPONSIBILITIES**

The Chief Executive has overall responsibility for the administration and implementation of the Council’s Data Protection Policy. Each Director will assume Executive Authority for the compliance of staff within their directorate.

**4. GUIDING PRINCIPLES**

4.1 **Fair Obtaining and Processing**

 Causeway Coast and Glens District Council will ensure that as far as practicable, all individuals whose details are processed by the Council are aware of the way in which that information will be obtained, held and disclosed. Whenever possible, individuals will be informed of the potential recipients of the information. Processing personal information by the Council will be fair and lawful, and, in addition, it is Council policy that individuals will not be misled as to the purpose to which Council will process the information.

4.2 **Notification**

 The Council will not use or process personal information in any way that contravenes its notified purposes, or in any way that would constitute a breach of the Data Protection Act. When appropriate, the Council will notify the Information Commissioner of any amendments to the existing Council’s notified purposes or of new purposes to be added to the Notification Register entry.

4.3 **Information Quality and Integrity**

 The Council will endeavour to process personal information which is accurate, current and is of good quality. Information, which is obtained by the Council, will be adequate and not excessive for the purpose for which it is processed. In addition, information will be kept by the Council for no longer than is necessary for the purposes for which it was obtained.

4.4 **Subject Access**

 The Council will respond positively to subject access requests, replying as quickly as possible, and in any event within the 40 day time limit. Whilst individuals have a general right of access to any of their own personal information which is held, the Council will be mindful of those circumstances where an exemption may apply. The Council will only disclose personal data to those recipients listed in the Notification Register, or where it is otherwise permitted by law to do so. The Council will always endeavour to see the permission of the data subject, where it is required by law to do so.

4.5 **Technical and Organisational Security**

 The Council has in place appropriate security measures as required by the Data Protection Act. Information systems are installed with adequate security controls and Council employees who use these systems will be properly authorised to use them for Council business. In addition, Council employees will be kept fully informed about overall information security procedures and the importance of their role within these procedures. Similarly, manual filing systems are held in secure locations and they are accessed only by authorised Council staff.

**5. LINKAGES**

5.1 The Data Protection Policy constitutes the framework document to guide the Council’s practice in relation to meeting its requirements under the Data Protection Act.

5.2 It links into the Code of Practice on the implementation of the Data Protection Act 1998 and the Freedom of Information Act.

**6. EVALUATION AND REVIEW OF THE POLICY**

6.1 The Data Protection Policy, will under normal circumstances, be managed and reviewed annually. The reviews to the policy will be subject to scrutiny and from time to time updates and re-issues will be circulated.

6.2 The policy will be reviewed sooner in the event of any one or more of the following:

 a) Weakness in the policy is highlighted;

 b) Weakness in hardware and software controls are identified;

 c) In case of new threat(s) or changed risks;

 d) Changes in legislative requirements;

 e) Changes in Government or other directives and requirements.

**7. SECTION 75 EQUALITY AND GOOD RELATIONS**

Causeway Coast and Glens Council is fully committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. In this regard this policy will be screened using Section 75 guidelines and will be subject to an Equality Impact Assessment if found necessary as a result of the screening process.

**8. CONTACT DETAILS**

Any issues or queries relating to this policy should be addressed to:

Head of Policy
Causeway Coast and Glens Borough Council
c/o Coleraine Borough Council
66 Portstewart Road
Coleraine

BT52 1EY

Tel: 028 7034 7163
E-Mail: elizabeth.beattie@causewaycoastandglens.gov.uk

 **APPENDIX I**

**DATA PROTECTION – GUIDING PRINCIPLES**

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –

(a) at least one of the conditions in Schedule 2 is met, and

(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.