

THE DATA PROTECTION ACT 1998



**YOUR RIGHT TO KNOW WHAT
WE HOLD ABOUT YOU**

August 2003

Do you know what personal information is held about you and why the Council need it?

In this leaflet we explain your rights, as a user of Council services, to see your personal information and to know how we use it.

What are your rights?

- To ask us if we hold personal information about you
- To ask us what we use the information for
- To be given a copy of the information
- To be given details of the purposes for which we use the information and to be told of any other persons or organisations who see this information
- To ask for incorrect data to be corrected

Why do we keep personal information?

The Council keeps personal information about you so that we can:

- provide you with the services you need
- collect Council tax (and rent if you are a Council tenant)
- assess the correct level of benefit for your needs
- provide you with up to date information about these services and the most appropriate service for your needs
- fulfil our legal obligations.

The information we hold about you is also used to maintain a record of any help we have given you so we can then look at it from time to time to see if you still need this help and to plan for any changes. The personal information you provide may also be shared with other agencies involved in providing services to you and between different service areas of the Council but only where we are legally allowed to do so.

Who do we share information with?

Depending on the original purpose for which the information was collected and how we will use it, information may be shared with a variety of services. For example the Environmental Health Service may share the information with Housing or Planning Services and Housing Benefits may share information with the Department of Work and Pensions. It may also be shared, where necessary, with other organisations that provide services on our behalf, for example providers of residential accommodation or contractors for housing maintenance. We have a legal duty to prevent fraud and safeguard public money which helps to keep your council tax down. We may, therefore, share this information with other responsible organisations to fulfil this aim.

In all of these examples of sharing information, the information provided is only the minimum necessary to make it possible for them to provide services to you.

Personal information about you may also be given to Government departments or other local authorities where we are required to do so by law. An example would be when you have moved from one local authority to another and the new authority needs confirmation of the services you were receiving. Information about you may also be provided for statistical research. This will not include your name and address unless you have given us permission to provide that information.

What sort of information do we hold?

The personal information we hold depends on the service being provided. Basic information will appear on all records. Basic information is your name and address, age, date of birth, sex, next of kin, services provided to you, decisions made about providing these services and any meetings between you and the service area of the Council who provides the service. Other, more sensitive, data may also be held. Depending on the needs of the service being provided sensitive data may include for example, details of a person's physical or mental health, disabilities and racial or ethnic origin. Data relating to specific services includes:

- the level of payment and the current state of an account for rents and Council tax
- property details and extent of proposed alterations for planning and development
- health and disability information for taxi licensing
- income and dependants for benefits.

How do we keep the information and who is responsible?

The information is kept on secure computer systems and in secure manual filing systems. Maintaining the records and keeping them secure is the responsibility of the service unit of the Council providing the services you receive. All employees of the Council are required to comply with the Council's Security Policy and will have received basic training on the principles of the Data Protection Act 1998 (the Act).

Are the records confidential?

Our employees have a duty of care when providing services. This includes respecting the right of confidentiality and making sure that information about you is only used and given to others for the purposes of the service being provided. Care is also taken to make sure that third parties cannot view the information without permission and that data about you is not shown to third parties or others without your consent. Where we have a legal duty to share data for the prevention and detection of crime and collection of tax, we will do so in accordance with the principles of the Act.

How long are records about you held?

Normally, your records will be kept only for as long as the service is being provided to you as is required by law. If there is no legal requirement to keep the records they will be destroyed as soon as is practical. Where there is a legal requirement to keep information it is not normally kept for more than six years. However for certain records the law allows us a longer period of time.

How do you ask to see your information?

You must fill in a Data Subject Access Request form, addressed to the Data Protection Officer asking to see your records. A copy of the form is attached to this leaflet. You must provide your name and address, proof of identity, details of the service(s) you are receiving and any other information such as date of birth, sex and householder status (for example tenant, owner) which you think may help us to find your information. You must also tell us exactly what information you want to see. You may also visit the Council Offices in person where you will be provided with a copy of the Council's Data Subject Access Request form for you to use. If you have difficulty with the form help will be given to you.

What information will you receive?

You can see all of the personal information we hold about you on both our computer and manual record systems. Where available you will also be given a description of the purposes for which we process your data, a list of who we have shown the data to and information about how we have collected the data.

Can you see information about members of your family or any other person?

You may not see information about other persons, unless they have given their written consent. This includes information about members of your family. If you are a parent or a member of an elderly person's family you may be given information about your child or the elderly person but only where you have written permission to ask for it, or have been granted powers to do so by the court and the Council is satisfied that this permission is genuine.

How will you be given the information?

You will be provided with a copy for you to keep and use. This may be a printout of the information from the computer system or a photocopy of your manually held record. If you have difficulty in understanding any of the contents you may ask us for an explanation.

Will you be charged a fee for information provided?

Yes. The Council charges a fee for providing the information you asked for. This is to partially cover the costs of searching for and providing a copy of the information. The fee is £10.00 which is the maximum allowed by law.

How long does it take to give you the information?

The Council must respond within 40 days of receiving your application. The 40 days begins from the date we receive the written application, the fee and any additional information we need such as forms of identification to prove you are entitled to see the information.

What should you do when you get the information?

You should check to make sure that you have received all of the information which you are entitled to see and to make sure it is correct.

What do you do if the information provided is incorrect?

You should tell the Data Protection Officer who will let the service unit(s) know that the data is incorrect and ask them to correct it. You must do this in writing. The service unit must tell you if they have or have not corrected the data within 21 days of you asking them to do so. If the service unit does not agree that the information is incorrect you can ask them to record your disagreement on the record itself.

If the service unit does not correct the information you may also appeal to the Information Commissioner or the courts who have the power to order us to correct data which is wrong.

When is data inaccurate?

The Act defines inaccurate data as being "data which is incorrect or misleading as to any matter of fact".

How can you have inaccurate data about you corrected?

The Act provides you with a right to apply to the court to have inaccurate data corrected, blocked, erased or destroyed. This right applies to any other personal data, which contain an opinion about you based on the inaccurate data.

What do you do if you think you have not been given all the information you asked for?

You can appeal to the Council, through its complaints procedure or to the Information Commissioner whose staff will look into the matter on your behalf.

Do you have any other rights under the Data Protection Act and what are they?

Yes. In addition to the right to see information held about you, you have the right:

- to prevent processing which is likely to cause you damage or distress
- to prevent processing for the purposes of direct marketing
- not to have decisions made about you based on only automated methods
- to take action for compensation if you have suffered damage by any breach of the Act, by the Council
- to make a request to the Information Commissioner to assess whether any provision of the Act has been breached by the Council.

How do you use these rights?

For the first three of these rights (above) you should write to the Council telling us that you would like us to stop or not to start processing personal data about you. For the first right mentioned above you must tell us the purpose for which the data is being processed and that you think the processing is already causing or is likely to cause you or another person uncalled for substantial damage or substantial distress. For the second right you must tell the Council, in writing, that we should stop or not start the processing of personal data about you for the purpose of direct marketing. The third right is specific to the use of automated decision-making processes. If you do not wish to have decisions made about you based only on automated processes, you must write to the Council asking us to make sure no decisions, which significantly affect, you are based solely on automated processing.

How will you know if the Council has made any decisions about you based only on automated processes?

If we have not received a letter from you asking us not to make decisions about you based solely on automated processing we will tell you that a decision, which significantly affects you has been made by automatic means. If we tell you this and you object then you can tell us in writing that you want us to reconsider the decision or make a new decision based on other methods. We have 21 days in which to respond to your letter.

Is there a time limit for you to write to us?

Yes, you must tell us that you want us to reconsider our decision or make a new decision within 21 days of us telling you that we have made our decision by automated means.

How can you be sure the Council has done what you asked?

Under the Act we must respond to your letter within 21 days of receiving it. Our reply will tell you whether or not we have done what you asked; intend to do what you ask or the extent to which we intend to do what you ask. If we do not think your request is justified our response will list our reasons for this opinion.

What do you do if the Council does not reply or refuses to act on your letter?

If you do not receive a reply or if you think we have not complied with any of your letters, you may complain to the Information Commissioner. You also have a right to apply to the court for an order requiring us to comply.

When can you claim compensation?

If you have suffered damage or distress because the requirements of the Act have not been by the Council, then you may be entitled to compensation. The court will only support a compensation claim if you can show that we did not take reasonable care to make sure we complied with the relevant requirements of the Act.

Are you entitled to compensation because we used inaccurate data?

Only if the Court is satisfied that you have suffered damage because the Council used inaccurate data.

What can you complain to the Commissioner about?

You can complain to the Commissioner if you think we have breached any of the requirements of the Data Protection Act. This includes:

- a breach of any of the data protection principles
- processing data without having notified the Commissioner
- not responding to any of your written letters (see above)
- processing data without your consent (where consent is necessary)
- refusing to provide you with the personal information you have asked for.

What will the Commissioner do?

At your request the Commissioner will carry out an assessment of the Council's processing to find out whether or not we are processing information in compliance with the Act. If the Commissioner finds we are not following the Act then the Council will be issued with a notice requiring us to take steps to make sure we comply.

Can the Council provide you with help in understanding the information?

If you need further help in understanding the information provided or the contents of this leaflet, please let us know and we will get someone to explain it to you.

Address to which Data Access Requests should be sent:

The Data Protection Officer
Legal & Member Services
South Holland District Council
Council Offices
Priory Road
Spalding
PE11 2XE

Telephone number: 01775 761161
Fax number: 01775 711253
e-mail: info@sholland.gov.uk

Address and contact details for the Office of the Information Commissioner:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone number: 01625 545700 (Switchboard)
01625 545745 (Info line)
Fax number: 01625 524510
e-mail: mail@dataprotection.gov.uk

The Information Padlock



This is a symbol that has been created by the Information Commissioner and the National Consumer Council. It acts as a 'signpost' for you so that you can see where personal data is being collected in order for it to be processed.

Annex A - Data Subject Access Request Form

Data Protection Act 1998 - Subject Access Request Form

Please note that where the term "data subject" is used, it refers to the person about whom the information is being requested.

1. Details of the person requesting the information:

Full Name:.....

Address:

.....

.....Postcode:

Telephone number:Fax Number:

Email:

If you have lived at this address for less than twelve months, please let us know your previous address:

.....

2. Are you the data subject? *** YES/NO (*please circle your answer)**

YES: In order to confirm your identify we will need to see two forms of identification, one from each of the following groups together with a stamped addressed envelope for return of your documents.

<p>Group 1 (photographic identity)</p> <ul style="list-style-type: none"> Passport Driving licence (with photograph) Proof of age card with photograph Work ID or student ID Travel Pass with photograph Other membership card with photograph 	<p>Group 2</p> <ul style="list-style-type: none"> Driving licence (without photograph) Utility bill less than three months old Council tax bill Current bank or building society statement Pension book Birth certificate
---	--

Please now answer question 5.

NO: Are you acting on behalf of the data subject with their written consent? If so, this consent must be sent with this form and you must answer questions 3 & 4 below. You must also produce the two forms of identity requested above for both yourself and the data subject.

3. Details of the Data Subject (if different to question 1. above)

Full Name:

.....

.....Postcode:

Telephone Number: Fax Number:

Email:

4. Please describe your relationship with the data subject which has led you to make this request for information on their behalf:

.....
.....
.....

5. Please describe in detail, the personal information you want to see together with any other relevant information. This will help us to identify the information you require:

.....
.....
.....
.....
.....
.....

Please note: The Council charges for each application – the current fee is £10.00

Declaration

(This declaration must be completed by the applicant. Any attempt to mislead the Council may result in prosecution)

Iconfirm that the information given on this application form to South Holland District Council is true. I understand that it is necessary for the Council to confirm the data subject's identity and it may be necessary to obtain more detailed information in order to find the correct information. I further understand that the Council must respond to this request within 40 days of its receipt. This period only begins once the Council is satisfied that this application is correct.

Signature:Date:

Please return this completed form to: The Head of Legal and Member Services, South Holland District Council, Council Offices, Priory Road, Spalding, Lincolnshire PE11 2XE together with:

- Evidence of your identity (as set out in box 2 overleaf)
- Evidence of the data subject's identity (if different from above)
- The fee of £10.00 (cheques payable to South Holland District Council)
- A stamped addressed envelope for the return of proof of identity

Please remember that sending an incorrect application or failing to send proof of identity will delay the 40 day response period until the council is satisfied the request is correct.

SOUTH HOLLAND DISTRICT COUNCIL

Data Subject Access Request Form – Guidance Notes

These notes are provided to help you to complete the Data Subject Access Request application form when requesting a copy of your personal data held by us.

1. Complete your personal details as requested. Former name and/or address need only be given if a change has occurred within the last 12 months.
2. Please provide as much information as you can to identify your particular area of enquiry. Supporting information identifying where the data may be held, for example any reference numbers, creditor number, service received are requested to help us find the information you want so that you can be given a copy of the personal data held.
3. Proof of identity is essential to ensure that the information is only given to the correct person. Please supply the identification as requested on the application form. If attending in person, it may be possible for your identity to be confirmed immediately thereby avoiding sending important documents through the post.
4. The application form must be signed by the applicant. Where an authorised representative has signed the application form, a written authorisation from the applicant or a Court giving the representative access to the information held must be supplied together with proofs of identity of both the authorised representative and the data subject.
5. A fee of £10.00 is required for each request made. The fee is not refundable even if the result of the search shows that there is no data held in reply to the enquiry. A receipt will be issued upon payment of the fee – cheques should be made payable to SOUTH HOLLAND DISTRICT COUNCIL. Please note that you will not receive any information until we receive the fee, a fully completed and signed application form and the required identification.
6. You will be notified of the date of acceptance of the request and the date by which you should receive a reply, which will be within 40 days.

FOR OFFICE USE ONLY: Received by: _____

Date of Receipt: _____ Fee Paid? (Yes/No) _____

If Yes: Receipt No: _____ Amount: £ _____ Date: _____

Date Application Form passed to Data Protection Officer: _____

Date received by Data Protection Officer: _____

Date Service Unit(s) requested to commence search: _____

Date search completed and applicant sent results: _____