

## North East Derbyshire District Council

### Privacy statement

North East Derbyshire District Council processes personal data to carry out its functions and services. This privacy statement explains some important information covering how we use personal information generally. We will also be developing some separate statements covering specific service areas.

#### What information do we collect?

We collect personal information when needed from individuals to provide services and carry out statutory functions. Examples include:

- Registering an individual for council tax billing purposes
- Assessing whether an individual is entitled to housing benefit when they apply
- Providing an assisted bin service for disabled residents
- Providing homelessness support to an individual

We may also collect information when you complete customer surveys, provide feedback and participate in competitions.

The personal information collected will vary according to the service and function. Examples include:

- Name
- Address
- Contact details
- Financial information
- Payment details
- Health information
- Statistical data e.g. age, race, gender
- Images through CCTV recordings

We endeavour to collect only the personal information that we need for the purpose it has been provided for.

#### How will we use the information?

We use the information to provide services to individuals. Very often at the time of providing the information it will be obvious to you how we intend to use the information e.g. to report a missed bin collection.

We will make information available to you about how we will use your personal information. This may be done:

- Orally – face to face or when you speak to someone on the telephone
- In writing – on forms such as job application, housing benefit application, printed media e.g. council newspaper, leaflet, printed adverts
- Through signage – an information poster in a public area, notices regarding CCTV
- Electronically – in emails, on websites, in text messages, through online applications

When we collect sensitive and/or important information from you we will actively tell you about how it will be used at the point of collection.

Your information will be used by those service teams needed to provide the service that you have requested. It will not be used for any other purpose unless we have agreed this with you. The only exception to this would be if we were required by law to provide your personal data.

If not providing your personal information to us has possible consequences then we will tell you this for example, if we are unable to process an application for a service.

### **Legal basis for processing**

The law requires us to have a lawful basis for processing personal data.

As a public authority most of the personal data processing that we do will be necessary to perform a task carried out in the public interest, to exercise our statutory duties – this is known as **public task** under the General Data Protection Regulation (GDPR). Examples include to register an individual for council tax purposes, to assess an individual's eligibility for housing benefit, to process an individual's right to vote.

On occasions when these provisions do not apply then we would usually rely on 'consent' for the legal basis for processing.

### **Consent**

Sometimes you will need to give us consent to process your personal information. When relying on consent we will:

- Be clear about this
- Ask you to positively opt-in
- Give you sufficient information to make an informed choice
- Advise you of your right to withdraw your consent at any time and how to do this

For children and young people under 16 years of age we will need the consent of the parent/guardian to process the individual's personal data.

Under data protection regulation there are a further four legal bases:

**Contract** – the processing is necessary for a contract we have with an individual, or because they have asked us to take specific steps before entering into a contract.

**Legal obligation** – the processing is necessary for us to comply with the law (not including contractual obligations). Sometimes we are required by law to disclose personal information.

**Vital interests** – the processing is necessary to protect someone's life

**Legitimate interests** – the processing is necessary for the Council's legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. This condition can only be used by us for processing which falls outside of performing our official/public tasks e.g. the use of CCTV on our buildings for health and safety, crime prevention purposes.

When we process sensitive personal data (known as 'special category' under General Data Protection Regulation GDPR) – race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life or sexual orientation – we have to comply with an additional condition for processing. These are listed under Article 9 General Data Protection Regulation (GDPR).

## **Marketing**

Sometimes we may wish to send you information about services which may be of interest to you. If you have consented to receive marketing, you may opt out at a later date.

You have a right at any time to stop us from contacting you for marketing purposes.

If you no longer wish to be contacted for marketing purposes please use the option to stop given in the marketing communication.

## **Who receives my personal information?**

Your personal information will only be shared with those service teams who need the information to provide the service that you have requested. The law only allows us to use your personal information for the purpose it was given. If we would like to use your personal information for another purpose then we would need to notify you of this and seek your consent. The only exception to this is disclosures required by law where an exemption exists under data protection regulation.

## **Sharing your personal data**

If we need to share your personal data with other parties (external to the Council) then we will tell you this at the time of collecting the information from you.

## **Transferring your personal data**

Personal data which the council processes itself is held on UK servers. When using an external provider for processing e.g. storing customer records, it is our policy to use companies which have UK or EU based servers to receive the safeguards contained within UK data protection law and reciprocated across the European Union.

## **How do we protect your personal information?**

We take the security of your data seriously. We have internal policies and controls in place to safeguard personal data. This includes access restrictions to systems containing personal information, employee training and awareness, ICT security controls and protocols, confidential waste collection and destruction, and documentation including personal data audits and, guidance.

Where we engage third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

### **How long do we keep your personal information?**

This depends on the type of record we hold, for example an application form, a letter from a customer. Retention periods are determined by business or legal needs. It is our policy not to hold records any longer than necessary whilst complying with any legal requirements and providing sound business records.

The Council has a retention schedule which contains its main record types and the length of time the record type will be kept. If you would like further information on this then please email [FOI@ne-derbyshire.gov.uk](mailto:FOI@ne-derbyshire.gov.uk).

We encourage the inclusion of retention periods in our privacy notices and statements when this is practical and/or helpful to do.

### **Access to your information and other individual rights**

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your personal information please email [FOI@ne-derbyshire.gov.uk](mailto:FOI@ne-derbyshire.gov.uk) or write to us at the following address.

North East Derbyshire District Council  
District Council Offices  
2013 Mill Lane  
Wingerworth  
S42 6NG

There is also information on our website – search '[data protection](#)'.

You also have other rights under data protection regulation which include rights to rectification, erasure, to restrict processing, data portability, to object, and to prevent automated decision making. Some of these rights are affected by the legal basis for processing which the Council is using, for example the rights to erasure and portability do not apply when processing your personal data for official public functions. More information of your rights is available on our website.

To exercise your rights please use the contacts details noted in the first instance.

### **Automated decision-making**

We do not make any decisions about individuals by automated means alone. All decisions involve an appropriately experienced/qualified person(s).

### **How to contact us**

Please contact us if you have any question about this privacy statement or information we hold on you:

- By email – [FOI@ne-derbyshire.gov.uk](mailto:FOI@ne-derbyshire.gov.uk)
- Or write to us at: North East Derbyshire District Council, District Council Offices, 2013 Mill Lane, Wingerworth, S42 6NG

The Council's Data Protection Officer is Kath Drury, email [kath.drury@bolsover.gov.uk](mailto:kath.drury@bolsover.gov.uk) or telephone 01246 242280.

You also have a right to make a complaint to the Information Commissioner's Office about concerns you may have about your personal data.

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113

[www.ico.org.uk](http://www.ico.org.uk)

You may wish to raise any complaint or concern with us first by contacting the Council's Data Protection Officer or using the Council's [complaint](#) system.