



## Gloucestershire County Council Data Protection Policy

### 1. Scope

In order to operate efficiently, Gloucestershire County Council (the council) has to collect and use information about people with whom it works. These include but are not limited to; members of the public, service users, current, past and prospective employees, clients, customers, contractors, suppliers and partner organisations. In addition, the council may be required by law to collect and use information in order to comply with the requirements of central government.

Personal information must be handled and dealt with properly, no matter how it is collected, recorded and used, and whether it is on paper, in computer records or recorded by any other means.

The council regards the lawful and correct treatment of personal information as critical to its successful operations, maintaining confidence between the council and those with whom it carries out business. The council will ensure that it treats personal information correctly in accordance with the law.

The council fully endorses and adheres to the principles of data protection as set out in the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR).

This policy applies to all employees, elected Members, contractors, agents and representatives and temporary staff, working for or on behalf of the council.

This policy applies to all personal information collected, created or held by the council, in whatever format. For example, paper, electronic, email, microfiche, film and however it is stored, e.g. ICT system/database, G:, S: and P: drive filing structure, email, filing cabinet, shelving and personal filing drawers.

This policy does not apply to information held by schools. If a request concerns GDPR in a school or a wish to access school records, the requester should contact the Head Teacher of the relevant school.

Elected Members should note that they are also data controllers in their own right, and are responsible for ensuring any personal information they hold/use in their role as Elected Members is treated in accordance with the GDPR.

The GDPR does not apply to information about a person if they are deceased.

The DPA 2018 requires the council to maintain an 'appropriate policy document' that sets out how it will protect personal and special category (sensitive) data. This Data Protection Policy and our Special Category Data Protection Policy meets the requirements of Schedule 1 of DPA 2018. The Criminal Convictions Data Policy constitutes the 'appropriate policy document' for personal data relating to criminal convictions. These can be found on our website at [information management and security policies](#).

## 2. The principles of data protection

The GDPR states that anyone processing personal data must comply with **seven principles**. These principles are legally enforceable.

The principles require that personal information:

- 1 Shall be processed lawfully, fairly and transparently;  
The council will:
  - ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful.
  - only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing.
  - ensure that data subjects receive full privacy information so that any processing of personal data is transparent.
- 2 Shall be processed specifically, explicitly and legitimately;  
The council will:
  - Only collect personal data for specified, explicit and legitimate purposes, and we will inform data subjects what those purposes are in a privacy notice.
  - Not use personal data for purposes that are incompatible with the purposes for which it was collected. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.
- 3 Shall be adequate, relevant and not excessive;
  - Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
  - The council will only collect the minimum personal data that we need for the purpose for which it is collected. We will ensure that the data we collect is adequate and relevant.
- 4 Shall be accurate and kept up to date;

- The council will ensure that personal data is accurate, and kept up to date where necessary. We will take particular care to do this where our use of the personal data has a significant impact on individuals.
- 5 Shall be kept for no longer than is necessary;
- The council will only keep personal data in identifiable form as long as is necessary for the purposes for which it is collected, or where we have a legal obligation to do so. Once we no longer need personal data it shall be deleted or rendered permanently anonymous.
- 6 Shall be processed in a manner that ensures appropriate security, and;
- The council will ensure that there are appropriate organisational and technical measures in place to protect personal data.
- 7 The council shall be able to demonstrate compliance with the above.  
The council will:
- ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request.
  - carry out a Data Protection Impact Assessment (DPIA) for any high risk personal data processing, and consult the Information Commissioner if appropriate.
  - ensure that a Data Protection Officer (DPO) is appointed to provide independent advice and monitoring of the council's personal data handling, and that this person has access to report to the highest management level of the council.
  - have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection law.

The GDPR provides conditions for the processing of any personal data that must be met. It also makes a distinction between **personal data**, **“special category” (sensitive) personal data and criminal conviction personal data** (see glossary for definitions). Special category personal data requires stricter conditions for processing. For guidance on how the council processes special category and criminal conviction personal data please refer to the relevant data protection policies which can be found on our website at [information management and security policies](#).

### 3. Responsibilities

Gloucestershire County Council is a data controller under the GDPR.

The Corporate Leadership Team (CLT) is responsible for ensuring compliance with this policy.

Senior Managers are responsible for ensuring that their business areas have processes and procedures in place that comply with the GDPR and this policy. They are

responsible for ensuring that data is appropriately protected or that controls are in place to prevent access by unauthorised personnel, and that data cannot be tampered with, lost or damaged. They are also responsible for ensuring that Information Assets have an appropriate nominated owner.

The Information Management Service is responsible for providing day to day advice and guidance to support the council in complying with the GDPR and this policy.

Each Information Compliance Champion shall promote good practice and assist their Senior Managers in ensuring compliance with the GDPR and this policy. The nomination of such a person shall not release other members of staff from compliance with the GDPR and this policy.

[Information Asset Owners](#) are responsible for ensuring that the information contained within their systems (paper or electronic) is accessed and shared appropriately and in accordance with the Data Protection Act.

The council appoints [Caldicott Guardian/s and Angel/s](#) to provide advice to ensure that where personal information is shared (particularly in relation to patients, children and vulnerable adults) it is done properly, legally and ethically.

All members of staff, contractors and elected Members who hold or collect personal data are responsible for their own compliance, and must ensure that personal and/or special category information is kept and used in accordance with the GDPR and this policy. In particular, staff must not attempt to access personal data that they are not authorised to view. Failure to comply with the GDPR may result in disciplinary action which could further lead to dismissal and, in some cases, criminal proceedings/prosecution.

#### 4. **Related policies**

This policy should be read in conjunction with the following policies which can be found on the Council's [information management and security policies webpage](#).

- Special Category data policy
- The Information Rights Policy
- The Freedom of Information and Environmental Information Regulations Policy;
- The Incident Management Policy;
- The Information Compliance Complaints Procedure;
- The Information Security Policy;
- Information IT Access Policy;
- Information Protection and Handling Standards;
- Access to Deceased Person's Records Policy
- [Code of Conduct](#)

#### 5. **Agents, partner organisations and contractors**

If a contractor, partner organisation or agent of the council is appointed or engaged to collect, hold, process or deal with personal data on behalf of the council, or if they will

do so as part of the services they provide to the council, the lead council officer must ensure that appropriate contractual clauses for security and Data Protection requirements are in place, and that personal data is kept and used in accordance with the principles of the GDPR and this policy.

A data confidentiality agreement must be in place prior to a third party being given access to personal information to undertake work that is not under contract, e.g. as part of the tender/procurement process.

## **6. Information sharing**

The council may share information when it is in the best interests of the data subject and when failure to share information may carry risks to vulnerable groups and/or individuals. This must be done in a secure and appropriate manner. The council will be transparent and as open as possible about how and with whom data is shared; with what authority; and for what purpose; and with what protections and safeguards.

When information is shared with other organisations or partners, a specific information sharing agreement should be put in place and signed by all parties. Responsibility for its implementation lies with the Information Asset Owner. Examples of existing agreements can be found at <http://www.gloucestershire.gov.uk/council-and-democracy/data-protection/information-sharing/>

Further detail is provided in 'Guidance - Information Management and Security in Commissioning and Partnerships' which is available at <https://staffnet.gloucestershire.gov.uk/internal-services/information-management-service/information-management-and-security-in-contracts/>

## **7. Disclosure of personal information about third parties**

The personal data of a third party must not be disclosed, except in accordance with the GDPR. If you believe it is necessary to disclose information about a third party to a person requesting data, you must first seek advice from the [Information Management Service](#).

## **8. Disclosure of personal information to a third party**

See [Disclosure of Personal Information to Third Parties Policy](#) for details regarding when/if it is appropriate to share personal data with a third party.

## **9. Data quality, integrity and retention**

Personal data must be accurate and where necessary kept up to date. Staff should ensure they are aware of the Council's [Information and Data Management Strategy](#) and its associated Data Quality standards.

All staff that are responsible for recording person-identifiable data in Council systems should only do so following the completion of appropriate training.

Personal data must not be kept for longer than is necessary, therefore all areas of the Council must ensure they have appropriate [retention schedules](#) in place, and that these are adhered to.

The council will ensure that where special category or criminal convictions personal data is processed:

- there is a record of that processing, and that record will set out, where possible, the envisaged time limits for erasure of the different categories of data.
- that when it is no longer required for the purpose for which it was collected, it will be deleted or rendered permanently anonymous.
- data subjects receive full privacy information about how their data will be handled, where necessary, and that this will include the period for which the personal data will be stored, or if that is not possible, the criteria used to determine that period.

## 10. **Data Protection Impact Assessment (DPIA)**

The GDPR specifically identifies certain situations where a data protection impact assessment is required. A DPIA looks at high risk processing and requires Information Asset Owners to assess the necessity, lawfulness, security and risks of the processing.

Teams must complete a DPIA when utilising:

- **Systematic and extensive profiling with significant effects**
- **Large scale use of sensitive and/or Special Category data**
- **Public monitoring**
- **New technologies**
- **Denial of service** (see glossary)
- **Large-scale profiling**
- **Biometrics**
- **Genetic data**
- **Data matching**
- **Invisible processing** (see glossary)
- **Targeting of children or other vulnerable individuals**
- **Risk of physical harm**

DPIAs will then be reviewed by the council's Data Protection Officer (DPO) ([dpo@gloucestershire.gov.uk](mailto:dpo@gloucestershire.gov.uk)), or a member of the Information Assurance team if the remaining risks are not assessed to be high. They must be kept under review by the service area and the DPO must be updated when there are changes being considered.

The DPO (or member of the Information Assurance Team) must review DPIAs in order to ensure they are aware of the risks of the processing, while the relevant Information Asset Owner must sign off DPIAs in order to ensure an acceptance of associated risks. The Information Management Service will maintain a log of all DPIAs completed.

For more information on DPIAs and how to complete one, visit <https://staffnet.gloucestershire.gov.uk/internal-services/information-management-service/data-protection-impact-assessments/>

## 11. Individual's rights

Refer to the Information Rights Policy for details regarding individual's rights and access to their information. The Information Rights Policy and further supporting procedures can be found on the council's website by visiting <http://www.gloucestershire.gov.uk/council-and-democracy/data-protection/requesting-access-to-your-personal-information/>

## 12. Complaints

Complaints about how the council processes data under the GDPR and responses to subject access requests are dealt with using the council's [Information Compliance Complaints Procedure](#).

## 13. Notification

The GDPR requires every data controller processing personal data to notify and renew their notification on an annual basis. Failure to do so is a criminal offence. The Information Commissioner maintains a public [register of data controllers](#), on which Gloucestershire County Council is registered.

There are other services within GCC that are required to register with the ICO. These include:

- Superintendent Registrar - ZA300297
- Gloucestershire Youth Offending Service - Z6385303

GCC's DPO will ensure payments are made on behalf of these services, however each of these needs to be aware of their ICO registration number and confirmation that their annual payment has been made.

The Information Management Service will renew the Data Protection Register annually. Staff and elected Members should notify the Information Management Service of any change to the processing of personal data so the register can be amended accordingly.

## 14. Breach of policy

Any breach of this policy should be investigated in accordance with the mandatory procedures specified in the [Incident Management Policy](#). The council will always treat

any data breach as a serious issue, potentially warranting a disciplinary investigation. Each incident will be investigated and judged on its individual circumstances, addressed accordingly and carried out in line with the employee code of conduct.

## 15. Review of policy

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 3 years.

## 16. Contacting the Information Management Service

### Via Post:

The Information Management Service  
 Gloucestershire County Council  
 Shire Hall  
 Westgate Street  
 Gloucester, GL1 2TG

### Via Email:

[dpo@gloucestershire.gov.uk](mailto:dpo@gloucestershire.gov.uk)

Phone: 01452 32 4000

## 17. Abbreviations

Abbreviation	Description
CLT	Corporate Leadership Team
DPO	Data Protection Officer
GDPR	General Data Protection Regulation
FoIA	Freedom of Information Act 2000
ICT	Information and Communications Technology
SAR	Subject Access Request

## 18. Glossary

<b>Caldicott Guardians</b>	Named senior officers in the Council who ensure that personal information is processed properly, legally and ethically.
<b>Criminal Conviction Personal Data</b>	Personal data relating to criminal convictions and offences or related security measures.
<b>Data Controller</b>	The individual or the legal person who controls and is responsible for the keeping and use of personal information on computer or in structured manual files.
<b>Data Subject</b>	The individual who the data or information is about
<b>Denial of service</b>	Decisions about access to a product, service, opportunity or benefit which involves automated decision-making (including profiling) or involves the processing of special category data.
<b>Information Asset Owner</b>	An Information Asset Owner is a member of staff whose seniority is appropriate for the value of the asset they own. Information owners are business managers who operationally own the information contained in their systems (paper and/or electronic). Their role is to understand what information is held, how it is used and transferred, and who has access to it and why, in order for business to be transacted within an acceptable

	level of risk.
<b>Information Commissioner</b>	The independent person who has responsibility to see that the GDPR is complied with. They can give advice on data protection issues and can enforce measures against individuals or organisations who do not comply with the GDPR.
<b>Invisible processing</b>	You obtain personal data from somewhere other than directly from the individual themselves, and you don't provide them with the privacy information.
<b>Notified Purposes</b>	The purposes for which the Council is entitled to process that data under its notification with the Office of the Information Commissioner.
<b>Personal Data</b>	Defined in s(1) of the GDPR, as 'data which relates to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of the data controller' (the Council is a data controller), and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other in respect of the individual.
<b>Processing</b>	Covers a broad range of activities, and is expected that any use of personal information or data by the Council will amount to processing.
<b>Processed fairly and lawfully</b>	Data must be processed in accordance with the 3 provisions of the GDPR. These are the data protection principles, the rights of the individual, and notification.
<b>Senior Managers</b>	Group Directors, Directors, Lead Commissioners, Operations Leads and Heads of Service
<b>Special Category (sensitive) Data</b>	Information about racial or ethnic origin, sexual life or sexual orientation, biometric and genetic data, religious beliefs (or similar), physical or mental health/condition, membership of a trade union, political opinions or beliefs, details of proceedings in connection with an offence or an alleged offence.
<b>Subject Access Request</b>	An individual's request for personal data under the Data Protection Act 2018.

## 19. Document information

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## 20. Version history

Version	Version date	Summary of Changes
5-1	June 2016	Updated web links and contact details.
5-2	December 2016	Updated links due to new ICT pages.
5-3	May 2018	Review for GDPR. Updated principles. Updated links to new IMS pages. Updated reference to Data Protection Act 2018.
5-4	October 2019	General review. Updated hyperlinks. Amended related policies. Minor formatting changes.

5-5	August 2020	General review. Inserted DPIA requirements. Made amendments and inserted reference to data protection and special category data policies.
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