

Elected Members' Privacy Standard

Elected Members have 3 different roles:

- As a member of the council
- As a representative of residents in their ward/division
- As a representative of a political party

In line with the Members' Code of Conduct available at <https://www.gloucestershire.gov.uk/constitution/part-5-members-code-of-conduct/members-code-of-conduct/#main>, Elected Members will process the personal information of the residents within their division.

As part of their work in the community Elected Members of Gloucestershire County Council will contact officers of the council and other organisations on their constituents' behalf to investigate concerns and respond to enquiries.

Legal basis for using personal information

The General Data Protection Regulation (GDPR) allows the collection and use of personal information in this way when an Elected Member is working in their official role as a local councillor. Under GDPR this falls under Article 6(1)(e) and is known as performance of a public task.

Elected Members are not permitted to use personal information held in relation to council business for political purposes. When undertaking any form of political campaigning, Elected Members can only use personal information legitimately held by their party, for example names and addresses held on the electoral register or mailing lists where the personal information has been given with the consent of the individuals concerned; this falls under Article 6(1)(a) of the GDPR.

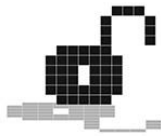
Collecting personal information

When undertaking constituency work, an Elected Member may collect any or all of the following information in order to support a local resident:

- Name
- Address
- Contact Phone Number
- Email address

In some cases, when assisting with specific issues or specific organisations, they may also need more information such as:

- Date of birth
- National insurance number
- Signature
- Information about health needs
- Details of family members



Occasionally an Elected Member might handle special category data such as medical or social care information. Under GDPR this will either be because the processing meets the health and social care purposes detailed under Article 9(2)(h), or because the individual has given their explicit consent to the processing [Article 9(2)(a)].

Elected Members will collect information from their constituents in a number of ways, for example:

- Through meetings in the community or at a surgery
- Through telephone calls, emails or letters they receive

Using personal information

Elected Members will use personal information to:

- investigate and respond to requests for advice, guidance or information.
- investigate and respond to enquiries or complaints.

Keeping personal information

If an Elected Member collects personal information whilst supporting a local resident, they will keep information relevant to that case for 3 years, unless there is a reason to keep it for longer, for instance if required to do so by law or under a legal obligation.

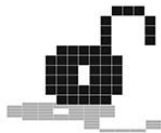
Some personal information such as that associated with minor correspondence used to schedule a meeting, will be held for less time.

Any information held at the end of an Elected Member's term in office is either passed to the appropriate council representative or securely destroyed.

Sharing personal information

If an Elected Member needs to share personal data with relevant organisations or bodies in order to deal with a constituent's issues, wherever possible they will inform the individual when this has been done. Relevant organisations include District Councils, the NHS, the Police, etc.

However, in some cases such as a public interest issue, an investigation or police matter or legal proceedings this may not be possible. Schedules 2 & 3 of the Data Protection Act 2018 provides a number of exemptions from GDPR that make this possible.



Securing personal information

Elected Members are expected to keep any personal information given to them securely. In addition to the security provided on council devices, they will safeguard access to any information they hold, no matter what the format.

Processing personal information overseas

Elected Members won't usually send personal information outside the European Economic Area (EEA). If they have to for any reason (such as using cloud computing servers with overseas data centres), they must inform constituents, and ensure that it is done within the appropriate procedures and safeguards as set down by the Information Commissioner's Office (the body that regulates data protection).

Using personal information for marketing

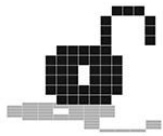
Elected Members will not use personal information or pass it to another organisation for marketing or sales purposes without an individual's prior express consent, this includes when campaigning on behalf of their political party.

Individuals' rights

An individual's information rights are set out in the law. Subject to some legal exceptions, they have the right to:

- request that information held by an Elected Member is corrected if they believe it is inaccurate or incomplete. An Elected Member may not always be able to change the information, however they will correct factual inaccuracies and may include an individual's comments in their records;
- request that an Elected Member delete their information when there is no compelling reason for them to continue using it. However, in certain situations the Elected Member will still be allowed to keep and use the information, even when they have received a request that it should be erased;
- object to an Elected Member using their information if they feel they have used it outside their remit. However, in certain situations they will still be allowed to use the information if there are compelling legitimate grounds to do so.
- easily withdraw consent to the processing of their information at any time, if consent was the legal basis on which it was originally collected.

An individual also have the right to request a copy of the personal information an Elected Member holds about them. To do this, they should contact the County Council using this link <https://www.gloucestershire.gov.uk/council-and-democracy/data-protection/requesting-access-to-your-personal-information/>



More information about these rights can be found on the Information Commissioner's Office (ICO) website at <https://ico.org.uk/>

To make a complaint about an Elected Member's use of personal data contact the ICO by visiting their website or by calling 0303 123 1113.

Contact details for all Gloucestershire County Council Elected Members can be found at: <https://glostext.gloucestershire.gov.uk/mgCommitteeMailingList.aspx?ID=0>