



**Winchester**  
City Council

## **DATA PROTECTION POLICY**

## **WINCHESTER CITY COUNCIL**

**Document Title:**

Data Protection Policy

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**Revision History**

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Version	Revision Date	Summary of Change	Distribution
1.0	08/03/16		Internet Intranet
2.0	05/12/18	To incorporate changes in data protection legislation under GDPR and the DPA 2018	Internet Intranet
3.0	03/05/23	Review and update	Internet Intranet

# WINCHESTER CITY COUNCIL

## DATA PROTECTION POLICY

### 1.0 INTRODUCTION

- 1.1 This is the Data Protection Policy of Winchester City Council (the Council) and it applies to all employees, elected members, public representatives, business partners, agents and third parties acting on the Council's behalf.
- 1.2 The Policy has been reviewed and updated to reflect the changes to Data Protection legislation brought about following the UK's departure from the EU. The General Data Protection Regulation (GDPR) is retained in domestic law as the UK GDPR which came into effect on 1 January 2021 but the UK has the independence to keep the framework under review. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 (DPA). The key principles, rights and obligations remain the same. The UK GDPR and DPA are referred to together as the Data Protection Legislation (DPL).
- 1.3 On 28 June 2021, the EU Commission recognized the UK data protection regime as "adequate" meaning that it offers an equivalent protection to that in the EU. Therefore transfers between the UK, EU, EEA and other countries whose data protection regime is similarly recognized, may continue as before.
- 1.4 The Council is the data controller for the personal information it holds, meaning that it decides why and how personal information will be processed.
- 1.5 The Council needs to collect, use and store certain types of information about the people we deal with in order to carry out our business as a local authority. These people include current, past and prospective employees, suppliers, clients/customers and others. In addition, the Council may sometimes be required by law to collect and use certain types of personal information to comply with Government requirements. Personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer or recorded on other material such as CCTV.
- 1.6 The Council regards the lawful and correct treatment of personal information as very important in order to maintain confidence between us and the people we deal with. We ensure that the Council treats personal information lawfully and correctly with due regard to the rights and freedoms of individuals.
- 1.7 The Council therefore complies with the seven Data Protection Principles (the Principles), set out in Article 5 of the UK GDPR and sections 35 to 40 of the DPA.

- 1.8 Data controllers are also required under the DPL to incorporate Data Protection by design and by default. This means that the Council must ensure that new or changed processing complies with the Principles (protection by design) and that measures are integrated into its existing processing to ensure compliance with the Principles (protection by default).

## 2.0 DATA PROTECTION PRINCIPLES

The Data Protection Principles (the Principles) are:

Article 5(1)

**Principle 1** - Personal information shall be processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency').

**Principle 2** - Personal information shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation').

**Principle 3** - Personal information shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed ('data minimisation').

**Principle 4** - Personal information shall be accurate and, where necessary, kept up to date ('accuracy').

**Principle 5** - Personal information shall be kept in a form which permits identification of people for no longer than is necessary for the purposes for which the personal information is processed ('storage limitation').

**Principle 6** - Personal information shall be processed in a manner that ensures appropriate security of the personal information, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

Article 5(2)

**Principle 7**- In addition to the six above, Article 5(2) sets out the requirement, referred to as the Accountability Principle, for data controllers to be able to demonstrate that they comply with the Principles. This means that the Council must keep records of all personal information processing and be able to provide these to the Information Commissioner on request.

### 3.0 WHAT THE COUNCIL WILL DO

#### 3.1 The Council will:

- Observe fully the conditions for fair collection and use of personal information to ensure processing is lawful and will do so in a transparent manner.
- Using privacy notices available on the Council's website, recorded telephone announcements or such other means as are appropriate, meet its legal obligations to specify the purposes for which information is used and to inform people of changes to the purposes.
- Collect and process only as much personal information as is needed for the purposes for which it is collected and used to enable us to carry out our business as a local authority or to comply with any legal requirements.
- Ensure the quality of information we use is accurate and kept up to date.
- Ensure that we do not keep personal information for any longer than we need to (and in accordance with our Retention and Disposal Schedule).
- Ensure that appropriate security measures are taken, both technically & organisationally, to protect against damage, loss or abuse of personal information in accordance with the Council's Information Management and Technology (IMT) Security and Conduct Policy and Records Management Policy.
- Guarantee that people can exercise their rights under the DPL (these include the right to be informed whether processing is being undertaken, the right to access information that we hold about them, the right to object to processing, the right to rectify, restrict the use of or erase personal information, the right to data portability and rights relating to automated decision making and profiling) and that the Council complies with its obligations when dealing with requests from people wishing to exercise their rights.
- Ensure that personal information is not transferred abroad without suitable safeguards.
- Maintain a central log of data protection breaches, investigate all breaches that are reported and take appropriate steps to prevent recurrence.
- Report personal data breaches to the Information Commissioner and people affected as required under the DPL.

- Ensure that it has a designated Data Protection Officer, whose role is to inform and advise the Council about its data protection obligations, monitoring and advising on processing of personal information and be the first point of contact with the Information Commissioner's Office.
- Ensure that the Council's Data Protection Registration is kept up to date (the Registration number is Z5730734).
- Ensure CCTV systems are used in compliance with the DPL and guidance issued by the Government, the Information Commissioner and the Surveillance Camera Commissioner.
- Ensure the privacy of our employees and customers and people that we deal with.
- Regularly review this policy and safeguards that relate to it, to ensure that the contents are still relevant, efficient and effective.

3.2 The Council will ensure that in accordance with the Accountability Principle it will:

- Ensure that records are kept of all personal information processing activities and that these are provided to the Information Commissioner on request.
- Carry out a Data Protection Impact Assessment for any high risk personal information processing and consult the Information Commissioner if appropriate.
- Have in place internal processes to ensure that personal information is only processed in a way that is compliant with the DPL.

3.3 The Council will ensure that in accordance with requirements to protect personal information by default and by design it will:

- Put in place appropriate technical and organisational measures to implement the Principles and safeguard individual rights.
- Integrate into its existing processing, measures to ensure data minimisation, so that only the necessary amount of personal information is processed and only for as long as necessary (protection by default).

- Address compliance with the Principles upfront before any new or changed processing takes place so that processing continues to uphold the Principles (protection by design).

#### 3.4 When disclosing personal information to third parties the Council will:

- Ensure disclosure is made in accordance with the DPL, such as under a court order, in relation to prevention and detection of crime and apprehension/prosecution of an offender or the collection of tax/duties,
- If sharing personal information with another data controller, ensure the sharing complies with the DPL and, where appropriate, will enter into a data sharing agreement with the other data controller.
- If engaging a third party to process personal information on its behalf, ensure the third party is suitable to act as a processor for the Council and enter into a written agreement with the processor as required by the DPL.

#### 3.5 The Council will additionally ensure that:

- Everyone managing and handling personal information understands that they are responsible for following good data protection practice and may be subject to disciplinary or criminal measures for deliberate, negligent or reckless mishandling of personal information.
- Everyone managing and handling personal information is appropriately trained to do so.
- Everyone managing and handling personal information is appropriately supervised.
- Everyone handling enquiries about processing personal information knows what to do.
- Queries about processing personal information are promptly and courteously dealt with.
- A regular review and audit is made of the way personal information is managed.
- Methods of processing personal information are regularly assessed.

## 4.0 **SUMMARY**

#### 4.1 When we ask you for personal information, the Council will:

- Ensure it has a legal basis for obtaining your personal information.
- Ensure you know why we need it.
- Keep it safe and make sure nobody has access to it that should not have.

- Ensure that no one discloses it without authority.
- Ensure you know whether you have a choice about giving us personal information.
- Let you know if we need to share the personal information with other organisations to give you better public services – and whether you can say no.
- Make sure we do not keep the information longer than necessary.
- Process your personal information in accordance with the DPL.

4.2 The Council will let you know if the purpose for using your personal information changes.

4.3 In return we ask you to:

- Give us accurate information.
- Tell us as soon as possible of any changes.
- Tell us as soon as possible if you notice mistakes in the information we hold about you, as this helps us keep our information reliable and up to date.

## 5.0 FURTHER INFORMATION

5.1 If you wish to be supplied with personal information we hold about you (a subject access request), or if you have any queries or complaints please write to the Data Protection Officer, Winchester City Council, City Offices, Colebrook Street, Winchester, Hampshire SO23 9LJ or to [legal@winchester.gov.uk](mailto:legal@winchester.gov.uk).

5.2 If you would like to see the Council's Data Protection Registration details, as notified to the Information Commissioner, you can visit the Information Commissioner's website ([www.ico.org.uk](http://www.ico.org.uk)) and enter the Council's registration number **Z5730734** in the appropriate box.

5.3 For more information about the Council and Data Protection please visit our website at <http://www.winchester.gov.uk/about/data-protection-privacy>.

5.4 For independent advice about Data Protection, please contact the Information Commissioner:



**By Post:**

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**By Phone:** 0303 123 1113 (local rate)

**By Email:** [casework@ico.org.uk](mailto:casework@ico.org.uk)