

## **Data Protection Policy** *(in accordance with HCC)*

### **Introduction**

The Data Protection Act 1998 is designed to protect the privacy of individuals and to ensure that personal data is processed fairly and lawfully.

It protects personal data by setting terms and conditions that all staff must follow when processing details about any living individual. You can read about these in section 7 of the Act.

### **What is 'Personal Data'?**

Personal data is anything that identifies a living person and includes:

- a name and address, telephone number
- financial information
- a national insurance number
- a birth certificate
- a passport
- a driving licence
- a personal email address
- CCTV images
- sensitive details, such as religion, health records, or ethnic origin

### **What is 'Sensitive Personal Data'?**

Sensitive personal data is identified separately in the Act because further conditions need

to be applied before it can be used.

Explicit consent from the person concerned is usually required before those details can be shared or passed to others in order to provide a particular service.

Of course there are times when our 'duty of care' or legal duty requires us to inform others, perhaps for example, following an assessment of identified risks relating to a specific individual.

### **Data Protection Act 1998**

The Act sets out terms and conditions for processing personal data.

- The 8 principles provide the framework of the legislation.
  - The County Council has a Data Protection Policy which requires staff to work according to the Principles. Rights of individuals provided by the Act
- Everyone has the right to access their own personal data, to be sure the information held

by an organisation is correct, to know the purpose it is being used for and if it is being shared with any third parties (Section 7 of the Act)

- As an employee of Hampshire County Council you have the right to access your personal data, which is held for employment purposes. (This does not include information processed by you as part of your role at work)
- Speak to your manager or H.R. representative if you wish to see your own personal records and if your circumstances change, e.g. you move home, please ensure you notify your Manager in order to maintain accuracy of the information that we hold about you.

### **What Are The Eight Principles of the Act?**

All employees must process personal data in accordance with the Eight Principles of the Data Protection Act.

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless -
  - a.) at least one of the conditions in Schedule 2 is met, and
  - b.) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met (conditions in Schedules 2 and 3 – found at [http://www.opsi.gov.uk/acts/acts1998/ukpga\\_19980029\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_1))
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of the data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **Applying to see personal data**

#### Subject Access Request (SAR)

- Members of the public requesting disclosure of their personal data held by the County Council must complete the relevant SAR form. This needs to be returned together with evidence of identification along with the £10 fee to the Data Protection

Officer or to the Information Processing Team at Nuance Global House, Eastleigh, if records from Children's & Adults Services are being requested.

- Current staff are not required to pay the fee and can make an informal request through their manager or H.R. representative.

### **Protecting Yourself...**

If you do not wish to receive advertising literature through direct mailing, you also have the right to inform the data controller (Organisation) in writing, and to agree a reasonable time limit for this to cease.

You can also ensure that your telephone number is no longer available to organisations, including charities and voluntary organisations who may telephone you with offers and information you do not wish to receive.

This can be done by contacting the company directly or you can register with a central register - the Telephone Preference Service. (This is a free service)

### **Processing different types of personal data**

The County Council has a Data Protection policy all staff are required to comply with when processing personal data as part of their role at work.

Processing includes things such as:

- recording and updating personal details
- recording information from telephone calls
- reviewing the file (paper or electronic)
- reading the file or documents
- storing/archiving the file or documents for future use
- discussing any action that needs to be taken
- creating/receiving e-mails or other correspondence

Using a form to collect personal data

Collecting personal details using a form (manual or electronic) requires you to create a 'fair obtaining statement' clearly setting out the purpose it will be used for, who it may be shared with, and if the data is to be stored electronically this must be explained. If you wish to send further information to the person in the future e.g. promotional literature, you must obtain consent to do so.

The person can then make an informed decision about whether or not they wish to complete the form and clearly understands how and why their details will be processed. The Council promotes the use of the Padlock symbol, created by the Information Commissioner, by placing it at the beginning of the statement.

### Collecting personal data over the telephone

When you record names and addresses over the phone in order to answer a query or provide details of one of our services make sure the person understands why you are recording their details, and that it may be necessary to pass contact information to another department.

- If you use an answer-phone to collect enquiries for job application forms you need to be open and fair. E.g. your personal details will only be used to process

your request for an application form. They will not be used for any other purpose or passed on to other organisations.

- The person now makes an informed decision as to whether or not to provide their personal details.

#### Who to contact?

Each Hampshire County Council department has a Data Protection Co-ordinator, who should be your first point of contact for any query.

#### Your responsibilities as an employee

As an employee, you are legally obliged to process data fairly and lawfully, according to the terms and conditions of the Act.

You are required to work according to the Council's Data Protection Policy, which includes the 8 principles of the Act.

Fines of up to £4,000 could result if you knowingly process or misuse personal data without the consent of your employer.

#### Your Responsibilities - Data Security

You are also responsible for ensuring the security of personal data.

- Requests from outside agencies and third parties for disclosure of personal information must not be processed until you have spoken to your manager and data protection coordinator.

You should never give anyone your password, or write it down for others to find or choose a password that could be guessed easily.

- Never leave information about people on your desk when it is not being used.
- Filing cabinets should be kept locked and the keys held in a safe place.
- Always wear your ID badge when in Hampshire County Council's buildings and offer to assist people who are not wearing identification.

You should follow all set working procedures very carefully especially if your job involves processing personal details relating to staff, clients, customers and suppliers.

#### Your Responsibilities - Stored Data

Your department has a Retention Policy providing timescales for different types of records. If you store/save documents, including emails, your intention is to use them at a later date and they would be considered for disclosure if a relevant Subject Access Request is received.

Consider why something is being saved if the processing is complete and either destroy, file or archive the document according to the retention requirements.

For further advice and information on Data Protection, go to

[http://www.ico.gov.uk/for\\_organisations/data\\_protection\\_guide.aspx](http://www.ico.gov.uk/for_organisations/data_protection_guide.aspx)

Signed: (Chair of Governors) \_\_\_\_\_ Date: \_\_\_\_\_