



Data Protection Policy

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Who should use this	All Staff
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1. **Policy Statement**

Ayrshire Valuation Joint Board is committed to a policy of protecting the rights and privacy of individuals (this includes customers, staff and others) in accordance with the Data Protection Act. Ayrshire Valuation Joint Board regards the lawful and correct treatment of personal information as important to its successful operations and to maintaining confidence between the Board and those with whom it carries out business.

This Policy will be published on Sharepoint.

In order to operate, the Board needs to process certain information about members of the public as well as current, past and prospective employees, clients, customers and partner organisations.

The Board may be required by law to collect and use information in order to comply with current legislation. The safeguards within the Data Protection Act 1998 ensure that this personal information is handled and dealt with properly however it is collected, recorded and used and whatever the format of the information.

To comply with the law, information about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

This Policy applies to all staff and of the Board. Any breach of the Data Protection Act 1998 or the Policy is considered to be an offence and disciplinary procedures will apply.

Other agencies and individuals working with the Board, and who have access to personal information, are required to have read, accept and comply with this Policy.

Any external agency processing Board information is expected to have signed a contract agreeing to abide by this Policy.

This Policy applies to all situations where the Board process (collect, store, use, share) personal data about living individuals. It includes information stored in any format including, but not limited to, electronically, on paper, on CCTV, in photographs and on audio equipment.

2.0 **Data Protection Act**

The purpose of the Data Protection Act 1998 is to protect the rights and privacy of living individuals and to ensure that personal data is not processed without their knowledge and, wherever possible, is processed with their consent.

Definitions are provided in Appendix 1 of this document.

3. Responsibilities Under the Act

The Assessor and Electoral Registration Officer for Ayrshire Valuation Joint Board is the Data Controller under the Data Protection Act.

The Head of Valuation Services and Assistant Electoral Registration Officer for Ayrshire Valuation Joint Board is responsible for day-to-day protection matters and for developing specific guidance relating to data protection issues.

The Corporate Governance Forum, Management Team and all Line Managers/Supervisors are responsible for developing and encouraging good information handling practice within the Board.

Compliance with data protection legislation is the responsibility of all who process personal information.

Staff are provided with guidance and training to assist in compliance with this Policy.

4. Provisions of the Act

The Act requires the Board to register as a Data Controller, describing all of the personal data held by the Board and the purposes for which that data is held. The Board must not deal with or process personal data unless it does so in accordance with its registration.

The Board is required to process all personal data held by it in accordance with the eight data protection principles contained within the Act. The data protection principles state that:-

1. Personal data shall be processed fairly and lawfully, i.e. only for the purposes for which it was obtained and with the consent of the data subject (unless an exemption applies).
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 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.

5. Notification

The Information Commissioner maintains a Public Register of Data Controllers. The Data Protection Act 1998 required every Data Controller, who is processing personal data, to notify and renew their notification on an annual basis. Failure to do so is a criminal offence.

Notification is the responsibility of the Head of Valuation Services and Assistant Electoral Registration Officer.

Details of the Board's notification is published on the Information Commissioner's website.

The Board's Registration Number is Z6982129.

6. Data Subject Rights

Data Subjects have the following rights regarding data processing and the data that is recorded about them:-

- To request information regarding the nature of information held and to whom it has been disclosed. This is referred to as the subject making a Subject Access Request.
- To prevent processing likely to cause damage or distress.
- To prevent processing for the purposes of direct marketing.
- To be informed about the mechanics of automated decision making processes that will significantly affect them.

- Not to have significant decisions that will affect them taken solely by automated processes.
- To take action to obtain compensation if they suffer damage by any contravention of the Act
- To take action to rectify, block or erase or destroy inaccurate data.
- To request the Commissioner to assess whether any provision of the Act has been contravened.

7. **Consent**

Wherever possible, personal data or sensitive data should not be obtained, held, used or disclosed unless the individual has given consent. In most instances consent to process personal and sensitive data is obtained routinely by the Board. Forms that gather data on an individual should contain a statement explaining what the information is to be used for and to whom it may be disclosed.

8. **Disclosure of Data**

The Board must ensure that personal data is not disclosed to unauthorised third parties which includes family members, friends, government bodies and, in certain circumstances, the Police. All staff should exercise caution when asked to disclose personal data held on another individual to a third party.

This Policy determines that personal data may be legitimately disclosed where one of the following conditions apply:-

- The individual has given their consent.
- Where the disclosure is in the legitimate interests of the Board.
- Where the Board is legally obliged to disclose the data.
- Where disclosure of data is required for the performance of a contract.

The Act permits certain disclosures without consent in relation to specific purposes.

Unless consent has been obtained from the data subject, information should not be disclosed over the telephone. Instead, the enquirer should be asked to provide documentary evidence to support their request. Ideally a statement from the data subject consenting to disclosure to the third party should accompany the request.

9. Information Security

All staff are responsible for ensuring that any personal data which they hold is kept securely and are not disclosed to any unauthorised person or third party.

10. Retention and Disposal of Data

The Board aims to ensure that data is not retained for longer than is required.

Personal data must be disposed of in a way that protects the rights and privacy of data subjects such as shredding, disposal as confidential waste and secure electronic deletion.

All systems should be reviewed on a regular basis to identify records which are no longer required and therefore destroyed in line with the Board's Retention Schedule.

All systems should be reviewed on a regular basis to comply with the Board's associated Records Management Policies and Procedures.

The Head of Valuation Services and Assistant Electoral Registration Officer has the responsibility of ensuring that all systems are complying with the Board's Records Management Policies and Procedures.

Data

Recorded information including information held in a form which can be processed by computer.

Data Controller

“... A person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed”.

“... It shall be the duty of a data controller to comply with the Data Protection Principles in relation to all personal data with respect to which he/she is the data controller.”

A data controller must be a “person” i.e. a legal person. This term comprises not only individuals but also organisations such as companies and other corporate and unincorporated bodies of persons.

Personal Data

“Personal data” means data which relates to a living individual who can be identified:-

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the Data Controller, and includes any expression of opinion about the individual and any indication of the intentions of the Data Controller or any other person in respect of the individual.

Sensitive Personal Data

The Act defines categories of sensitive personal data, namely, personal data consisting of information as to:-

- (a) the racial or ethnic origins of the data subject
- (b) his political opinions
- (c) his religious beliefs or other beliefs of a similar nature
- (d) whether he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992
- (e) his physical or mental health or condition
- (f) his sexual life
- (g) the commission or alleged commission by him of any offence and
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

Data Subject

An individual who is the subject of personal or sensitive data.

Disclosing

Giving a copy of some or all of the **personal data** relating to an individual to another individual or organisation. The means by which the information is given, e.g. paper copy, magnetic media or over a network etc., is not important.

Processing

Any operation related to the holding, organisation, retrieval, disclosure and deletion of data and includes: obtaining and recording data, accessing, altering, adding to, merging, deleting data, retrieval, consultation or use of data, disclosure or otherwise making available of data.

Third Party

Any individual/organisation other than the data subject, the Data Controller or its agents.

Information Sharing

"Information sharing" is the sharing of sensitive and/or personal information in a closed way between or within organisations as part of integrated working or service delivery. The Board encourages lawful information sharing undertaken in line with best practice, both within the Board and with relevant third parties.

Computer

Any equipment which can process data automatically; and therefore includes PCs, servers, mobile devices and/or any equipment with micro-processor chips which can execute instructions automatically.