

Data Protection

Policy	Data Protection
Process / Guidance	N/A
Purpose To ensure that Oxford City Council complies with the Data Protection Act 1998	

Version Control

Next Review Date:

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1.0	Approved	Apr 2013	Lucy Neville	
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Document Status

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Data Protection Policy

1. Statement of Commitment

- 1.1 Oxford City Council understands the importance of ensuring that personal data, including sensitive personal data is always treated lawfully and appropriately and that the rights of individuals are upheld.
- 1.2 Oxford City Council is required to collect, use and hold personal data about individuals. Data is required for the purposes of carrying out our statutory obligations, delivering services and meeting the needs of individuals that we deal with. This includes current, past and prospective employees, service users, members of the public, Members of the Council, our business partners and other local authorities or public bodies.

2. Policy Objectives

- 2.1 The Data Protection Act 1998 ('the Act') has two principal purposes:
 - 2.11 To regulate the use by those (known as the data controllers) who obtain, hold and process personal data on living individuals, and
 - 2.12 To provide certain rights (for example, of accessing personal information) to those living individuals (known as the data subjects) whose data is held.
- 2.2 The cornerstone of the Act is the eight data protection principles, which prescribe guidelines on the information life-cycle (creation/ acquisition: holding, processing; querying, amending, editing, disclosure or transfer to third parties; and destruction ('the information lifecycle')).

3. Roles and Responsibilities

- 3.1 The Chief Executive of Oxford City Council has overall responsibility for all data held by the Council and for purposes of the Act he is the data controller.
- 3.2 The Council's data protection officer has delegated responsibility to ensure compliance with this data protection policy.
- 3.3 Each Head of Service shall ensure compliance with this policy appropriate to the personal data activities within their remit.
- 3.4 All employees of Oxford City Council must ensure that they have read, understood, and comply with the data protection policy.

4. Data protection Principles:

- 4.1 Oxford City Council fully supports and complies with the eight principles of the Act which are summarised below:
 - 4.1.1 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.
 - 4.1.2 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.
 - 4.1.3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
 - 4.1.4 Personal data shall be accurate and, where necessary, kept up to date.

- 4.1.5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 4.1.6 Personal data shall be processed in accordance with the rights of data subjects under this Act.
- 4.1.7 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.
- 4.1.8 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. Meeting our Policy's Objectives

- 5.1 In order to comply with the requirements of the Data Protection Act 1998, we will ensure that:
 - 5.1.1 Any personal data will be collected, used and held, lawfully and appropriately.
 - 5.1.2 There are policies and procedures in place which are regularly reviewed and updated to ensure staff understand their responsibilities towards protecting personal data.
 - 5.1.3 Training needs are identified and provided to ensure that those handling personal data are trained appropriately.
 - 5.1.4 There is an appointed officer within the organisation who has specific responsibility and knowledge about data protection compliance covering all aspects within the scope of this policy and who is a point of contact for all queries.
 - 5.1.5 There are a number of employees throughout the organisation who have specific responsibilities for data protection.
 - 5.1.6 We will ensure that Data Subjects rights are fully exercised.

- 5.1.7 Subject Access Requests will be dealt with promptly and courteously.
- 5.1.7 Information systems being implemented will undergo a privacy impact assessment.
- 5.1.8 We will ensure that regular reviews and audits of the use of personal data are undertaken.

5.2 *Cloud computing, remote hosting and shared services*

Oxford City Council sources and uses services of cloud providers to store some of its data. In practice, this means that where data is not stored on a physical server located at one of our council buildings, data will be stored on web servers normally delivered over the internet. Similarly, remote hosting means that Oxford City Council will at times rent some of its servers from third party hosting companies. Central government and the information commissioner have laid out specific compliance requirements in addition to those within the Act. Oxford City Council fully supports and complies with these requirements.

5.3 *Shared Services and data warehousing*

The Council is required by law to share or make available some of the personal data it collects and holds. The information will be shared across relevant Oxford City Council departments, with other local authorities, law enforcement agencies and partner agencies. The information is shared to safeguard life, protect property and public funds, and for the prevention and detection of crime. The duty to share information must be carried out in accordance with the above 8 data protection principles.

5.4 *Data warehousing*

Oxford City Council operates a data warehouse. This is a collection of multiple datasets and systems containing data about individuals. The data contained therein is used by the city council and shared with other local authorities and enforcement agencies for fraud detection and

prevention. Oxford City Council has put security provisions in place to ensure compliance with the 7th data protection principle.

For more details on this please read Oxford City Council's [Privacy Notice](#)¹. *Collecting and Processing Personal Data*.

- 5.5 When we collect personal data we will ensure; we make individuals aware that their information is being collected, the purpose for collecting the data specified, and whether it will be shared within the council and with any third parties. This will be done through the use of privacy notices which all documents and forms that collect personal data are required to include.
- 5.6 No new purpose for processing data will take place until the Information Commissioner's Office has been notified of the relevant new purpose and the data subjects have been informed and consent has been sought where required.

5.7 Data Security

- 5.7.1 Council employees and Members must report any suspected data breaches to the Data Protection Officer for investigation and where necessary the Data Protection Officer will notify the Information Commissioner's Office.
- 5.7.2 Council employees and Members must use appropriate levels of security to store or share personal data. Corporate guidance will be published and training will be provided to employees and Members.
- 5.7.3 When new systems are being developed, Privacy Impact Assessments will be carried out by the project manager and reviewed by the Data Protection Officer before devising system design in order to assess any privacy risks.

¹ Please see <http://www.oxford.gov.uk/webtools/privacy.cfm> for Oxford City Council's Privacy Notice

5.7.4 An Information Asset Register will be maintained by the Data Protection Officer identifying:

- all personal data held
- where it is held
- how it is processed
- who has access to it
- who has overall responsibility for the data.

5.7.5 Personal data in any format will not be shared with a third party organisation without a lawful reason and where required Oxford City Council will notify individuals that the sharing will take place in the form of a privacy notice.

5.7.8 When personal data is to be shared with a third party, a Data Sharing Agreement will be implemented.

5.7.9 Any data sharing will also take into consideration:

- the statutory basis of the proposed information sharing
- whether the sharing is justified
- how to ensure the security of the information being shared
- the Council Information Security Policy

6. Data Access

6.1 Council employees and Members will have access to personal data only where it is required in order to fulfil their role.

6.2 All data subjects have a right of access to their own personal data; employees will be made aware of and will provide advice to data subjects about how to request or access their personal data held by Oxford City Council

(<http://oxford.gov.uk/PageRender/decVanilla/DataProtectionandSubjectAccessRequests.htm>).

- 6.3 Council employees and Members are aware of what to do when requests for information are made under the Data Protection Act
- 6.4 Employees and Members are made aware that in the event of a Subject Access Request being received by Oxford City Council, their emails may be searched and relevant content disclosed.
- 6.5 Privacy Notices will include a contact address for data subjects to use should they wish to submit a Subject Access Request, make a comment or complaint about how Oxford City Council is processing their data, or about the handling of a Subject Access Request.
- 6.6 A Subject Access Request will be acknowledged to the data subject within three working days, with the final response and disclosure of information (subject to exemptions) within 40 calendar days.
- 6.7 A data subject's personal data will not be disclosed to them until their identity has been verified and a fee of £10 has been paid.
- 6.8 Third party personal data will not be released by Oxford City Council when responding to a Subject Access Request (unless consent is obtained, it is required to be released by law, or it is deemed reasonable to release).

7. Compliance with this Policy

- 7.1 This Policy applies to all Oxford City Council employees, Council Members and all people or organisations acting on behalf of the Council.
- 7.2 If any Council employee, or Member or persons acting on the Council's behalf are found to knowingly or recklessly breach the Council's Data Protection Policy; appropriate disciplinary and/or legal action will be taken. Unlawfully obtaining or disclosure of personal data in contravention of this policy and the Act by employees of Oxford City Council will be treated seriously and will follow the established council disciplinary process.

7.3 Oxford City Council is fully committed to compliance with the requirements of the Data Protection Act 1998 and is registered as a data controller with the Information Commissioner's Office. Our registration number is Z7925628.

8. Review

8.1 This policy will be reviewed annually to take account of changes in legislation and guidance issued by the Information Commissioner.

9. Data Protection Contacts

9.1 The Council has a designated Data Protection Officer and designated officers with data protection responsibilities have been identified in all service areas/directorates.

9.2 Implementation of this policy will be led by the Council's Data Protection Officer.

9.3 Any questions or concerns about this policy should be taken up with the Council's Data Protection Officer

Data Protection Officer Oxford City Council Town Hall St Aldate's Oxford Dataprotection@oxford.gov.uk
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