

Data Protection Policy Statement

Below is a statement of the data protection policy adopted in 1996 by Middlesbrough Council and reviewed and endorsed in 2004.

Middlesbrough Council needs to collect and use certain types of information about people with whom it deals in order to perform its functions. This information includes current, past and prospective employees, suppliers, clients, customers, service users and others with whom it communicates. Middlesbrough Council is required by law to collect and use certain types of information to fulfil its statutory duties and also to comply with the requirements of government departments. This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or on other material – and there are safeguards to ensure this in the Data Protection Act 1998.

Middlesbrough Council regards the lawful and correct treatment of personal information as critical to successful operations, and to maintaining the confidence of those with whom it deals. Middlesbrough Council must ensure that, as an organisation, it treats personal information lawfully and correctly.

To this end Middlesbrough Council fully endorses and adheres to the principles of data protection as outlined in the Data Protection Act 1998.

The Data Protection Principles are as follows:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
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 the 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.

Policy

Middlesbrough Council endeavours, through appropriate management, to apply strict application of criteria and controls to:

1. Observe fully, conditions regarding the fair collection and use of information.
2. Meet its legal obligations to specify the purposes for which information is used.
3. Collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or comply with any legal requirements.
4. Ensure the quality of information used.
5. Apply strict checks to determine the length of time information is held.
6. Ensure that the rights of people, about whom information is held, are able to be fully exercised under the Act. (These include: the right to be informed that processing is being undertaken the right of access to one's personal information, the right to prevent processing in certain circumstances and the right to rectify, block or erase information which is regarded as wrong information).
7. Take appropriate technical and organisational security measures to safeguard personal information.
8. Ensure that any third party processors contracted by the Authority adhere to appropriate controls.

Responsibilities and Roles

The overall responsibility for the notification of the Council as a data controller and for ensuring compliance with the Data Protection Act rests with the Chief Executive. It is within the role of the Information Security Officer to administer the Council's notification as a data controller.

All persons are instructed to provide for the attention of the Information Security Officer and Audit Manager details of any proposal to create a system, paper or automated, which contains personal data for approval and notification before implementation.

All subject access requests should be referred to the Information Security Officer, who will process the request within the statutory time limit.

Individual Subject Access

An individual is entitled, on making a written request, to be supplied by any data user with a copy of all the information, which forms the personal data held about him or her.

A request for subject access must be responded to within 40 days. If it is not, the data subject is entitled to complain to the Information Commissioner.

The Information Security Officer should process all such requests. If a Middlesbrough Council employee receives such a request it must be passed immediately to the Information Security Officer.

All persons are advised that any willful non-compliance with the data protection principles will be regarded as a serious disciplinary matter and will be dealt with under Middlesbrough Council's Disciplinary Procedures.