

DATA PROTECTION

DATA CONTROLLER

Tendring District Council

Tendring District Council is committed to protecting your privacy rights as a resident or visitor and when you use our services.

To comply with Data Protection legislation, the Council is registered as a Data Controller with the Information Commissioners Office (ICO). The detail of this registration can be viewed by searching the public register on the ICO website (www.ico.org.uk) for 'Tendring District Council'.

We have to tell you what processing of your personal information we will carry out and this privacy notice explains how we use your information.

We have a Data Protection Officer to ensure that we respect your rights and follow the law. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

The Council does not transfer your personal data outside the European Economic Area (EEA).

If you have any concerns or questions about how we look after your personal information or wish to exercise any of Your Rights, please contact:-

The Data Protection Officer
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

✉ DPAOfficer@tendringdc.gov.uk

☎ 01255 686060

What is personal information

Personal information (or Personal Data) can be anything that identifies and relates to a living person (*natural persons*). For example, your name and contact details.

Special Category or Sensitive Personal Information

Some information is considered to be 'Special Category' information and needs more protection because of its sensitivity. This includes information relating to:-

Racial or ethnic origin	Genetic Data
Political Opinions	Biometric Data
Religious or philosophical beliefs	Health
Trade Union Membership	Sex Life or Sexual Orientation

Why we use personal information

The Council may need to use some information about you. For example:

- To maintain our accounts and records
- To manage our property and housing
- To provide leisure and cultural services
- To carry out surveys
- To collect taxes and pay benefits
- Licensing and other regulatory activities
- Protecting public money by taking part in local, regional and national fraud initiatives
- Crime prevention including the use of CCTV
- To provide services to our residents and visitors
- To support and manage our employees
- To manage archived records for historical and research purposes

Detailed information can be found in the service privacy notices available further down the page.

The legal basis for processing your personal information

There are a number of legal obligations why we need to collect and use your personal information.

Each service privacy notice explains which legal reason is being used. These are available at the end of this document.

Generally we collect and use personal information where:

- it is necessary to perform our statutory duties
- you have entered into a contract with us
- it is required by law
- it is necessary for employment purposes
- it is necessary for legal cases
- it is to the benefit of society as a whole
- it is necessary to protect public health
- you, or your legal representative, have given consent
- it is necessary to protect someone in an emergency

When do we need your consent

In situations where we have no other legal basis to process your personal data you will have provided us with consent to use your personal information. In these circumstances you have the right to amend or withdraw your consent at any time.

If you wish to exercise this right, please contact DPAOfficer@tendringdc.gov.uk / 01255 686060 and tell us which service you're using so we can deal with your request.

How we protect your data

We'll do what we can to make sure we process records about you (on paper and electronically) in a secure way, and we'll only make them available to those who have a right to see them. Examples of our security include:

- Encryption, meaning that information is hidden so that it cannot be read without special knowledge (such as a password). This is done with a secret code or what's called a 'cypher'. The hidden information is said to then be 'encrypted'.
- Pseudonymisation, meaning that we'll use a different name so we can hide parts of your personal information from view. This means that someone outside of the Council could work on your information for us without ever knowing it was yours.
- Controlling access to systems and networks means we can prevent people who are not allowed to view your personal information accessing it.
- Protecting your data through the use of relevant IT security controls. We have a range of IT security measures in place to help protect your data from viruses, malware, ransomware, intrusion, loss, theft and other risks.
- Classification of data. The data you provide to us is classified dependent on its content which enables us to apply appropriate controls.
- Conducting privacy impact assessments (PIA) to ensure end-to-end protection when necessary.
- Training our staff enables us to make them aware of how to correctly handle information and how and when to report if something goes wrong.

- Regular testing of our technology and ways of working to ensure they remain suitable; including keeping up to date with the latest security updates (commonly called patches).

Why we share data, who we share it with and how long we keep it

The Council only collects and uses personal information where it is needed to deliver a service or to meet a legal obligation and may be shared for the same reasons.

Personal information is only kept for as long as is necessary for those identified purposes. These legal obligations are covered in more detail in the individual service privacy notices available further down this page.

Where it is necessary for us to share your information this will be done in a secure way which has been subjected to a privacy impact assessment (PIA). Where other organisations process your information on our behalf, this is carried out under contract and an information sharing agreement will be in place between the organisations involved.

Wherever information is needed solely for general or statistical purposes, or is kept for a longer period, we will ensure that all personal identifiers are removed so that it becomes anonymous and therefore no longer 'personal information'.

Your Rights

Data Protection law gives you a number of legal rights. These are:-

The right of access

You can ask the Council (or any organisation) for a copy of the personal information it holds or processes relating to you. We should provide the information within 1 month. If there is a great deal of information or it is difficult to identify and retrieve then we can apply a time extension and let you know.

The right to rectification

Everyone is entitled to have their own personal data rectified / changed if it is inaccurate or incomplete. If an organisation has shared the personal data in question with anyone then it must also take all reasonable steps to inform them of the change. You will be asked to provide evidence of your identity and the correction so that the organisation can ensure your privacy rights are protected.

The right to erasure

The right to erasure can sometimes be referred to as 'the right to be forgotten'. However this is not an absolute right. You can only request the deletion or removal of personal data where there is no compelling reason for an organisation to keep it. Where the organisation has a statutory obligation or a legally justifiable reason to keep the information they must let you know.

The right to restrict processing

In some circumstances you have a right to restrict what processing an organisation carries out or ask that they stop processing your personal

data. When processing is restricted, the organisation may continue to store your data but not to process it further. However this right cannot overrule any legal obligation placed on the organisation to continue processing your personal information.

The right to data portability

Following a request for disclosure of your data, you have the right to ask for your information in a digital format so that you can reuse it for other purposes. For example, data portability could be used to upload your information to a third party price comparison website to compare and identify best value for something like utilities or mobile phone use. It is unlikely that data portability will apply to most of the services you receive from the Council.

The right to object

Everyone has the right to object to the processing of their data in limited circumstances.

However you can only object based on “grounds relating to your particular situation”. For example you may need to maintain a higher level of security due to the type of job you have. In these situations an organisation must stop processing your personal data unless it can demonstrate compelling grounds for the processing, which override your interests, rights and freedoms or where processing is for the establishment, exercise or defence of legal claims.

Rights related to automated decision making and profiling

You have a right to request that decisions based solely on automated processing, including profiling, which may produce a legal effect or affect them significantly, to have some form of human input so they are not automatically generated by a computer.

This right is in place to ensure that potentially damaging decisions are not taken without some form of human intervention. This right also applies to ‘profiling’.

However, this Right will not apply if the decision:

- is necessary for entering into, or performance of, a contract between you and the data controller (the Council)
- is authorised by law, or
- is based on your explicit consent

Organisations are required to ensure that appropriate safeguards are in place to protect your rights, freedoms and legitimate interests and you can ask to have any computer-made decisions explained to you.

How to request your personal information

All requests for access to personal information must be made by the person to whom the information relates or their authorised representative. This is known as a Subject Access Request. Requests must be made in writing – this includes email – and should include sufficient information to clearly identify you so that we don't provide your information to someone attempting to impersonate you. For example, your full name, address, other contact details we may record, a copy of your driving license, a utility bill, etc. In this way we can ensure your privacy rights continue to be protected.

If you wish to authorise someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

The Data Protection Officer
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

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How to make a complaint about how your information is used

If you need to make a complaint about how your personal information is being used by the Council, please send your complaint in writing (you can use email if you wish) and provide as much information as possible so that we can conduct an investigation.

If you wish to appoint someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

Please send your requests to :-

The Data Protection Officer
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Essex CO15 1SE

✉ DPAOfficer@tendringdc.gov.uk

How to request a restriction in the use of your information

If you need to request a restriction in the use of your information, please send this in writing (you can use email if you wish) and provide as much information as possible so that we can consider your request.

If you wish to appoint someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

Please send your requests to :-

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How to correct inaccurate information

If you need to request a correction to inaccurate information, please send this in writing (you can use email if you wish) and provide as much information as possible so that we can consider your request.

If you wish to appoint someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

Please send your requests to :-

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How to request deletion of your information

If you need to request deletion of your information, please send this in writing (you can use email if you wish) and provide as much information as possible so that we can consider your request.

If you wish to appoint someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

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Where can you get advice?

If you have any worries or questions about how your personal information is processed please contact our Data Protection Officer at DPAOfficer@tendringdc.gov.uk or by calling 01255 686060.

For independent advice about data protection, privacy and data sharing issues, you can contact the UK Information Commissioner's Office (ICO) at:

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

Telephone: 0303 123 1113 (local rate) or 01625 545 745 national rate

www.ico.org.uk