



# Privacy Notice

## Introduction

Lowestoft Town Council considers your personal data to be of the utmost importance, and have provided this Privacy Notice to help you understand how we collect, use and protect your information whilst we provide you with a service.

The purpose of this document is to clearly acknowledge the Council's responsibility in relation to the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018.

The Information Commissioner's Office (ICO) maintains a public register of data controllers. Each register entry gives details of the data controller and a general description of what the personal data held is used for.

Lowestoft Town Council is registered with the Information Commissioner's Office and its registration number is ZA250273.

Elected members are data controllers in their own right, and they are responsible for ensuring any personal information they hold or use in their office as elected members is processed in accordance with GDPR and DPA 2018. All elected members are registered with the ICO as data controllers.

The Council regards lawful and correct treatment of personal information as critical to its successful operations, maintaining confidence between the Council and those with whom it carries out business. The Council will ensure that it treats personal information correctly in accordance with the law.

Lowestoft Town Council's services are diverse, statutory and discretionary, and due to its wide ranging role, the Council has to collect and process a vast amount of personal data.

## Personal information and definitions

**Personal Data** means any information related to an identified or identifiable natural (living) person ('**data subject**'), i.e. a person who can be directly or indirectly identified by reference to a name, ID reference number, email address, location data, or physical, physiological, genetic, mental, economic, cultural or societal identifier.

**Special Personal Data** previously known as 'sensitive personal data', relates to race, ethnic origin, politics, religion, trade union membership, genetic data, biometric data, health, sex life or sexual orientation. Records of criminal personal data must also be treated in a similar way.

**Data Controller** determines the purposes and means of processing personal data.

**Data Processor** is responsible for any operation which is performed on personal data on behalf of the controller, e.g. collection, recording, organisation, structuring, storage, adaption or alteration,

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retrieval, consultation, use, disclosure by transmission, dissemination or making available, alignment or combination, restriction, erasure or destruction.

**Third Party** is someone/somebody who is not the Data Controller, the Data Processor or the Data Subject.

### **The legal basis for processing your personal information**

GDPR and DPA 2018 say that Lowestoft Town Council is allowed to use personal information only if it has a proper reason to do so. This includes sharing it with other parties. The GDPR and DPA 2018 state that the Council must have one or more of these reasons:

- Statutory obligation or legal duty
- To fulfil a contract the Council has with you
- The Council has a legitimate interest
- The Council has your consent
- It is necessary to protect public health
- It is necessary for employment purposes

Lowestoft Town Council will only collect and process information that it needs.

More information on how the law protects you can be found on the ICO website.

### **Lowestoft Town Council's responsibilities**

GDPR Article 5 provides the Council with the main responsibilities to abide by, to ensure that personal data is:

1. Processed lawfully, fairly and in a transparent manner
2. Collected for specified, explicit and legitimate purposes
3. Adequate, relevant and limited to what is necessary
4. Accurate and kept up to date
5. Kept for no longer than is necessary
6. Processed securely

For further information on Lowestoft Town Council's responsibilities, please see the ICO website.

The Council regards the lawful and correct treatment of personal information as critical to its successful operations, maintaining confidence between the Council and those with whom it carries out business. The Council will ensure that it treats personal information correctly, in accordance with the law. The Council fully endorses and adheres to the principles of data protection as set out in the GDPR and DPA 2018.

All personal information provided by you is held securely and in confidence by the Council in its computerised and other records. When the Council processes your personal information, it does so in compliance with GDPR and DPA 2018. The Council maintains strict security standards and procedures with a view to preventing unauthorised access to your data. Regular testing of the Council's IT systems is undertaken and leading technologies are used, such as data encryption, fire

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walls and service authentication to protect the security of your data. All the Council's staff and third parties it may hire are required to observe the Council's privacy standards and must complete privacy training.

One of the main responsibilities Lowestoft Town Council has is that it processes and holds your personal data securely. The GDPR and DPA 2018 state that special personal data requires more protection and additional conditions for processing. The Council will process any special personal information only for the purpose for which you provide it, unless permitted by law.

### Breaches

Lowestoft Town Council will always treat any data breach as a serious issue, and all potential breaches will be thoroughly investigated.

### Your Rights

The GDPR and DPA 2018 provide you with the following rights:

The right to be informed	You have the right to be informed about the collection and use of your personal data, and this is outlined in this privacy notice.
The right of access	You have the right to request access to the personal data the Council may hold about you. This is undertaken using a Subject Access Request.
The right to rectification	You have the right to request that inaccurate personal data the Council holds is rectified.
The right to erasure	In certain circumstances, you have 'the right to be forgotten' and have your personal data erased.
The right to restrict processing	In certain circumstances, you have the right to request the restriction or suppression of your personal data.
The right to data portability	In certain circumstances, you have the right to request to obtain your own personal data for your own use or to give to other organisations.
The right to object	In certain circumstances, you have the right to object to your personal data being collated, stored and processed.
Rights in relation to automated decision making and profiling	You have the right to request that the Council does not make its decisions based solely on an automated process, and you can object to an automated decision and ask that a person reviews it in certain circumstances.
The right to withdraw consent	In the Council's discretionary service provisions, you have the right to withdraw your consent at any time.

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The right to complain	You have the right to complain through the Council's complaints procedure, and then to the Information Commissioner.
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Any requests in relation to your rights with regard to the personal data we hold should be made verbally or in writing to the Data Protection Officer.

For further information on your rights, please see the ICO website.

### **Your responsibilities**

You are responsible for making sure you give Lowestoft Town Council accurate and up to date information, and to let us know if any personal information it holds is incorrect.

### **When the Council collects information about you**

Lowestoft Town Council collects information about you from different places, including:

- Directly from you
- From a third party
- From publicly available sources
- From other organisations or agencies

The Council will only collect your personal information in line with the relevant regulations and the law, and this may relate to any of its statutory or discretionary services you apply for, currently hold or have held in the past.

Lowestoft Town Council will obtain personal information through a number of different mediums, such as telephone, email, in person, post or online. At the point of data collection, the lawful basis for processing will be determined and explained.

Due to diverse statutory and discretionary services the Council provides, further privacy notices are available at the point of data collection.

In order to operate efficiently, Lowestoft Town Council has to collect and use information about people with whom it works, including: members of the public, service users, current, past and prospective employees, clients, customers, contractors, suppliers and partner organisations. In addition, the Council may be required by law to collect and use information in order to comply with the requirements of central government. Personal information must be handled and dealt with properly, no matter how it is collected, recorded and used, and whether it is on paper, in computer records or recorded by other means.

To fulfil its statutory obligations, the Council will have to collate and process your personal data. Where the Council is providing discretionary services, or entering into a contract with you, if you choose not to disclose your personal data it may delay or prevent the Council from fulfilling this role.

### **Cookies**

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Cookies are small computer files sent to your PC, tablet, or mobile phone by websites when you use them. They stay on your device and get sent back to the website they came from, when you visit it again. Cookies store information about your visit to that website.

### **CCTV**

Overt CCTV monitoring must be carried out in accordance with the ICO's code of practice on CCTV. Any covert surveillance activities of the law enforcement community are governed by the Regulation of Investigatory Powers Act (RIPA) 2000.

### **Information the Council maintains**

The Council may need to use some information about you, for example:

- To maintain its accounts and records
- To manage its property and housing
- To provide leisure and cultural services
- To carry out surveys
- 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 the Council's residents and visitors
- To support and manage its employees
- To manage archived records for historical and research purposes

Due to the diverse statutory and discretionary services Lowestoft Town Council provides, further privacy notices are available at the point of data collection, which explain the information the Council holds.

### **How your information is used**

Lowestoft Town Council requires your personal information for a number of statutory and discretionary obligations and will not use your personal data for purposes other than for what it was collated unless your consent has been obtained, or for other lawful purposes (e.g. the detection and prevention of fraud).

### **Automated Decision Making**

The Council sometimes uses systems to make automated decisions about you. This helps the Council to make sure its decisions are quick, fair, efficient and correct based on what it knows. They are based on personal information that the Council has or that it is allowed to collect from others.

### **Marketing**

Lowestoft Town Council may use marketing to let you know about products, services and offers that you may want from it. You will be given the option to opt in to marketing at the point of data collection.

### **The length of time your data is kept**

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Your personal information will be held in accordance with statutory responsibilities and contractual requirements. If you have supplied personal information for a discretionary service the period of time the data will be held will be detailed within the privacy notice at the point of data collection. Once your information is no longer needed, it will be securely and confidentially destroyed.

### **Why your data is shared and who it is shared with**

Lowestoft Town Council uses a number of commercial companies and partners to either store personal information or to manage it on the Council's behalf. Where these arrangements are in place there is always a contract, memorandum of understanding or information sharing protocol in place to ensure that the organisations comply with data protection law.

Organisations that the Council may share your information with include: Councillors, MPs, The Cabinet Office, the Department for Work and Pensions, other local councils, Her Majesty's Revenue and Customs, the Police, the Fire Service, the Ambulance Service, Health and Social Care providers and agencies, and partner agencies/bodies.

The Council may also share your personal information when it feels there is a good reason that is more important than protecting your confidentiality. This does not happen often, but the Council may share your information:

- For the detection and prevention of crime/fraudulent activity
- If there are serious risks to the public, the Council's staff or to other professionals
- To protect a child
- To protect vulnerable adults who are thought to be at risk

When using personal data for research purposes, the data will be anonymised to avoid the identification of an individual, unless consent has been given for the use of personal data in this way.

Lowestoft Town Council does not sell personal information to any other organisations for the purpose of direct marketing.

### **Transferring your information overseas**

Currently, Lowestoft Town Council does not transfer any personal information outside of the European Economic Area (EEA).

### **Data Protection Officer**

The Data Protection Officer for Lowestoft Town Council is Sarah Foote, The Deputy Clerk, and can be contacted at [sarah.foote@lowestofttowncouncil.gov.uk](mailto:sarah.foote@lowestofttowncouncil.gov.uk).

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