



Privacy Notice

7 June 2018

Newry, Mourne and Down District Council delivers a wide range of services to the residents and businesses of Newry, Mourne and Down, and to those who visit our area. We are committed to delivering our services in a way in which your personal information is protected.

This Privacy Notice explains how we use information about you, how we protect your privacy in compliance with the Data Protection Act 2018 and the rights you have over your personal information.

Defining personal information?

Personal information can be anything that identifies and relates to a living person. It can include information that when put together with other information can then identify a person. For example, this could be your name and contact details.

'Special Category' personal information

Some information is classified as 'special category' and needs more protection due to its sensitivity. It's often information you would not want widely known and is very personal to you. This is likely to include anything that can reveal your:

- sexuality and sexual health
- religious or philosophical beliefs
- ethnicity
- physical or mental health
- trade union membership
- political opinion
- genetic/biometric data
- criminal history

Data Protection Principles

The Data Protection Act 2018 contains six principles to protect your personal information and to make sure that we:

1. process all personal information lawfully, fairly and in a transparent manner;
2. collect personal information for a specified, explicit and legitimate purpose;
3. ensure that the personal information processed is adequate, relevant and limited to the purposes for which it was collected;
4. ensure the personal information is accurate and up to date;
5. retain personal data for no longer than necessary for the purpose for which it is processed;



6. keep your personal information safe and secure and protect its integrity and confidentiality.

Why we need your personal information

We may need to use some information about you to:

- deliver services and support to you;
- manage those services we provide to you;
- train and manage the employment of our workers who deliver those services;
- help investigate any worries or complaints you have about our services;
- keep track of spending on services;
- obtain your views on the services we provide;
- inform you of other relevant Council services;
- for regulatory and law enforcement purposes;
- check the quality of services; and
- help with research and planning of new services.

How the law allows us to use your personal information

We process personal data for specific purposes and these purposes will determine the legal basis for the processing. The legal basis for processing by the council as a public authority will be one or more of the following, as contained within the Data Protection Act 2018:

1. Processing is based on the data subject's consent;
2. Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
3. Processing is necessary for compliance with a legal obligation to which we are subject.
4. Processing is necessary in order to protect the vital interests of the data subject or of another natural person.
5. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us.
6. Processing is necessary for the purposes of the legitimate interests pursued by us or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject, which require protection of personal data, in particular where the data subject is a child.



Consent

There may be occasions when consent is the only legal basis we have to process your personal data. When this occurs, we will endeavour to seek your consent at the time we gather your personal data. You will normally be asked to provide a signature or indicate consent by ticking a box but this will only be carried out after a full explanation has been provided and you are clear as to what you are consenting to.

Consent is a core principle of data protection law; it must be freely given, specific, informed and unambiguous indication of the data subject's wishes, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to the individual.

How we collect your personal information

The following are examples of how we collect your personal data:

- interactions with Council staff
- when you apply for a job with us
- when you attend our premises for a specific purpose and provide your details
- through the submission of questionnaires online or via mail
- submitting planning and building control applications
- registering births and marriages
- submitting complaints
- working in partnership with us
- emergency planning
- CCTV covering our property and land, and public spaces
- via enforcement action
- licensing
- from third party organisations, such as Invest NI.

The personal data may be held in paper and electronic format, and will always be managed in a safe and secure manner.

Some areas of our website require you to actively submit personal data in order for you to benefit from specific features, such as our range of online services, for example, email, online forms or online payments. You will be informed at each of these personal data collection points what data is required and what data is optional. Personal data may be gathered without you actively providing it, through the use of various technologies and methods such as Internet Protocol (IP) addresses and cookies. For further information please visit the Cookie Policy webpage on our website - <http://www.newrymournedown.org/cookie-policy>



We only use what we need

Where we can, we will only collect and use personal information if we need it to deliver a service or meet a requirement.

If we don't need personal information, we will not ask you for it. For example, in a survey we may not need your contact details and we will only collect your survey responses.

If we use your personal information for research and analysis, we will always keep you anonymous unless you've agreed that your personal information can be used for that research.

Information held on Council-owned electronic devices (including desktops, laptops, mobile phones and other electronic devices) may be subject to an information search in the course of processing a Subject Access Request or a request made under the Freedom of Information Act 2000 or Environmental Information Regulations 2004.

Information Sharing

We will not disclose your personal data to any external organisation or person unless we are satisfied that we have a legal basis to do so and proper measures are in place to protect the data from unlawful and unauthorised access.

However, we may be required to share your personal data with other internal council departments to ensure it can manage your issues or requirements appropriately.

We also work closely with Central and Local Government departments throughout Northern Ireland and Great Britain and may share personal data with these departments, including statutory and non-statutory organisations for various projects and initiatives. We may also share information with the Police Service of Northern Ireland, Her Majesty's Revenue and Customs and other law enforcement agencies for lawful purposes including the prevention and detection of crime and animal welfare, etc.

We may also use external organisations to carry out services on its behalf and this requires providing them with access to personal data. These organisations will act as data processors for us and they are legally obliged to keep your personal data secure and only process it under the specific direct instructions of us and in line with the Data Protection Act 2018. Where we have these arrangements in place we always seek to have an agreement in place to make sure the organisation complies with the Data Protection Act.

We will not supply your information to any other organisation for marketing purposes without your prior consent.



Data matching

We are required by law to protect the public funds we administer. We may share information provided for auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

The Northern Ireland Audit Office is responsible for carrying out data matching exercises.

Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see if they match. This is usually personal data.

Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found, it may indicate that there is an inconsistency, which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

We participate in the National Fraud Initiative to assist in the prevention and detection of fraud. We are required to provide personal data to the Comptroller and Auditor General or his agent for data matching under legislative powers included in the Audit and Accountability (NI) Order 2003, articles 4A to 4H.

The use of data in a data matching exercise does not require the consent of the individuals concerned under Data Protection legislation.

Storing and protecting your information

The majority of personal information is stored on systems in the UK. But there are some occasions where your information may leave the UK either in order to get to another organisation or if it's stored in a system outside of the EU.

We have additional protections on your information if it leaves the UK ranging from secure ways of transferring data to ensuring we have a robust contract in place with that third party.

We will take all practical steps to make sure your personal information is not sent to a country that is not seen as 'safe' either by the UK or EU Governments.

If we need to send your information to an 'unsafe' location, we will always seek advice from the Information Commissioner first.

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



- Controlling access to systems and networks allows us to stop people who are not allowed to view your personal information from getting access to it;
- 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';
- Training for our staff allows us to make them aware of how to handle information and how and when to report when something goes wrong;
- Regular testing of our technology and ways of working including keeping up to date on the latest security updates (commonly called patches).

Retention of your personal information

There's often a legal reason for keeping your personal information for a set period of time and we try to include all of these in our Retention and Disposal Schedule, which has been approved by the Public Records Office of Northern Ireland and laid before the Northern Ireland Assembly in 2016.

Your information rights

The law gives you a number of rights to control what personal information is used by us and how it is used by us.

You can ask for access to the information we hold on you

We would normally expect to share what we record about you with you whenever we assess your needs or provide you with services.

However, you also have the right to ask for all the information we have about you and the services you receive from us. When we receive a request from you in writing, we must give you access to everything we've recorded about you.

However, we can't let you see any parts of your record which contain:

- Confidential information about other people; or
- Data a professional thinks will cause serious harm to your or someone else's physical or mental wellbeing; or
- If we think that giving you the information may stop us from preventing or detecting a crime

This applies to personal information that is in both paper and electronic records. If you ask us, we will also let others see your record (except if one of the points above applies).

If you can't ask for your records in writing, we will make sure there are other ways that you can.



If you wish to make a Subject Access Request or if you have any queries about access to your information please contact the Data Protection Officer via info@nmandd.org or 0300 013 2233.

You can ask to change information you think is inaccurate

You should let us know if you disagree with something written on your file.

We may not always be able to change or remove that information but we will correct factual inaccuracies and may include your comments in the record to show that you disagree with it.

You can ask to delete information (right to be forgotten)

In some circumstances you can ask for your personal information to be deleted, for example:

- Where your personal information is no longer needed for the reason why it was collected in the first place
- Where you have removed your consent for us to use your information (where there is no other legal reason us to use it)
- Where there is no legal reason for the use of your information
- Where deleting the information is a legal requirement

Where your personal information has been shared with others, we will do what we can to make sure those using your personal information comply with your request for erasure.

Please note that we can't delete your information where:

- we're required to have it by law
- it is used for freedom of expression
- it is used for public health purposes
- it is for, scientific or historical research, or statistical purposes where it would make information unusable
- it is necessary for legal claims

You can ask to limit what we use your personal data for

You have the right to ask us to restrict what we use your personal information for where:

- you have identified inaccurate information, and have told us of it
- where we have no legal reason to use that information but you want us to restrict what we use it for rather than erase the information altogether



When information is restricted it can't be used other than to securely store the data and with your consent to handle legal claims and protect others, or where it's for important public interests of the UK.

Where restriction of use has been granted, we will inform you before we carry on using your personal information.

You have the right to ask us to stop using your personal information for any council service. However, if this request is approved this may cause delays or prevent us delivering that service.

Where possible we will seek to comply with your request, but we may need to hold or use information because we are required to by law.

You can ask to have your information moved to another provider (data portability)

You have the right to ask for your personal information to be given back to you or another service provider of your choice in a commonly used format. This is called data portability.

However, this only applies if we're using your personal information with consent (not if we're required to by law) and if decisions were made by a computer and not a human being.

It's likely that data portability won't apply to most of the services you receive from the Council.

You can ask to have any computer made decisions explained to you, and details of how we may have 'risk profiled' you.

You have the right to question decisions made about you by a computer, unless it's required for any contract you have entered into, required by law, or you've consented to it.

You also have the right to object if you are being 'profiled'. Profiling is where decisions are made about you based on certain things in your personal information, e.g. your health conditions.

If and when Council uses your personal information to profile you, in order to deliver the most appropriate service to you, you will be informed.

If you have concerns regarding automated decision making, or profiling, please contact the Data Protection Officer who'll be able to advise you about how we using your information.



Where can I get advice - ICO

If you have any worries or questions about how your personal information is handled please contact our Data Protection Officer at info@nmand.org or by calling 0300 013 2233 or by writing to:

Data Protection Officer
Newry, Mourne and Down District Council
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

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

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

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Alternatively, visit ico.org.uk or email casework@ico.org.uk.