

# ***TAYSIDE VALUATION JOINT BOARD***



## **DATA PROTECTION POLICY**

## IMPLEMENTATION AND REVIEW

Responsibility for the implementation and annual review of this policy together with the communication of any resultant amendments across the Board and to relevant third parties is assigned to the Information Asset Owner (currently the Assessor).

### Revision History

<b>Version</b>	<b>Originator</b>	<b>Summary of Changes</b>	<b>Date</b>
Original Document			29/09/05
v. 1	R Michalski	Item 6 – Replacement of Depute Assessor with Assistant Assessors	29/11/17
v 1.1	D Allan / A Kirkwood	Reviewed to conform to GDPR and the Data Protection Act 2018	16/10/18

**Contents:****Page No.:**

1.0	Introduction	4
2.0	Purpose	4
3.0	Roles & Responsibilities	4
4.0	Personal Data	4
5.0	Special Category Personal Data	5
6.0	Data Controller Registration	5
7.0	Data Protection Principles	5
8.0	Data Protection Officer	6
9.0	Data Security	6
10.0	Personal Data Breaches	6
11.0	Retention of Data	7
12.0	The Rights of Individuals	7
13.0	Lawful Processing	7
14.0	Processing	8
15.0	Data Sharing	8
16.0	Other Policies, Procedures & Guidance	8

## **1.0 Introduction**

The Assessor and Electoral Registration Officer (the Assessor) and Tayside Valuation Joint Board (the Board) need to collect, store, process and, when required, share information or data about people in order to carry out their public functions and/or meet statutory obligations. This will include the personal data of a wide variety of individuals such as; council tax payers, ratepayers, past and present staff members, prospective staff members, suppliers of goods and services, etc.

Both the Assessor and the Board fully support the objectives of the Data Protection Act 2018, (hereinafter referred to as “the Act”) and the General Data Protection Regulations (EU) 2016/679 (hereinafter referred to as “GDPR”) and will maintain the confidentiality of personal data in accordance with these enactments.

The Assessor and the Board expect all elected members and employees to comply fully with this Policy.

This policy is not a stand alone document and should be read in conjunction with other related policies, procedures and guidance.

## **2.0 Purpose**

The purpose of this policy is to ensure that the Assessor and the Board fully comply with their legal obligations as set out in the Act and GDPR in relation to the protection of personal data.

In complying with the Principles of Data Protection as laid down in the Act and the GDPR the Assessor and the Board may be held accountable by the Information Commissioner’s Office (ICO), the body which oversees the data protection laws.

## **3.0 Roles & Responsibilities**

It is the responsibility of the Assessor and Assistant Assessors to ensure compliance with this policy and it is the responsibility of all employees to co-operate in this task. Upon discovering that the Board’s Policy on Data Protection is not being complied with, the Assessor after consultation with the Data Protection Officer, shall have full authority to take such immediate steps as may be considered necessary.

Each member of staff who deals with personal data has a responsibility to follow all procedures and guidelines in relation to data protection in order to ensure that data is held securely, is not disclosed to any unauthorised parties, and that it is disposed of securely once it is no longer required to be kept.

This policy shall apply equally to any consultants, contractors, agents or any other individuals performing a function on behalf of the Assessor or the Board.

## **4.0 Personal Data**

Personal data means any information relating to an identified or identifiable living individual who can be identified, directly or indirectly, in particular by reference to:

- a) an identifier such as a name, an identification number, location data or an on-line identifier, or
- b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

This includes the person's name, address, telephone number, national insurance number as well as any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

## **5.0 Special Category Personal Data**

Special category personal data is data consisting of any of the following:

- Racial or ethnic origin.
- Political opinions.
- Religious or philosophical beliefs.
- Trade union membership.
- Genetics.
- Biometrics (where used for ID purposes).
- Health.
- Sex life.
- Sexual orientation.

Special category personal data is subject to much stricter conditions of processing.

## **6.0 Data Controller Registration**

The Assessor is registered with the Information Commissioners Office as a data controller. The register entry can be accessed at [www.ico.org.uk](http://www.ico.org.uk) . The registration number is Z6821924. The register entry will be reviewed annually.

## **7.0 Data Protection Principles**

The Assessor and the Board require to ensure that all personal data is ingathered, held and disposed of in line with the following data protection principles. These principles require that all personal data must be:

1. Processed lawfully, fairly and in a transparent manner in relation to the data subject.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the General Data Protection Regulation in order to safeguard the rights and freedoms of the data subject.

6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

## **8.0 Data Protection Officer**

The Assessor and the Board are required to have a named individual as the person with the overarching responsibility for ensuring compliance with the data protection principals and also to promote good practice throughout the organisation. The role of the Data Protection Officer (DPO) is to:

- Inform and advise the Assessor and the Board about their obligations to comply with the General Data Protection Regulation and other data protection laws.
- Monitor compliance with the General Data Protection Regulation and other data protection laws, including the assignment of responsibilities, awareness raising and training of staff involved in the processing operations and related audits.
- Provide advice about data protection impact assessments and monitor their performance;
- Co-operate with the supervisory authority (the Information Commissioner's Office).
- Act as the contact point for the Information Commissioner's Office on issues related to the processing of personal data.

The Assessor and the Board have appointed Ian Smail, Information Governance Manager, of Dundee City Council to be the Data Protection Officer. The Data protection Officer can be contacted at:

**Ian Smail**  
**Information Governance Manager**  
**Corporate Services**  
**Dundee City Council**  
**21 City Square**  
**Dundee**  
**DD1 3BY**  
**Email: [infogov@dundeecity.gov.uk](mailto:infogov@dundeecity.gov.uk)(link sends e-mail),**  
**Tel: 01382 434206**

## **9.0 Data Security**

The Assessor will ensure there are satisfactory arrangements in place for the security of special category data when held.

All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely.
- Personal information is not disclosed either orally or in writing or by any other means to any unauthorised third party.

All employees of the Board must comply with the requirements specified in the Board's e-mail/internet guidelines.

All employees will receive information security awareness training and will be vetted to basic level by Disclosure Scotland as part of the Board's recruitment and induction process.

Disciplinary action may be taken against any Board employee for deliberate or reckless breach of any instructions contained in this Data Protection Policy or other related documents.

## **10.0 Personal Data Breaches**

The Act and GDPR introduce a duty on all organisations to report certain types of personal data breach to the ICO. This must be done within 72 hours of becoming aware of the breach. Staff are required to contact both their line manager and Assistant Assessor immediately on the discovery of a potential data breach in line with the Data Security Breach Procedure. In the absence of the Assistant Assessor any breach should be reported to the Assessor.

More information on breach management can be found on Information Commissioner's Office Guidance on Data Security Breach Management. [Guidance on Data Security Breach Management](#)

## **11.0 Retention of data**

In order to comply with various legal requirements, the Assessor and the Board are required to retain data for differing lengths of time.

Once the data is no longer required to be held it must be securely destroyed. Information on the retention periods can be found in the Retention Guidelines & Disposal Arrangements and Schedule.

## **12.0 The rights of individuals**

The Act and the GDPR provide individuals with the following rights regarding their personal information:

- The right to be informed about how their information will be used.
- The right of access to their personal information.
- The right to rectification, which is the right to require the Assessor or the Board to correct any inaccuracies.
- The right to request the erasure of any personal information held by the Assessor or the Board where there is no longer a basis to hold the information.
- The right to request that the processing of their information is restricted.
- The right to data portability.
- The right to object to the Assessor or the Board processing their personal information.
- Rights in relation to automated decision making and profiling.

## **13.0 Lawful Processing**

The Assessor and the Board must have a valid lawful basis in order to process personal data. There are six available lawful bases for processing. No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on the purpose and relationship with the individual. The available bases are:

- **Consent:** the individual has given clear consent for the Assessor or the Board to process his/her personal data for a specific purpose.

- **Contract:** the processing is necessary for a contract that the Assessor or the Board has with the individual, or because the individual has asked the the Assessor or the Board to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for the Assessor or the Board to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.
- **Public interest:** the processing is necessary for the Assessor or the Board to perform a task in the public interest or in the exercise of official authority vested in the Assessor or the Board.
- **Legitimate interests:** the processing is necessary for the purposes of legitimate interests pursued by the Assessor or the Board or a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. However, this basis is not available to processing carried out by the Assessor or the Board in the performance of an official task: it can only apply to the Assessor or the Board is fulfilling a different role.

## 14.0 Processing

Processing for the purposes of data protection means everything from obtaining and gathering information to using the information and, eventually, destroying that information. Specifically, this includes:

- collection, recording, organisation or storage,
- adaptation or alteration,
- retrieval, consultation or use,
- disclosure by transmission, dissemination or otherwise by making available,
- alignment or combination, or
- restriction, erasure or destruction.

## 15.0 Data Sharing

The Assessor and the Board will only share personal data where this is permissible within the Act and the GDPR and is in line with the Data protection Principles.

The Assessor and the Board will provide free of charge to any individual who requests it in the proper manner, a written copy in clear language of their current personal information held.

The Assessor shall require any relevant parties who receive personal information to enter into a Data Sharing Agreement. The data sharing agreement will set out the lawful basis under which the data may be shared and other requirements relating to the manner in which the data may be processed and ultimately destroyed.

## 16.0 Other Policies, Procedures & Guidance

- Data Protection Security Breach procedure
- Disclosure of Information Policy
- Acceptable Use Policy for IT Systems
- Access Control Policy
- Data Access and Building Security Policy
- Procedure for Disposal of Media

- Government Security Classification, Handling & Disposal policy
- Security Incident & Weakness Policy
- Security of IT Systems – Guidance to Staff
- Security Policy
- Use of Cryptographic Techniques
- Remote & Mobile Working Policy
- E-mail & internet Guidelines
- Closed Circuit TV Policy