

# Scarborough Borough Council Privacy Notice

May 2018

Scarborough Borough Council respects your privacy and is committed to protecting your personal data.

This privacy notice tells you about the types of personal data we collect, and how we collect, use, share, secure and retain it. It also explains your legal rights regarding that data.

Please read this privacy notice alongside any other privacy notice or fair processing notice we provide when we are collecting or processing personal data about you, so that you are fully aware of how and why we are using your data.

We may change our privacy notices at any time without notice. Please keep us informed of any changes to your personal data, which you may do by contacting the DPO.

## **Our Data Protection Officer (DPO)**

We have appointed a DPO to oversee compliance with this privacy notice. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact the DPO at the Town Hall, St Nicholas Street, Scarborough, North Yorkshire YO11 2HG (tel 01723 232323 or email [dataprotection@scarborough.gov.uk](mailto:dataprotection@scarborough.gov.uk)).

## **The Information Commissioner's Office (ICO)**

You have the right to make a complaint at any time to the ICO which is the UK supervisory authority for data protection issues ([www.ico.org.uk](http://www.ico.org.uk)). However, please feel free to contact us first so that we can address your concerns.

We are registered with the ICO as a data controller.

## COLLECTING YOUR PERSONAL DATA

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you, which may include your:

- name
- address
- date of birth
- gender
- marital status
- email address
- telephone number
- bank account details
- username and password
- use of our website and services
- communication preferences
- lifestyle and social circumstances
- images captured by our CCTV
- licences or permits held
- business activities
- race or ethnicity, religious or philosophical beliefs, sexual orientation, political opinions, trade union membership, health (these are all types of special category data)
- criminal convictions and offences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. For example, we may aggregate your data to calculate the percentage of users accessing a specific website feature. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We may collect your personal data from you directly, or from your use of our website(s) or from third parties (such as other public bodies or a member of your family) or from publicly available sources (such as Companies House or Google).

## USING YOUR PERSONAL DATA

We will only use your personal data when the law allows us to, for example because:

- You have given us your **consent**.
- There is (or will be) a **contract** between you and us.
- We are under a **legal obligation** that requires us to process your data.
- It is in your (or someone else's) **vital interests** (i.e. to protect someone's life).
- We need to perform a **task in the public interest** or for our **official functions**.
- It is in our (or a third party's) **legitimate interests** and we are not processing your data to perform our official functions. We will consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we have your consent or are otherwise required or permitted to by law).

Please contact us if you would like to know about the specific legal ground we are relying on to process your personal data.

We will only use your personal data for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you would like us to explain how the processing for the new purpose is compatible with the original purpose, then please contact us.

If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **SHARING YOUR PERSONAL DATA**

We may have to share your personal data with third parties for the purposes for which we collected it, for example:

- Your family, associates or representatives
- Previous, current and prospective employers
- Local and central government
- Healthcare, social and welfare organisations
- Trade unions
- Service providers who provide services for us or on our behalf
- Professional advisers and consultants
- HM Revenue & Customs
- Courts, tribunals and prisons
- Ombudsman and regulatory authorities
- Fraud prevention agencies
- Debt collection and tracing agencies
- Private investigators
- Credit reference agencies
- Professional bodies
- Survey and research organisations
- Law enforcement and prosecuting authorities
- Police complaints authority
- Housing associations and landlords
- Voluntary and charitable organisations
- Religious organisations
- Students and pupils including their relatives, guardians, carers or representatives
- Data processors
- International law enforcement agencies and bodies
- Security companies
- Partner agencies
- Licensing authorities
- Press and the media
- Legal representatives, defence solicitors
- Disclosure and barring service

Please note that we may share your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

We require all third parties to respect the security of your personal data and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal data for their own purposes and only permit them to process your personal data for specified purposes and in accordance with our instructions.

Whenever we transfer your personal data outside of the European Economic Area (the EEA), we ensure that a similar degree of protection is afforded to that data by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the European Commission.
- Where we use certain service providers, we may use specific contracts approved by the European Commission which give personal data the same protection it has in Europe.
- Where we use providers based in the US, we may transfer data to them if they are part of the Privacy Shield which requires them to provide similar protection to personal data shared between Europe and the US.

Please contact us if you would like further information on the specific mechanism used by us when transferring your personal data outside of the EEA.

## **SECURING AND RETAINING YOUR PERSONAL DATA**

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

Please contact us for details of retention periods for different aspects of your personal data.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

## YOUR LEGAL RIGHTS

Under certain circumstances, you have rights under data protection laws in relation to your personal data. If you wish to exercise any of these rights then please contact us.

You have the right to:

- **Request access** to your personal data (commonly known as a “data subject access request”). This enables you to receive a copy of the personal data we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.
- **Request erasure** of your personal data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing** of your personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms. You also have the right to object where we are processing your personal data for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.
- **Request restriction of processing** of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data’s accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.
- **Request the transfer** of your personal data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.
- **Withdraw consent at any time** where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to

provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

You will not have to pay a fee to access your personal data (or to exercise any of the other rights). However, we may charge a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we may refuse to comply with your request in these circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access your personal data (or to exercise any of your other rights). This is a security measure to ensure that personal data is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

We try to respond to all legitimate requests within one month. Occasionally it may take us longer than a month if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.