Falkirk Council

Data Protection Policy

Version 3.00

Falkirk Council

DATA PROTECTION POLICY

We process personal data in order to carry out our statutory functions. We are registered with the Information Commissioner's Office (ICO) as a data controller.

We are committed to protecting personal data and complying with data protection legislation as defined by the Data Protection Act 2018 (the Act) and the 6 data protection principles.

In terms of our Financial Regulations, the Director of Corporate and Housing Services, in consultation with the Chief Governance Officer, is responsible for ensuring that the requirements of the Act are complied with. Each Service Director is responsible for compliance with the Act by employees within their Service.

Our 10 core commitments

1. We will ensure that proper policies and procedures are in place to ensure compliance with data protection legislation, in particular in the areas of Information Security and Records Management.
2. We will ensure that all staff who handle personal data understand their responsibilities under data protection legislation and receive appropriate training annually.
3. We will ensure that our information technology systems protect the availability, integrity and confidentiality of personal data.
4. We will ensure that we consider data protection by design and default, in particular by the use of data protection impact assessments where any processing is likely to result in a high risk to the rights and freedoms of individuals.
5. We will ensure that we tell data subjects what we will do with their personal data, by the use of privacy notices.
6. We will ensure that we designate a data protection officer and provide the resources necessary to enable that officer to carry out their statutory tasks.
7. We will ensure that procedures are in place to deal with subject access requests in line with the data protection legislation, and that we uphold other rights of data subjects.
8. We will ensure that we only share personal data with other organisations when appropriate and that it is shared safely and securely. Information sharing agreements will be put in place where regular sharing takes place.
9. We will ensure that we include appropriate clauses in contracts with third parties where they process personal data on our behalf.
10. We will ensure that any data breaches are handled in line with the ICO's guidance on data security breach management. All breaches will be recorded in a central log maintained by the Chief Governance Officer. Any serious breaches will be reported to the ICO.

Compliance with this policy, and related policies and procedures, is a condition of employment. This policy will be reviewed every 3 years.

Summary of data protection principles

1. Personal data must be processed fairly and lawfully, and in a transparent manner.
2. Personal data must be processed for specified, explicit and legitimate purposes.
3. Personal data must be adequate, relevant and not excessive.

4. Personal data must be accurate and up-to-date.
5. Personal data must not be kept for longer than is necessary.
6. Personal data must be processed in a secure manner.

Glossary

Data

Recorded information of any kind, including information held in a form which can be processed by computer

Personal data

Data which relates to a living individual who can be identified (a) from that data or (b) from that data and other information in the possession of the data controller. This includes an expression of opinion about the individual.

Data controller

A person who determines the purpose for which, and the manner in which, any personal data are, or are to be, processed.

Processing

Includes obtaining, recording, holding, using, adapting, altering, disclosing, deleting or erasing.

Data subject

An individual who is the subject of personal data.

Subject access request

A written request by an individual to a data controller under the Act, usually for any personal data processed by the data controller of which s/he is the data subject.

Data protection by design and default

A privacy-focused approach - data controllers design appropriate technical and organisational measures (a) to implement the data protection principles in an effective manner, and (b) to integrate into the processing itself the safeguards necessary for that purpose.

Data protection impact assessment

A documenting process to systematically describe and analyse intended processing of personal data, helping to identify and minimise data protection risks at an early stage.

Privacy notice

Information made available or provided to individuals when information is collected about them, including why it is collected, how long it is kept and whether it is shared with anyone else.

Version Number	Purpose/Change	Author	Date
1.00	Approved by Executive	Information Governance Manager	07/06/16
2.00	Approved by Executive after update for GDPR	Information Governance Manager	15/05/18
3.00	Periodic review – minor change required	Information Governance Manager	11/01/21