

## **Privacy Notice 2018**

Tamworth Borough Council strives to ensure personal information we collect, use and hold is processed securely and complies with the obligations under the Data Protection Act 1998 (the DPA) and the General Data Protection Regulations (the GDPR) from 25<sup>th</sup> May 2018

This Privacy Notice describes how we will use any personal information we collect from you or that you provide to us.

Tamworth Borough Council is registered as a data controller with the Information's Commissioners Office (ICO Registration Number Z7622343)

If you have any concerns or questions about how we look after your personal information, please contact our Data Protection Officer, Nicola Hesketh at:

[data-protection@tamworth.gov.uk](mailto:data-protection@tamworth.gov.uk)

or by post, addressed to:

Data Protection Officer  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
Staffordshire  
B797BZ

## **Personal Information**

Personal data is data which relates to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of Tamworth Borough Council.

For example this could be your name and contact details.

## **Categories of personal data**

We may process:

Personal information relating to identified natural persons used to deliver services such as:

- Planning applications, benefits, council tax, business rates, sundry income, housing services, human resources, access to information requests, legal claims, blue badges, customer services, complaints, pensions, children's services, parking services and more.

- Health and wellbeing information. All local authorities have a duty to improve the health of the population they serve. To help with this, we use information from a range of source data, including data collected at the registration of a birth or death to understand more about the health and care needs in the area.

This list is not intended to be exhaustive.

### **Special Categories**

We may process sensitive information which requires more protection. This is often information you would not want widely known as it is personal to you. This is likely to include anything that can reveal:

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

### **Why do we collect information about you**

To provide services to you our customers we need to collect, use and hold information about you.

Individual Service areas will provide further notices, known as Fair Processing Notices (FPN) telling you what, why and how your personal information is processed. This may be for example, on an application form, in writing or over the telephone.

To the side of this webpage you will find links to services we provide. Under each service is information about who we may share your information with and why.

Tamworth Borough Council needs to collect, use and hold information about you, in order to:

- allow us to undertake statutory functions efficiently and effectively
- make sure we meet our statutory obligations including those related to diversity and equalities
- deliver public services
- confirm your identity to provide some services
- contact you by post, email or telephone
- understand your needs to provide the services that you request
- understand what we can do for you and inform you of other relevant services and benefits
- update your customer records

- help us to build up a picture of how we are performing at delivering services to you and what services need
- process financial transactions
- prevent and detect fraud and corruption in the use of public funds
- obtain your opinion about our services

This list is not intended to be exhaustive.

We may not be able to provide these services unless we have enough information, your permission, or any legitimate reason to use the information provided.

### **How do we collect information?**

Tamworth Borough Council only collects personal information you provide using the following formats:

- Email
- Phone
- In writing from you or by a member of staff on your behalf
- Application Form
- Online Form
- Online Portal
- We also work closely with a number of third parties and may receive information about you from them, these 3<sup>rd</sup> parties maybe:
  - Sub-contractors
  - Credit checking companies
  - Analytics providers,
  - Software providers and
  - Regulatory authorities or government departments
  - Solicitors

This list is not intended to be exhaustive.

We may use this information on its own or combined with any of the information we receive or collect from you for any of the below purposes.

### **How we may use your information**

We use the information you provide in accordance with the Data Protection Act 1998 and the General Data Protection Regulations. The regulations set out a number of principles that are there to protect you and to ensure we:

- Process all personal information lawfully, fairly and in a transparent manner.
- Collect personal information for a specified, explicit and legitimate purpose.
- Ensure that the personal information processed is adequate, relevant and limited to the purposes for which it was collected.

- Ensure the personal information is accurate and up to date.
- Keep your personal information for no longer than is necessary for the purpose(s) for which it was collected.
- Keep your personal information securely using appropriate technical or organisational measures.

We may process your information for the following purposes:

- for the service you requested, and to monitor and improve the council's performance in responding to your request
- to ensure that we meet our legal obligations
- to process financial transactions including grants, payments and benefits involving the council, or where we are acting on behalf of other government bodies, e.g. Department for Work and Pensions
- to allow us to be able to communicate and provide services and benefits appropriate to your needs
- where necessary for the law enforcement functions
- to prevent and detect fraud or crime
- to collect monies owed to us
- where necessary to protect individuals from harm or injury
- to allow the statistical analysis of data so we can plan the provision of services
- process insurance claims

This list is not intended to be exhaustive.

### **How the law allows us to use your personal information**

There are a number of legal reasons why we need to collect and use your personal information.

Each service privacy notice, contained within the links to the left of the web pages explains which legal reason is being used. Generally we collect and use personal information where:

- you, or your legal representative, have given consent
- you have entered into a contract with us
- it is necessary to perform our statutory duties
- it is necessary to protect someone in an emergency
- it is required by law
- it is necessary for employment purposes
- it is necessary to deliver health or social care services
- you have made your information publicly available
- it is necessary for legal cases
- it is to the benefit of society as a whole
- it is necessary to protect public health
- it is necessary for archiving, research, or statistical purposes

This list is not intended to be exhaustive.

If we have consent to use your personal information, you have the right to retract that consent at any time. If you wish to retract your consent, please contact us at: [data-protection@tamworth.gov.uk](mailto:data-protection@tamworth.gov.uk) and tell us which service you're using so we can respond to your request.

### **Information Sharing**

To provide an effective and efficient service to you, our customers, we may need to pass your information to third parties, these third parties for example maybe:

- government bodies, departments or other third parties, and departments
- Third-party processors.
- Any third party to whom we may need to disclose personal information in order to comply with our legal, regulatory and statutory obligations. This may be as part of a legal process, (for example, in response to a law enforcement agency's request, or where they believe it's necessary). This could be to investigate, prevent, or take action regarding illegal activities, suspected fraud, or situations involving potential threats to the physical safety, property or rights of any person.
- Any third party where you've given your consent

This list is not intended to be exhaustive.

We will not pass any personal data on to third parties, other than those who either process information on our behalf, or because of a legal requirement, and we will only do so, where possible, after we have ensured relevant consent has been granted by you or if there is a lawful reason to do so.

We will not disclose any information that you provide in confidence to us, to anyone else without your permission, except where disclosure is required by law, or where we have good reason to believe that failing to share the information would put someone else at risk.

At no time will your personal information be passed to organisations external to us and our partners, for marketing or sales purposes or for any commercial use without your prior express consent.

### **Retention Period**

Your information will only be kept for as long as required to be retained. This will be determined either by law or by our discretion.  
Once your information is no longer needed it will be disposed of securely and confidentially.

Our retention schedule can be found at:

<https://www.tamworth.gov.uk/sites/default/files/privacy/Retention-Schedule.pdf>

**Rights**

Under the Data Protection Act 1998 and the EU General Data Protection Regulations (GDPR) you have certain rights, these are:

<p><b>The right to be informed</b></p>	<p>Privacy Notices such as this and Fair Processing Notices available through Service areas.</p>
<p><b>The right of access</b></p>	<p>You have the right access the personal information we hold about you.</p> <p>To request a copy of this information you must make a Subject Access Request (SAR) in writing, either via a letter to:</p> <p style="text-align: center;">Project &amp; Information Co-ordinator Tamworth Borough Council Marmion House Lichfield Street Tamworth Staffs B79 7BZ</p> <p>or via email to: <a href="mailto:data-protection@tamworth.gov.uk">data-protection@tamworth.gov.uk</a></p> <p>To ensure that we can deal with your request as efficiently as possible you will need to include:</p> <ul style="list-style-type: none"> <li>• your current name and address,</li> <li>• proof of identity (a copy of your driving licence, passport or two different utility bills that display your name and address and dated within 3 months),</li> <li>• as much detail as possible regarding your request so that we can identify any information we may hold about you, this may include your previous name and address, date of birth and what council service you were involved with.</li> </ul> <p>Tamworth Borough Council does not charge for making a Subject Access Request unless the request is deemed “manifestly unfounded or excessive”.</p> <p>The Council will endeavour to acknowledge your Subject Access Request within two working days from receipt of your request and provide a response within 30 days.</p>
<p><b>The right of rectification</b></p>	<p>You have the right to request that inaccurate personal information be rectified and incomplete personal information updated.</p> <p>If you disagree with something on your file, please let us know by completing the online form below or writing to <a href="mailto:data-protection@tamworth.gov.uk">data-protection@tamworth.gov.uk</a></p>

	<p>We may not always be able to amend or remove the information but we will correct factual inaccuracies and may include your comments in the records.</p>
<p><b>The right to erasure</b></p>	<p>You have the right to request we delete your personal information.</p> <p>Examples of when you might request this are:</p> <ul style="list-style-type: none"> <li>• Where your personal information is no longer needed for the reason it was collected in the first place.</li> <li>• Where you have removed your consent for us to use your information (where there is no other legal reason us to use it).</li> <li>• Where there is no legal reason for the use of your information.</li> <li>• Where deleting the information is a legal requirement.</li> </ul> <p>Where your personal information has been shared with others, we will endeavor to ensure those using your personal information comply with your request for erasure.</p> <p><b>Please note that we can't delete your information where:</b></p> <ul style="list-style-type: none"> <li>• we're required to have it by law</li> <li>• it is used for freedom of expression</li> <li>• it is used for public health purposes</li> <li>• it is for, scientific or historical research, or statistical purposes where it would make information unusable</li> <li>• it is necessary for legal claims</li> </ul>
<p><b>The right to restrict processing</b></p>	<p>You have the right to ask us to restrict the processing of your personal information.</p> <p>Examples on when you might request this are:</p> <ul style="list-style-type: none"> <li>• you have identified inaccurate information, and have told us of it</li> <li>• 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</li> </ul> <p>When information is restricted it may not 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.</p> <p>Where restriction of use has been granted, we'll inform you before we carry on using your personal information.</p>

	<p>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.</p> <p>Where possible we'll seek to comply with your request, but we may need to hold or use information because we are required to by law.</p>
<b>The right to data portability</b>	<p>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.</p> <p>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.</p> <p>It's likely that data portability won't apply to most of the services you receive from the Council.</p> <p>You can ask to have any computer made decisions explained to you, and details of how we may have 'risk profiled' you.</p>
<b>The right to object</b>	<p>You have the right to object to the processing of your personal information.</p> <p>The right to object only applies in certain circumstances.</p> <p>Where personal data might lawfully be processed because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority, a data subject should be entitled to object to the processing of any personal data relating to his or her particular situation. It should be for the Council to demonstrate that its compelling legitimate interest overrides the interests or the fundamental rights and freedoms of the data subject.</p>

### **Access to Information**

Under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 you have a right to request any **recorded information** held by the council.

The Council operates a **Publication Scheme** which supports access to information, broken down to areas of interest.

The Councils **Disclosure Log** provides responses to recent requests for information received.

The information you require may already be publicly available, please check our Publication Scheme, Website and Disclosure Log before submitting a request for information.



If you are unable to locate the recorded information, you can request information by:

- Using our online form ([link to online form here](#))
- Emailing us at: **[freedomofinformation@tamworth.gov.uk](mailto:freedomofinformation@tamworth.gov.uk)**
- Writing to: Project & Information Coordinator, Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ
  
- A valid request for information **must** be in writing
- Include your real name and address (if you apply by email, your email address is a suitable address for correspondence)
- Clearly define the information requested

The Council will endeavour to acknowledge your RFI within working 2 days upon receipt of your request and provide our response within 20 working days.

There is no charge to make a request for information; however the Council may refuse a request if doing so would cost more than £450 (which equates to 18 hours' work). In extreme circumstances, the council may also charge for the cost of photocopying and postage.

You may not get the information you asked for:

- If the council does not hold the information you have requested
- If the information is exempt from disclosure
- If finding the information you have requested would take longer than 18 hours

Requests for information are subject to exemptions as stipulated under the Freedom of Information Act. You will be notified in writing should any exemptions apply to your request for information.

If you are not satisfied with the decision to withhold information or disagree with the any fees applied then you may ask for an Internal Review. If this is the case please state and submit a full submission on why you disagree with the decision to the Project and Information Officer, Nicola Hesketh at: [freedomofinformation@tamworth.gov.uk](mailto:freedomofinformation@tamworth.gov.uk)

Your appeal will be considered by appropriate officers who did not take part in the original processing of your request.

If you are still dissatisfied with how the council have handled your complaint, you may contact the Information Commissioner's Office.

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 08456 30 60 60

More information on the ICO website at: <https://ico.org.uk/>

### **Collecting Information Automatically**

You can visit our site and use many of the services without telling us who you are or giving us any personally identifiable information.

We do use some cookies to monitor traffic and improve our website. **These cookies do not store any personal information.** Read more about [Google Analytics and their use of cookies here](#).

Google Analytics Cookies		
Name	Description	Expiration
__utma	Used to determine unique visitors to our site. It is updated with each page view.	2 years
__utmb	Used to establish and continue a user session. Each time a user visits a different page on our site, this cookie is updated to expire in 30 minutes, thus continuing a single session for as long as user activity continues within 30-minute intervals. This cookie expires when a user pauses on a page on our site for longer than 30 minutes.	30 minutes
__utmc	Operates in conjunction with the __utmb cookie to determine whether or not to establish a new session for the user. In particular, this cookie is not provided with an expiration date; it expires when the user exits the browser.	Not set
__utmz	Stores the type of referral used by the visitor to reach our site, whether via a direct method, a referring link, a website search, or a campaign such as an ad or an email link. It is used to calculate search engine traffic, ad campaigns and page navigation within our own site. The cookie is updated with each page view to your site.	6 months

You can restrict or block cookies through your browser settings. The Help function within your browser should tell you how. Alternatively, visit [www.aboutcookies.org](http://www.aboutcookies.org). For information on how to do this on your mobile phone, refer to your manual.

We automatically receive and record information on server logs from your browser. We only monitor the IP addresses of visitors to assess which pages are the most popular. These are not linked to any personal data; all visitors to our site remain anonymous.

Web access logs may be used to prevent security breaches, and to ensure the integrity of the data on our servers. The logs are deleted periodically.

### **Information Security Incident**

Should you wish to report an Information Security Incident, this can be done by:

- Using the online form (security form link here)
- In writing to the:  
Data Protection Officer  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
Staffordshire  
B79 7BZ
- Or by Email: **Data-Protection@tamworth.gov.uk**

Our Information Security Policy can be found here:

<https://www.tamworth.gov.uk/sites/default/files/privacy/Information-Security-Policy.pdf>

### **Comment, Compliments and Complaints**

If you wish to make a compliment, comment or complaint about the service you have received, then please visit <https://www.tamworth.gov.uk/contact-us> where you will find our Tell us Once Policy detailing how to make Comment, Compliment or Complaint

### **Changes**

This Privacy Notice may change from time to time and will be subject to annual review. The last known update/review date can be located at the top of the page. By regularly reviewing this page you will ensure that you are always aware of what information we collect, how we use it and under what circumstances, if any, we share it with others.