

Data Protection

This document explains how Malvern Hills District Council is complying with the requirements of the Data Protection Act.

PERSONAL INFORMATION - YOUR RIGHT TO KNOW

Introduction

The information on this page tells you how you can obtain details of personal information we hold about you. We have tried to make the document as clear as possible but, if there is anything you do not understand or would like explained, please call or write to the Council's Information and Risk Management Officer. The contact details are at the end of this document. If we are unable to answer your query about the Act and your rights, we will find the answer as quickly as possible and get back to you.

What is the Data Protection Act 1998?

It is designed to protect individuals personal information, no matter how it is processed, what it is processed for or who processes it. It sets rules and conditions which any person or organisation who handles personal data must comply with when obtaining and using information about you.

What is personal data?

It is information about a living individual from which that person can be identified. That information can be in a variety of formats. For example it might be on a computer, in a paper filing system or in more unusual formats such as CCTV footage. It includes information such as your name, address, date of birth, health and financial details. It is needed so that we can provide you with the services you require such as council tax, housing benefits etc, and so that we can fulfill our functions as a local authority.

Does the authority need my consent to process my personal data?

We require your consent if we are going to process data about you for purposes other than those we are required to provide by law. If we intend to use your personal data for another purpose, we may need your consent.

Can I find out what data Malvern Hills District Council holds about me?

Yes. You have the right to be:

- told whether we are processing information about you;
- provided with a description of the data, why we are processing it and the sorts of people or organisations we might disclose the information to;
- provided with a copy of the data in an intelligible and permanent form;
- told, if we know, where the information was obtained from.

How do I obtain information about me?

You must write to us, the address for which is at the end of this document, asking to see your records. You will need to provide your name and address, details of the service(s) to which your enquiry relates and any other information (e.g. date of birth, rent or council tax number) that could help us find your information. To make this easier, a Subject Access Request form is available from Customer Services located at Malvern Library and from our website. Help is available to complete it should you need it. You do not have to use the form but all requests must be in writing, although the use of email is permitted. You cannot request information verbally.

Is there a charge?

Yes. We charge £10, which is the maximum allowed by law, and the information cannot be provided until the fee has been paid. Cheques or postal orders should be made payable to 'Malvern Hills District Council'. The fee must be sent with your request.

How long will it take?

The law says that we must supply the information within 40 days of receiving sufficient details to enable us to find the information, the £10 fee, and satisfactory evidence regarding the identity of the person making the request. Failure to supply any of this may therefore delay

the request.

However, your request will be acknowledged within 7 working days of our receipt of the request.

Do I need to provide identification?

Yes. To ensure that we only supply information to those who are entitled to receive it, we ask that you provide some means of identification. Acceptable forms are a birth certificate or driving licence. Photocopies are permitted unless the information is likely to be of a very sensitive nature, when sight of the original may be requested. Recent correspondence from the Council or utility bills showing your name and address will also suffice for most enquiries. If original documents have been provided, they will be returned to you as soon as possible. If you make a request by e-mail you will need to provide a form of identification separately. You may prefer to bring the documents in person to Customer Services, where a member of staff can copy them and give them straight back to you.

Can I always obtain information about myself?

Not always. The Act has a number of exemptions. If you make a Subject Access Request and we consider that the information concerned is exempt from any provision of the Act, we will inform you accordingly. If you disagree with our view, you can ask us to reconsider or you can take the matter up with the Information Commissioner who oversees compliance with this legislation. The contact details are at the end of the document.

Can I ask somebody to make the request for me?

Yes, but you will need to give them authority to do so. (They are referred to as an agent on the Subject Access Request form). If there is no-one who can help you, let the Officer responsible for Data Protection know and we can make arrangements for somebody to assist you if necessary.

What will I receive?

You will be given a copy of all the information that we hold about you, or which relates to the specific area of your enquiry. The information will be taken from both our computer systems and manual records. We will also provide a description of the purposes for which the information is being processed. Any codes or other abbreviations used in the processing will be explained. However, if you require further explanations please contact us.

What do I do if the data is incorrect?

You must write telling us what data is incorrect and ask for it to be corrected. We must tell you what has been done within 21 days of receiving your request. If we do not agree that the information is incorrect you can ask us to note your disagreement within the personal records we hold on you. You can also appeal to the Information Commissioner or the courts if we do not correct the information.

If you think that you have not been given all of the information you asked for, please contact us first so that we can verify our understanding of your request. If you are still not happy, you can make a formal complaint to the Council or you can appeal to the Information Commissioner.

Can I claim compensation?

If we have broken any of the rules or conditions established by the Act and you have suffered substantial damage or distress you may be able to claim compensation. You may also be able to claim compensation if the damage or distress was caused by our use of inaccurate data.

Claims are made through the court which will only support these if you can show that the authority had not taken reasonable care to ensure we complied with the Act and in the case of the use of inaccurate data, it is satisfied that you have suffered damage as a result of our use of such data.

Can I stop you using my information?

If you think that we have used your personal data to send you promotional literature or advertising which you do not wish to receive, please write to the Council requesting us not to

use your details for direct marketing. If you think that the use of your personal data could cause you damage or distress, write to us stating your reasons for stopping the processing.

Contact Details

To contact us, please write, email, telephone or Fax

Malvern Customer Service Centre
The Library
Graham Road
Malvern
Worcestershire
WR14 2HU

Email – Worcestershirehub@malvern hills.gov.uk

Tel: 01684 862151

Fax:01684 574906

Open: Monday to Friday 9.00 a.m. to 5.30 p.m.

Further information or advice on the Data Protection Act can be obtained from:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel (01625) 545745

Website – www.ico.gov.uk