



The Data Protection Act 1998

A Guide for Customers

Do you know what personal information is held about you by Angus Council and why the Council needs this information?

In this leaflet Angus Council explains your rights, as a user of Council services, to see your personal information and to be told how information about you is used.

What are the data protection principles?

The Data Protection Act 1998 contains eight principles which set out how the Council should treat the personal information it holds. The data protection principles are summarised below. "Personal data" simply means personal information about any living individual.

- Personal data must be processed fairly and lawfully
- Personal data must be obtained only for one or more specified and lawful purpose and must not be processed in a manner incompatible with that or those purposes
- Personal data must be adequate, relevant and not excessive
- Personal data must be accurate and, where necessary, kept up to date
- Personal data must not be kept for any longer than is necessary
- Personal data must be processed in accordance with the Act
- Appropriate security measures must be taken against unlawful or unauthorised processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data must not be transferred to a country outside the European Economic Area unless that country ensures an adequate level of protection for that data.

What are your rights?

The Act gives you a number of rights, including the right:

- to ask Angus Council if it holds personal information about you
- to ask what it uses the information for
- to be provided with a copy of the information

- to be given details of the purposes for which Angus Council uses the information and other persons or organisations to whom the information is disclosed
- to have information corrected

Why does Angus Council keep personal information?

Angus Council keeps personal information about you so that it can:

- provide you with the services you require
- collect council tax and rent
- assess your entitlement to benefits (such as housing benefit or community tax benefit)
- provide you with up to date information about these services and the most appropriate services for your needs.

Who does Angus Council share information with?

Information may be shared with a variety of services. Examples include Social Work sharing information with Health and Housing, and Finance sharing information with the Benefits Agency. It can also be shared, where necessary, with other organisations that provide services on behalf of the Council, such as residential accommodation providers and contractors for housing maintenance. In all of these examples, the information shared is only the minimum necessary to enable the services to be provided to you.

Personal information about you may also be provided to Government departments or other local authorities.

What sort of information does Angus Council hold?

The type of personal information held about you will depend on the service being provided. Basic information will be held, such as your name and address and what services you are receiving.

Other, more sensitive, information may also be held. Depending on your needs and the service being provided, this information may include details of your physical or mental health, disabilities and racial or ethnic origin.

How does Angus Council keep the information and who is responsible for it?

The information is kept on secure computer systems and in secure manual filing systems. All Council employees are required to comply with the Council's Data Protection Policy and I.T. Security Policy, which set out how information should be kept safe.

Are the records confidential?

Angus Council's employees have a duty of care when providing services. This duty includes respecting your right to confidentiality and ensuring that your information is only given to others for the purposes of the service being provided. Care is taken to ensure that third parties cannot access the information without your permission and that information about you is not disclosed without your consent, unless the Council is allowed or obliged to disclose the information by law.

How long are records about you held?

This depends on the type of information in the records. Sometimes, Acts of Parliament set out how long records must be kept, and these time limits can be long, especially for things like adoption files. The Act says that personal data should only be kept for as long as is necessary.

How do you ask to see your information?

There are two ways you can ask to see your information, but your request must be in writing. You can write to Angus Council at the address at the end of this leaflet. If you do this, you must provide your name and address; details of the service or services you want information about and any other information (such as your date of birth) that you think will help the Council to find your information. You should be as precise as possible, in order to help the Council locate the information you are looking for. If you were previously known by another name or lived at a different address when you received the service (or services) from the Council, you should mention that in your letter.

You can also complete a "Request for Personal Information Form". The form sets out what information we need to deal with your application so you might find it easier - and quicker - to complete a form rather than writing to the Council. If you have difficulty with the form, we can help you. (See the end of this leaflet for information about how to obtain a copy of the form.)

What information will you be allowed to see?

You will be allowed to see the information the Council holds about you on computer and in its manual filing systems unless the Council is unable to give you the information, because of one of the exemptions in the Act. You will also be told how the Council uses the information, who the Council discloses the information to and, in some circumstances, the source of the information.

If you want, you can be provided with a copy of your information which is yours to keep. This may be a printout of the information from a computer system or a photocopy of your manually held record. If you have difficulty in understanding any of the information (perhaps because it contains abbreviations or jargon), you can ask a member of the Council's staff for assistance.

What if I want to see my Social Work records?

There are different procedures in place for Social Work records. If you want to see Social Work records, either speak to your Social Worker, call in at any Social Work office or telephone the Clients' Rights Officer on (01307) 474848.

Can you see information about members of your family or about any other person?

Generally speaking, you cannot see information about other people, unless they have given their consent or the Council thinks it is reasonable for you to see the information. This includes information about members of your family. In certain circumstances (for example if you are a member of an elderly person's family) you may have been granted powers to see information about a family member. In these situations, Angus Council will check that the permissions are genuine before giving you the information. If you are a parent, you may be provided with information about your child, depending on the age and wishes of your child and whether you have parental rights.

How long does it take to provide you with the information?

Angus Council must respond to your request within 40 days of receiving:

- your written application,
- proof of identity. It is likely that you will be asked to provide the Council with proof of identity, to ensure that you are who you say you are such as a passport or driving licence;

- any additional information required by the Council to allow us to locate your records, and
- any third party consent, if required. If the information held about you also refers to another person, then the Council may have to obtain the consent of that person before letting you see information about him/her.

What should you do when you get the information?

You should check it to make sure that you have received all of the information you are entitled to and to make sure that it is correct.

What do you do if the information provided is incorrect?

The Act defines inaccurate data as being “data which is incorrect or misleading as to any matter of fact”. If your information is incorrect, you can write to the Council within 21 days and ask for it to be corrected. The Council must tell you within 21 days whether it has corrected the information. If the Council does not agree that the information is incorrect, you can ask the Council to put a note on your file saying you disagree with the information contained in the file.

If the Council does not correct the information, you can also appeal to the Information Commissioner (the Commissioner’s address is at the end of this leaflet) or to the Courts. These organisations have the power to order the Council to correct information which is wrong.

What do you do if you think you have not been given all the information you asked for?

You can appeal to Angus Council by writing to the Council’s Chief Executive at Angus House, Orchardbank Business Park, Forfar DD8 1AX or to the Information Commissioner, whose staff will look into the matter on your behalf.

What other rights do you have under the Data Protection Act?

In addition to those rights described above, these are some of the other rights you have:

- to prevent processing of personal information which is likely to cause damage or distress. If you want the Council to stop this type of processing, you must write to the Council, letting the Council know what is causing damage or distress.

- to prevent processing of personal information for the purposes of direct marketing. You can write to the Council asking it to stop - or not start - sending you direct marketing material.
- to ask for compensation if you have suffered damage as a result of Angus Council breaching the Act. (See below.)
- to request the Information Commissioner to assess whether the Council has breached the Act.

When can you claim compensation?

If you have suffered damage or distress as a result of the Council breaching the Act, you may be entitled to compensation.

A Court will only support your claim if you can show that Angus Council had not taken reasonable care to ensure it complied with the Act.

What do you do if Angus Council does not reply to, or refuses to comply with, any notice that you send?

If you do not receive a reply or if you consider that Angus Council has not complied with a notice, you should contact the Council to check that your request was received. If, after doing this, your notice has still not been complied with, you can contact the Information Commissioner or apply to the Court for an order requiring the Council to comply.

When can you complain to the Information Commissioner?

You can complain to the Commissioner if you consider that Angus Council has breached any of the requirements of the Data Protection Act. These include a breach of any of the data protection principles, a failure to respond to any of your written notices, processing data without your consent (where consent is necessary), and refusing to provide you with the personal information you have requested. This list is not exhaustive.

What will the Commissioner do?

The Commissioner has a number of enforcement powers. For example, he can carry out an assessment of the Council's processing to establish whether or not the Council is acting in compliance with the Act.

If the Commissioner finds that Angus Council is not acting in compliance with the Act, then the Council will be issued with a notice requiring it to take steps to ensure compliance. The Commissioner can also fine the Council or ask for criminal proceedings to be raised against the Council.

If you want to access the personal information which Angus Council holds about you, either:

(i) write to:

**Head of Law and Administration
Angus Council
Angus House
Orchardbank Business Park
FORFAR DD8 1AN**

or

(ii) obtain a copy of a Personal Information Request Form. To get a copy of the form:

- call in to a Council office (most offices have these forms);
- telephone the Council ACCESSline (08452 777 778) and ask for a form; or
- log on to the Council's website: www.angus.gov.uk

How can the Information Commissioner be contacted?

The Information Commissioner's address is:

**The Office of the Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: (01625) 545745**

This leaflet only offers a summary of the duties placed on the Council by the Data Protection Act 1998 and of your rights under the Act. The Council cannot be held liable for any errors contained in this leaflet. If you want further clarification of the Act, either contact the Information Commissioner or speak to your solicitor.