



HILLINGDON

LONDON

The London Borough of Hillingdon - Data Protection Privacy Notice

May 2018

Introduction

The London Borough of Hillingdon is located in Greater London. It is home to Heathrow Airport and Brunel University and is the second largest London Borough in terms of geographical area.

The Council of the London Borough of Hillingdon [the Council] provides a number of statutory and discretionary services to the residents of Hillingdon and it is a data controller for the purposes of the General Data Protection Regulation [GDPR] and the Data Protection Act 2018 [DPA] which collectively introduce a new data protection regime and standard with effect from 25 May 2018.

The Council's address is:

Civic Centre
High Street
Uxbridge
Middlesex
UB8 1UW

Telephone Number: 01895 250111

What is a Data Protection Privacy Notice?

The Council is required by law to publish a Privacy Notice. Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR. The Council is therefore required to provide individuals with the type of information contained within this Notice and this is known as 'privacy information'. This information is to be provided to individuals at the time when the Council collects personal data from them. This Privacy Notice is part of the Council's commitment to ensure that individuals' personal data is processed fairly and lawfully.

The Nature of the Council's Services

The Council is a creature of statute and therefore it is governed by a wide range of legislation. It provides a variety of services to its residents and in order for individuals to fully understand the exact type of personal data which the Council collects and holds about them, it will be necessary for them to contact the relevant service area or department within the Council.

The Council generally holds personal data for the purpose of facilitating and supporting the delivery of its services. It processes this data to deliver the following functions although please note that this is not intended to be an exhaustive list:

- Housing Services including the provision of advice, supporting homelessness and tenancy management;
- Leisure and Cultural Services including the provision of sporting facilities, theatres, museums;
- Education Services including school admissions, special educational needs and home to school transport. [Please note schools are separate data controllers in respect of educational records];
- Administering the assessment and collection of Council Tax & Business Rates;
- Administering Housing Benefit and other benefits and discounts;
- Licensing and regulatory activities;
- Planning & Building Control;
- Local fraud initiatives to protect public funds and resources from misuse;
- Social Services for adults, children and families;
- Crime prevention and prosecution of offenders including the use of CCTV;
- Administration and enforcement of parking regulations and restrictions;
- Refuse collections and other waste functions;
- Anti-social behaviour, noise nuisance and community safety;
- Library, archiving and historical services;
- Data matching under local and national fraud initiatives;
- Public Health functions;
- Democratic functions such as organisation of meetings and petition hearings;
- Operation of the Hillingdon First Card;
- Provision of various support services such as Legal, Finance, ICT, Human Resources.
- Disabled adaptation, Emergency Repair Grants and Specialist Works.

Further information on the services which the Council provides can be found on its website.

What type of Personal Data does the Council collect and how is it used?

The Council holds and processes a very high volume of personal data and therefore it is not possible to detail it in this Notice. The precise nature of the personal data which the Council collects, and the processing which it adopts, will depend on the exact type of service that the Council is providing. For example, for some of the services which the Council provides, it will require the use of personal data for the purpose of getting in touch with individuals or to actually provide the service itself. However, the Council will only collect and process personal data that is relevant and proportionate to the particular service that is provided or is necessary in order for the Council to fulfil its duties and functions. Each service of the Council will produce its own Privacy Notice.

When the Council doesn't directly provide the service, it may need to pass your personal data to the people or organisation who do provide it. However, the Council will only do this on the strict understanding that they are obliged to keep your personal details safe and secure and will only use them for the purpose of providing you with the particular service.

Lawful Basis for Processing Personal Data

The Council is only able to lawfully process individuals' personal data if it can demonstrate compliance with one or more of the criteria for lawful processing.

One such criteria is that the Council has obtained the freely given, specific, informed and unambiguous consent of an individual to process their personal data and that the Council records this consent in writing. **Prior to giving this consent, the individual must be informed by the Council that they have the right to withdraw their consent at any time.**

If an individual's consent has not been given or it has been withdrawn, then the Council must establish an alternative basis for the lawful processing of an individual's which can include one or more of the following:

- processing is necessary for the performance of a contract which an individual is party to;
- processing is necessary for compliance with a legal obligation which the Council is subject to;
- the protection of the vital interests of an individual or another person;
- the performance of a task carried out by the Council in the public interest;
- processing is necessary for purposes of the legitimate interests pursued by the Council or a third party.

Sensitive Personal Data

There may be occasions where Council services are required to process sensitive personal data of individuals. This is any data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. The Council will only process these types of data where the statutory conditions for doing so have been fully met. For the avoidance of doubt, these conditions are separate to those which are listed above.

Sharing of Individuals' Personal Data

In order to provide individuals with the service they require, the Council may on occasions decide to share their personal data with those organisations who carry out work on behalf of the Council. These organisations are known as data processors. The Council remains responsible for this data and therefore it takes care to ensure that a data processor is reliable, has the appropriate safeguards in place and only processes data strictly in accordance with the Council's instructions.

On occasions, the Council may need to ask other agencies or organisations for relevant information about individuals for the purpose of meeting its legal obligations or to provide services. For example, this could be to enable them to carry out their statutory duties, or where it is necessary to prevent harm to individuals.

The Council may from time to time need to share information with other local and national agencies and law enforcement in order to deliver its services or fulfil its statutory duties. Where this occurs, the Council has robust data sharing protocols in place with these bodies and it will only share individuals' personal data in circumstances where it is necessary for its public duties, it is either required or allowed by law to do so and it is in the public interest.

It should be noted that the Council does not routinely share personal data outside of the UK to third countries or international organisations but on occasions there may be a need to do so where it is necessary in order to, for example, fulfil its duties in respect of children in its care with families outside of the UK. Should such an occasion arise, the Council will strictly follow the rules set out in the GDPR and the DPA and will ensure that the third country or international organisation in question has an adequate level of protection in place to safely secure the personal data.

The Council will not disclose individuals' personal data for marketing purposes.

Data Matching

The Council has a legal duty to protect the public funds which it administers so it may use the information which it holds for the purpose of preventing and detecting fraud.

The Cabinet Office currently requires the Council to take part in a data matching exercise to help detect and prevent fraud. Data matching involves comparing computer records - usually of personal information - held by one body against other computer records held by the same or another body.

Computerised data matching identifies potentially fraudulent claims and payments. Where a match is found, it may show an inconsistency that requires further investigation.

No assumption is made as to whether there is a fraud, error or another explanation until an investigation is carried out.

How does the Council ensure that my Privacy is protected?

The Council has a range of technical and organisational measures in place for the purpose of ensuring that individuals' personal data is held securely. It has revised its existing data protection policies and procedures and it has also introduced a set of new ones in order to ensure that it is compliant with the new data protection regime. Training has also been provided in relation to the requirements of this regime and this will be reviewed and updated as required.

The Council also follows the best practice principles for the way in which public bodies store and share information as laid out in the Caldicott Report 1997 and the Caldicott Review 2011.

How long does the Council keep Individuals' Personal Data?

The Council will only retain data for as long as it needs to and for only as long as it is necessary to effectively deliver its services and to meet its statutory duties and obligations. Data minimisation lies at the heart of the new data protection regime.

In some cases, the law prescribes the length of time for which the Council is required to retain records and personal information. The Council has introduced a new Document Retention and Destruction Policy which sets out details of the relevant time periods.

Individuals' Information Rights

An individual has the right to:

- Access their records. This right is set out in the Council's Right of Subject Access which can be found on its website.
- Rectification or erasure of their personal data or restriction of processing concerning their personal data.
- Object to processing of their personal data.
- Data portability.

Please note that the right to the erasure of records or the restriction of processing is limited to circumstances where the Council is required by law to process the personal data or where it is necessary for it to undertake its public duties and functions.

Further details of these rights are set out in the Council's Information Rights Policy which can be found on its website. If you wish to exercise any of these rights, you can do so by writing to the Council's Statutory Data Protection Officer whose contact details can be found at the end of this Notice.

Automated decision making

There are some services within the Council who make decisions as a result of an automated process and which do not require any human input. Where this occurs, you will be notified of the existence of it in the relevant services' Privacy Notice.

Profiling of individuals

Equally, there are some services within the Council who operate automated processes for the purpose of evaluating certain aspects of an individual such as analysing or predicting their behaviour, health, reliability etc. Once again, you will be notified of the existence of such processes in the relevant services' Privacy Notice.

Statutory or contractual requirement to provide personal data

In some circumstances, individuals will be under a statutory or contractual obligation to provide details of their personal data to the Council. These will be detailed in the relevant services' Privacy Notice together with information as to the possible consequences of failure to provide such data.

Where Personal Data has not been obtained from the Individuals it relates to

There will be occasions when this happens and when it does, the Council will be obliged to inform you of the identity and contact details of the relevant data controller and the contact details of their data protection officer if they have one. The Council will also inform you of the categories of personal data obtained.

The Council's Statutory Data Protection Officer

Raj Alagh, Borough Solicitor and Monitoring Officer. His contact details are:

E-Mail: ralagh@hillington.gov.uk Telephone: 01895 250617

If individuals have any concerns about the manner in which the Council is handling their personal data, then please contact Mr Alagh in the first instance, who will do his best to address them.

Right to Lodge a Complaint

If an individual remains unhappy about the way in which their personal data has been processed or it believes that the Council has not complied with any of their rights, they have the right to lodge a complaint directly with the relevant supervisory body which is the Information Commissioner's Office. The contact details are:

<https://ico.org.uk/global/contact-us/> [includes list of e-mail addresses]

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Tel: 0303 123 1113 [local rate] or 01625 545 745 [national rate].