

WELWYN HATFIELD BOROUGH COUNCIL PRIVACY NOTICE

July 2019 version 2.1

Welwyn Hatfield Borough Council is a local public authority and we provide a range of government services to local people and businesses within the borough. We take the protection of your personal information very seriously. We take all precautions necessary to ensure that the information we hold on you is held securely and processed in accordance with relevant data protection legislation and our own Council policies and procedures.

This Privacy Notice outlines how we use your information for purposes of Council services in general. It provides the information you need to know to understand how we will process and protect your information, why we need the information, in what circumstances we may share with third parties and outline your legal rights. It also sets out any other important information we feel you need to know.

For the purposes of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA), Welwyn Hatfield Borough Council is considered to be the Data Controller for the personal data and information we hold on individuals, regardless of whether they are residents, private individuals or named individuals within organisations.

This means we have legal obligations to keep personal information safe whether we are processing that information directly, or have commissioned a third party, referred to as a 'Processor' to perform this task on our behalf.

Why we may hold information about you and how this is collected?

To offer our services to the residents of our borough, to support our employees and comply with our statutory and legal obligations we need to both capture and process personal information. The information we hold is collected verbally, through correspondence, from external agencies and visits/inspections.

How we use your information

The GDPR and DPA defines a number of data protection principles which must be observed when processing information. We strictly adhere to these principles, which in broad terms we comply with as follows.

The Council will only use the information it holds about you for the purpose for which you provided it, except in the circumstances outlined in this notice or as permitted within the legislation. We will collect the minimum information necessary to fulfil that purpose and when you provide information, you will be told what it will be used for and with whom it will be shared with.

We will keep the information as accurate as possible, keep your information for no longer than is necessary and dispose of the information in a secure manner when no longer needed. Whilst within our control your information will be kept securely and we shall protect it against unauthorised access and accidental loss.

You have, a number of legal rights in relation to the information we hold about you, and these rights are outlined in full at the end of this notice.

The Council's legitimate interests may provide a legal basis for processing data, provided that the interests or the fundamental rights and freedoms of our residents are not overriding, taking into consideration your reasonable expectations based on your relationship with the Council. Such legitimate interest could exist where there is a relevant and appropriate relationship between you and the Council, taking into consideration whether you can reasonably expect at the time and in the context of the collection of the personal data that processing for that purpose may take place. Your interests and fundamental rights could in particular override the interest of the Council where personal data are processed in circumstances where you do not reasonably expect further processing.

We are required to use your information fairly and lawfully and we will only process (collect, store and use) personal and sensitive information about you in ways that meet the rules of the GDPR and DPA.

Why does the Council collect and retain Personal Data?

To fulfil our statutory functions and in order to provide you with efficient and effective services the Council needs to collect personal data.

The Council may also need to share your personal data with other service providers and partners who are contracted to carry out services on our behalf. These providers are obliged to keep your personal details secure in line with GDPR and DPA and Council policies, and use them only to fulfil your service request.

The Council will use information about you for the provision of services and specifically for the following items:

- For law enforcement, regulation and licensing, criminal prosecutions and court proceedings which this Council is obliged to undertake.
- All financial transactions to and from the Council including payments, grants and benefits. Where monies are due or, outstanding the Council reserves the right to use all the available information at its disposal to protect public funds.
- To or prevent or detect crime, protect public funds and make sure the information is correct.
- To promote this social wellbeing, we may need to share your personal and sensitive information with other councils and partner agencies. The Council has a responsibility to promote social wellbeing and works in partnership with other councils and agencies such as the Police and Crime Commissioners, the voluntary services and the Health Service, in order, to, preserve life, reduce accidents, reduce crime and disorder and improve health.

The type of information we process

We process personal information to enable us to provide a range of government services to local people and businesses which include:

- maintaining our own accounts and records
- supporting and managing our employees
- promoting the services we provide
- marketing our local tourism
- carrying out health and public awareness campaigns
- managing our property
- providing leisure and cultural services
- provision of education
- carrying out surveys and undertaking research
- administering the assessment and collection of taxes and other revenue including benefits and grants
- licensing and regulatory activities
- local and national fraud initiatives including data matching
- the provision of social services
- crime prevention and prosecution offenders including the use of call recording, CCTV and video
- Security badges and fobs
- Corporate administration and all activities we are required to carry out as a data controller and public authority
- the provision of all commercial services including the administration and enforcement of parking regulations and restrictions
- the provision of all non-commercial activities including refuse collections from residential properties,
- internal financial support and corporate functions
- managing archived records for historical and research reasons

Who information is processed about?

We process personal information about:

- customers
- residents
- suppliers
- staff, persons contracted to provide a service
- benefit and council tax reduction claimants
- complainants, enquirers or their representatives
- professional advisers and consultants
- students and pupils
- carers or representatives
- landlords
- council tax payers and ratepayers
- witnesses
- offenders and suspected offenders

- licence and permit holders
- traders and others subject to inspection
- people captured by CCTV images
- representatives of other organisations

Who we share your information with?

Internal departments

There are specific occasions when it is necessary to share personal information between different sections or departments within the Council, for example to help reduce crime or investigate fraud.

An example of this is in reducing housing benefit fraud and involves the Council sharing council tax, housing benefit, electoral registration and other licensing and registration data to ensure that claimants are not claiming illegally. Other organisations the Council may share data with, in order to protect public funds, include government departments, local authorities and financial institutions.

Electoral Registration

To verify your identity the data you provide will be processed by the individual Electoral Registration Digital Service managed by the Cabinet Office. As part of this process your data will be shared with the Department for Work and Pensions and the Cabinet Office suppliers that are data processors for the Individual Electoral Registration Digital Service. Your data will also be used as part of the national data match step. This involves the checking of information about existing electors on our register to help us identify properties where residents may have changed. You can find out more information from <http://www.registertovote.service.gov.uk/register-to-vote/privacy>.

Other councils & community organisations

This Council also works closely with other Councils and community organisations and often needs to share information with them in order, to deliver your services. However, we will not supply these organisations with your information unless we are satisfied that equal measures are in place to protect the information from unauthorised access. We will also not supply your information to any organisation for marketing purposes without your prior explicit consent.

Auditors

The Council may also share information with other bodies responsible for auditing or administering public funds in order, to, prevent and detect fraud such as the Department for Work and Pensions or HM Revenues and Customs, as allowed by law. We may check information you have provided, or information about you that someone else has provided, with information held by the authority.

National and Local Fraud Initiatives

The Cabinet Office requires us to carry out data matching exercises as part of their national fraud initiative. Data matching involves comparing computer records held by

one body against other computer records held by the same or another body. This is usually personal information. Computerised data matching allows potentially fraudulent claims and payments to be identified. Where a match is found it indicates that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

The Cabinet Office requires us to participate in a data matching exercise to assist in the prevention and detection of fraud. We are required to provide, particular sets of data to them. This work does not require the consent of the individuals concerned under the GDPR or the DPA.

How we keep your information safe

To keep personal information safe Welwyn Hatfield Borough Council has in place a range of safeguards and procedures.

Information is kept safe using all reasonable technical measures, and this includes precautionary measures such as Multi-Layer Firewalls, Access Control, Network segregation, Application Whitelisting multi-vendor anti-malware, web proxy and email filters with zero-day malware detection, 24x7 remote network monitoring, encryption of all mobile devices, dual factor log on. Our firewall firmware/software is updated regularly and we are also Public Services Network compliant.

From an organisational point of view, we train our staff in data protection and how to keep your information safe. We are constantly looking at ways to improve security, and have policies and procedures in place to assist in that endeavour, and before we start any new project a privacy impact assessment is conducted to identify risks pre-emptively.

Before we use any third parties to process information on our behalf, we perform due diligence on their abilities also keep your information safe, and where possible we process all information within our own hosted or virtual servers, and do not transfer your data outside of the European Economic Area.

Marketing, Consents & Permissions

We will only approach you for marketing exercises where you have explicitly provided your contact details for this purpose. We will make it easy for you to withdraw consent and tell you how. We will stop processing your personal data for direct marketing purposes as soon you choose to opt out or we receive an objection.

CCTV

We have installed CCTV systems in some of our locations used by members of the public, for the purposes of public safety and the prevention and detection of crime. In these locations signs are prominently displayed notifying you that CCTV is in operation. We will only disclose CCTV images to third parties for the purposes as stated above of public safety and the prevention and detection of crime. CCTV images will not be released to the media for entertainment purposes or placed on the internet.

Call Recording

Welwyn Hatfield Borough Council has the ability to record telephone calls. Not all calls are recorded but call recordings could be used:

- to assist in quality training of staff
- to investigate and resolve a complaint
- for the detection, investigation and prevention of crime, including fraud

What is Personal Data?

Personal Data - Personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. IP addresses and cookie strings are now seen as personal data and there is no distinction between personal data about individuals in their private, public or work roles.

The Data Protection regulations also have a separate category of "special" personal data, more commonly referred to as sensitive personal data. This is personal data that is afforded extra protection. See below under Sensitive Personal data. Financial data, social security numbers and child data are not protected as sensitive under the GDPR.

Sensitive Personal Data – Or Special categories of personal data, are explained under 'Personal Data' above. However, the following categories of data are considered sensitive under the GDPR Regulation. Explicit consent of the data subject is required for processing sensitive data unless you can rely on some other EU or Member State law. Sensitive data includes:-

- A persons racial or ethnic origin;
- Their political opinions;
- Details of their religious or philosophical beliefs;
- If they have any trade union membership;
- Data concerning a person's mental or physical health
- Any information concerning their sex life or sexual orientation;
- Any genetic data about that person
- Any biometric data which when processed can uniquely identify a person

Separately under UK law the recording of any information relating to any actual or alleged criminal records, convictions or activities including court proceedings is also considered sensitive information.

Your Rights

The GDPR and DPA provides the following rights for individuals:

The right to be Informed

You have a right to be told how and why your data is being used, who it is being shared with, and if your fundamental rights or freedoms may be affected. You also have a right to be told if your data was involved in a data breach. Further information on this can be found in this Privacy Notice. The information we will supply about the processing of your personal data will be:

- Concise, transparent, intelligible and easily accessible.
- Written in clear and plain language.

The right of Rectification

You are entitled to have any personal data held by Welwyn Hatfield Borough Council rectified if it is inaccurate or incomplete.

If we have disclosed the personal data in question to any of our partners or contractors we will inform them of the rectification, where possible. We will also inform you about the partners or contractors to whom the data has been disclosed, where appropriate and will do all of this within one month. This will be extended by two months where the request for rectification is complex.

If we are not taking action in response to a request for rectification, we will explain why to you and inform you of your complaint rights.

The right to Restrict Processing

We will restrict the processing of personal data in the following circumstances:

- If you contest the accuracy of the personal data we will restrict the processing until we have verified the accuracy of it.
- Where you have objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether the Council's legitimate grounds override yours.
- When processing is unlawful and you oppose erasure and request a restriction instead.
- If we no longer need the personal data but you require the data to establish, exercise or defend a legal claim.

If we have disclosed the personal data in question to our partners or contractors, we will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

We will inform you when we decide to lift a restriction on processing and we will retain just enough information to ensure that the restriction is respected in the future.

The right to Object

You have the right to object to:

- Processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling)
- Direct marketing (including profiling)
- Processing for purposes of scientific/historical research and statistics.

If we are processing your personal data for the performance of a legal task or the Council's legitimate interests you must have an objection on grounds relating to your particular situation. We will stop the processing your personal data unless: We can demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms or the processing is for the establishment, exercise or defence of legal claims.

The right of Access

You have the right to access the personal data held on you. This is so that you are aware of and can verify the lawfulness of the processing of your data.

At no charge a copy of your personal information will be provided within one calendar month of receipt. This will be extended by a further two months where requests are complex or numerous. However, a fee will be charged where a request is manifestly unfounded or excessive, particularly if it is repetitive. Such request could also be refused. This fee must be based on the administrative cost of providing the information. A fee will also be charged to comply with requests for further copies of the same information

You will be asked to verify your identity when making such requests.

The right to Erasure/ The right to be Forgotten

- You have the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing. This will apply where:
- The personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- You withdraw consent.
- You object to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed.
- The personal data has to be erased in order to comply with a legal obligation.

Your request for erasure will not be complied with where the personal data is processed for the following reasons:

- To exercise the right of freedom of expression and information;

- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest;
- Archiving purposes in the public interest, scientific research historical research or statistical purposes; or
- The exercise or defence of legal claims.

The right of Data Portability

The right to data portability allows you to obtain and reuse your personal data for your own purposes across different services. The right to data portability only applies:

- To personal data you provided to Welwyn Hatfield Borough Council.
- Where the processing is based on your consent or for the performance of a contract.
- When processing is carried out by automated means.

The right to object to Automated decision making and Profiling

You have a right to ask for any decision made on you which is made by a computer to be reviewed by a human being, and you can object to the Council profiling your behaviours and characteristics.

This does not apply where the decision:

- Is necessary for entering into or performance of a contract between you and the Council.
- Is authorised by law.
- Is based on explicit consent.

Explicit Consent

Welwyn Hatfield Borough Council collects and processes data to provide services to our residents. The data we collect is for a specific, explicit and legitimate purpose and it will be obvious to you what your data is going to be used for.

We cannot and will not use information collected for one purpose for another without your permission.

We will gain your explicit consent where we may want to legitimately use personal data we hold on you.

We are not required to seek your consent where there is any other lawful basis to obtain and process your data. We can process data without consent if it's necessary for:

- The performance of a contract with the individual (or you will enter into a contract).
- The processing is required under a legal obligation to which we are a party
- The processing is necessary in order to protect the vital interests of you, the data subject, or of another natural person.
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of our official duties.

Complaints

You have the right to complain to the Information Commissioner's Office should you be dissatisfied with the way Welwyn Hatfield Borough Council has handled your personal data. Please see below for their contact details.

How to find out what information we hold about you

If you have any questions about the contents of this document, or would like to know what information we hold on you, please contact the following: -

The Data Protection Officer
Welwyn Hatfield Borough Council
Campus East
Welwyn Garden City
AL8 6AE

Tel: 01707 357000. Email: dataprotection@welhat.gov.uk

Information Commissioner's Office (ICO)

For general information on your data protection rights you can contact the Information Commissioner's Office. In the event of a complaint firstly contact the Data Protection Officer listed above. In you are still unhappy you may contact the:

Information Commissioner's Office

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

Helpline: 0303 123 1113 (local rate) or +44 1625 545 745
<https://ico.org.uk/global/contact-us/>

COVID-19

This section explains how Welwyn Hatfield borough Council may collect, use and protect personal data specifically with regards to the coronavirus pandemic.

This Council already holds data on our residents, employees and stakeholders. Where we already hold information regarding vulnerability, as defined in the current guidance from the Government and Public Health England, we may share this for emergency planning purposes or to protect your vital interests by sharing with services both inside and outside the Council.

We may, in this current crisis, need to ask you for personal data including sensitive personal data that you have not already supplied. This could be your age or if you have any underlying illnesses or are vulnerable. This is so the Council can assist you and prioritise its services.

If we have information indicating that you are vulnerable in the current pandemic, we may contact you to ensure your safety and to assist you where possible. You can view the Council's main Privacy Notice which contains more information on how we collect, use and protect personal data generally, as well as your rights as a data subject.

Virtual-Remote Access Meetings

The Coronavirus Act 2020 provides for 'persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place'.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 provides us with greater flexibility in the conduct of our meetings, including allowing Councillors to attend remotely and for public and press access to those meetings.

We use Microsoft Teams or Zoom conferencing technology for remote attendance at meetings by Councillors, where they can hear and where practicable see, and be similarly heard or seen by:

- (a) other Councillors, whether attending in person or in remote attendance; and
- (b) any members of the public who are attending remotely to exercise a right to speak at the meeting in accordance with constitutionally adopted procedures; and
- (c) any other members of the public and press attending the meeting remotely to observe.

The press and members of the public are able to observe our meetings (held in open session), through <https://welhat.public-i.tv/core/portal/home>.

Planning Inspectorate Virtual Meetings

The points below explain the personal data that we will be processing specifically for a Virtual Hearing.

Welwyn Hatfield Borough Council's, www.welhat.gov.uk/privacy-notice, and the Planning Inspectorate's, Planning Inspectorate Local Plan Privacy Notice, Privacy Notices are to be read in conjunction with this amendment. The amendment sets out how we will change our data collection and the processing of that data in order to run a Virtual Hearing.

Please note that when joining a Virtual Hearing on certain digital devices or by phone, other parties may be able to see the email address or phone number that you use to join the event. There are some well-established methods that you can use to avoid the un-intended disclosure of your personal information.

What will be collected?

- E-mail address
- Phone number (if a participant joins by phone)
- IP address
- Display Name
- Self-Image - If video is shared
- A video recording of the event will be collected by Welwyn Hatfield Borough Council for this specific event.

Email addresses are not required to be collected to join the meeting. Only the Meeting ID and Password is required for joining. A display name is collected and an image is only used if the user is already logged into a Zoom account of their own, at that point they have already agreed to Zoom's Terms and Conditions.

Phone numbers will be censored so the middle section is not shown, example: 073****4123. The host will replace this with their names when they join, when a list is provided.

How is it collected?

- E-mail address requested in event invite.
- Phone numbers - If the participant joins by phone, then your phone number would be visible to all participants (this can be masked by the individual by turning off Caller ID, generally known as dialling 141) in which case a random number is displayed.
- IP address - Connections to Zoom will capture the IP address of the participant.
- Display Name - This is collected from the participants joining details
- Self-Image - This is collected when the participant activates their camera
- A video recording of the event - This is collected when the participant activates their microphone and/ or camera.

Welwyn Hatfield Council will be hosting the event using Zoom technology and we will be live streaming the event on the day. An offline copy will be stored on our encoder and the video is available via the microsite for download. It will be archived for 6 months unless it is extended. The microsite is provided by a third-party Public-i. If a memory stick is provided a copy of the MP4 files can be given.

What metadata will be taken from joining?

<https://zoom.us/privacy> provides details of the personal data processed and how it is used, and the legal basis justification. For guest participants, the device type and IP address of the user is collected which is required for operations.

Where will it be stored?

Back-office and live video/audio is handled by Zoom's own (In our case European) servers and is also supported by Oracle Cloud. Welwyn Hatfield Borough Council has limited the account to Europe. Users can confirm what region they are connected to by clicking the "i" icon in the top right of the meeting. Zoom previously used Amazon AWS to store data, however they have since moved to their own Private Cloud infrastructure by Oracle Cloud more information on their GDPR policy is here:

<https://docs.cloud.oracle.com/en-us/iaas/Content/Resources/Assets/whitepapers/oci-gdpr.pdf>

<https://zoom.us/gdpr>

Cookies

Welwyn Hatfield Borough Council does not use any of our own technology or storage for the creation and presentation, or collection of cookies or web-beacon analytics. These will not be collected during this event.

This information was correct as of 27 July 2020.