

# Data Protection Policy

Title	Data Protection Policy		
Creator	Author(s)	Data Protection Officer	
	Approved by	Head of Strategy, Information, and Governance	
	Department	Finance, Governance, and Support	
	Service area	Strategy, Information, and Governance	
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	Updating Frequency	Every 3 years	
Status	Final		
Contributor(s)	Head of Strategy, Information, and Governance Corporate Strategy Manager Leadership Management Team		
	Legislation	<ul style="list-style-type: none"> <li>• General Data Protection Regulation (EU) 2016</li> <li>• Data Protection Act 2018</li> <li>• Privacy and Electronic Communications Regulations 2003</li> <li>• Data Protection (Charges and Information) Regulations 2018</li> </ul>	
Subject	Data Protection		
Type	Policy		
	Vital Record	Yes	EIR No
Coverage	Middlesbrough Council, Electoral Registration Officer/Returning Officer, Middlesbrough Safeguarding Children Board, South Tees Youth Offending Service, Superintendent Registrar, Her Majesty's Coroner for Teesside		
Language	English		

#### Document Control

Version Control	Date	Revision History	Reviser
1.0	24/09/2018	First version post-GDPR	Data Protection Officer

#### Distribution List

Version	Date	Name/Service Area	Action
1.0	26/09/2018	MBC Intranet	Publish online

## 1. Purpose

This document summarises the data protection policy position of Middlesbrough Council and constituent data controllers.

## 2. Scope

This policy applies to all personal data processing by the following data controllers:

- Middlesbrough Council (Z4944100)
- Electoral Registration Officer/Returning Officer (Z6202343)
- South Tees Youth Offending Service (ZA327450)
- Superintendent Registrar (Z5617439)
- Middlesbrough Safeguarding Children Board (ZA327509)
- Her Majesty's Coroner for Teesside (exempt from registration in judicial functions).

For the purposes of the Data Protection (Charges and Information) Regulations 2018 these data controllers are registered with the Information Commissioner's Office with registration numbers as listed above.

These data controllers, referred to as 'Middlesbrough Council' in this policy, will comply with legislation, and associated codes of practice and official guidance, including but not limited to the:

- General Data Protection Regulation (GDPR) 2016
- Data Protection Act 2018 (incorporating the Law Enforcement Directive (EU) 2016)
- Privacy and Electronic Communications Regulations 2003.

Middlesbrough Council is a 'public authority' as defined by Part 2 of the Data Protection Act 2018, where it is processing personal data when carrying out a 'public task' – a function in the public interest where law permits or where it is using its official authority in law. The Council maintains a published Statement of Public Task which summarises its functions and the numerous powers and duties on which these are based (see '6. Further Information' below).

The Council is also a 'competent authority' for the purposes of the Law Enforcement Directive 2016. Where Middlesbrough Council processes personal data for the prosecution of criminal offences, it will comply with the additional provisions placed on it by Part 3 of the Data Protection Act 2018.

In relation to their duties as ward councillors, Elected Members are registered as data controllers in their own right. They are separate to Middlesbrough Council and are responsible for their own compliance with legislation.

## 3. Data Protection Principles

Middlesbrough Council will comply with the data protection principles relating to processing of personal data as set out in Article 5 of the GDPR:

- |  |   |
|--|---|
| (1)(a) Lawfulness, fairness and transparency | (1)(e) Storage limitation                       |
| (1)(b) Purpose limitation                    | (1)(f) Integrity and confidentiality (security) |
| (1)(c) Data minimisation                     | (2) Accountability                              |
| (1)(d) Accuracy                              |   |

## 4. Roles and Responsibilities

The Mayor and Elected Members of the Council are democratically accountable for the way in which Middlesbrough Council discharges its functions. Information Governance sits within the remit of the Executive Member for Finance and Governance.

The Chief Executive has a duty to manage the discharge of the Council's different functions, including its legal responsibilities for effective information rights management. Oversight of the Council's information governance arrangements sits within the remit of the Corporate Affairs and Audit Committee.

The Leader Management Team and Directorate Management Teams as the owners of the Council's 'information assets' are responsible for the compliance of their services with the legislation and associated code of practice and guidance.

The Executive Director of Children's Services has been designated by the Council as its 'Caldicott Guardian', the senior person responsible for protecting the confidentiality of people's health and care information and making sure it is used properly.

The Head of Strategy, Information and Governance has been designated as the Council's Senior Information Risk Owner and they must foster a culture for protecting and using data, provide a focal point for managing information risks and incident, and is concerned with the management of all information assets.

The Data Protection Officer is a role that Middlesbrough Council is legally required to appoint due to its status as a 'public authority' and the types of personal data processing that it carries out. The Data Protection Officer is authorised under this policy to make minor amendments as required to its contents.

In delivering Council services, all staff, volunteers, or other third parties who handle or potentially come into contact with personal data will comply with the legislation, the Council's Data Protection Policy, follow all reasonable procedures and instruction provided by managers, and undertake regular training as required by the Council.

### 4.1 Data Protection Officer

The Data Protection Officer (DPO) role is to assist the Council to monitor internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs), and act as a contact point for data subjects and the supervisory authority.

GDPR requires that the DPO is independent, an expert in data protection, adequately resourced, and regularly report to the highest management level. The Council has in place processes to ensure this occurs. The DPO helps the Council to demonstrate compliance and is part of the enhanced focus on accountability.

## 5. Procedure and Process

Middlesbrough Council will ensure that it maintains the required documentation, procedures, and processes in relation to its legal obligations and matters of good practice including but not limited to:

- Records of Processing Activity
- Privacy Notices
- Rights of the Data Subject

- Data Protection Impact Assessments
- Due Diligence on Data Processors
- Incident Notification
- Information Sharing
- Information Asset Registers
- Information Asset Risk Assessments.

The Council will also carry out regular checks to monitor the effectiveness of the organisational and technical measures that it has put in place to ensure the confidentiality, integrity, and availability of personal data.

## 6. Further Information

For further information about how Middlesbrough Council complies with its information rights management duties including your rights as a service customer visit our website at:



### **Middlesbrough Council – Data Protection Webpage**

<https://www.middlesbrough.gov.uk/dataprotection/>

Middlesbrough Council's Statement of Public Task referencing its functions including links to powers and duties can be found on our website at:



### **Middlesbrough Council – Statement of Public Task**

<https://www.middlesbrough.gov.uk/middlesbrough-council-statement-public-task/>

## 7. Contact Details

If for any reason you need to contact Middlesbrough Council's Data Protection Officer please use one of the following contact methods:



**Post:** The Data Protection Officer

Middlesbrough Council

PO Box 500

Middlesbrough

TS1 9FT

**Tel:** 01642 245432 (Customer Contact Centre)

**Email:** [dataprotection@middlesbrough.gov.uk](mailto:dataprotection@middlesbrough.gov.uk)