

Councillor Privacy Notice

This privacy notice explains how Councillors process your personal data when you interact with them and information about your rights under data protection legislation.

Please be aware that Councillors act as data controllers in their own right.

What Service is being provided?

As elected members, Councillors collect, use and are responsible for certain categories of personal information they hold about you. They are regulated under the UK General Data Protection Regulation ('UK GDPR') which applies across the European Union (including in the United Kingdom) and are responsible as 'controller' of that personal information for the purposes of those laws.

Depending on the nature of your enquiry or contact with Councillors, they may work with Swale Borough Council ('SBC') Officers or partner agencies to progress the matter on your behalf. This will involve sharing some of your information with them. Whenever Councillors share your information, these agencies will be required to manage your data appropriately under the UK GDPR and will have their own arrangements in place to demonstrate compliance.

How does a Councillor collect personal information?

A Councillor might collect information from you in a number of ways, for example:

- when they meet you in the community or at surgeries; or
- when you correspond with them by telephone, email or letter.

What personal information do Councillors collect from you?

In the course of handling enquiries and correspondence from members of the public, Councillors collect the following personal information when you provide it to them:

- Name;
- Address.
- Phone number.
- Email address; and
- Any relevant personal information supplied as part of the enquiry.

There may be instances where Councillors will require further information in order to assist you with a specific enquiry or specific organisations such as:

- National Insurance number;
- reference number(s) – Council Tax/Revenues and Benefits etc;

- date of birth; or
- details of family members.

Special types of personal information collected

Depending on the nature of your enquiry, Councillors may process your special category data such as medical information including your health needs, politics, or religion.

Why do Councillors collect this information?

- to respond to your enquiry or correspondence.
- to investigate and respond to your request for advice, guidance, or information; or
- to investigate and respond to an enquiry or a complaint you have contacted them about.

How the law allows Councillors to use your personal information

Under data protection law, UK GDPR Article 6(1), there are lawful bases that allow Councillors to collect, process and share personal information.

Their work with your personal information falls under the following lawful bases:

- consent - you provide your information and ask them to act on your behalf.
- protect your vital interests - such as a life-or-death situation or to protect you from harm, or the vital interests of another person.
- a task in the public interest or where, because of their role as a Councillor, they are authorised to use your personal information.
- legitimate interests – they need to process your data for their legitimate interests, or the legitimate interests of a third party.

For special category data, such as your medical information, they rely on the following conditions:

- explicit consent – this will usually be in writing.
- protecting vital interests – when you are unable to give consent and you or someone else is at risk of harm.
- establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity.

Who will Councillors share this information with?

In order to enable a Councillor to assist with your reason for contact, it may be necessary for them to share your information with Swale Borough Council and other organisations such as the Department of Work and Pensions, the NHS or other bodies such as schools and charities.

Where appropriate they may also share your information with other ward councillor colleagues in order to proactively work to resolve the concerns you have raised.

Where possible, the Councillor should advise you when they have shared your information.

There may be instances however where it may not be possible to advise you the information was shared due to public interest issues, for example an investigation or a police matter where the information is needed for the prevention or detection of crime/fraud or other legal obligation.

How long will Councillors keep your information for?

When dealing with your enquiry Councillors, may have to hold onto your information. Usually, this will be for 7 years, but it will vary depending on the type of issue involved, since that creates different types of records.

Any information a Councillor holds at the end of their term in office is either passed to the appropriate Council representative or will be securely destroyed.

When information is shared with SBC departments or partner agencies, it will be held by them in accordance with their own retention schedules.

Storing your personal data

All Councillors are required to keep your information safe and secure. Councillors should have appropriate, additional security measures in place to safeguard your information, including the security provided by council devices and/or systems.

Councillors store your personal data in the UK. They do not transfer your personal data to any other countries, including countries in the EU and EEA (European Economic Area).

Third parties may transfer your personal data outside of the UK. Please refer to their privacy notices for further details.

Marketing (If applicable)

Councillors will not use your information or pass it to another organisation for marketing or sales purposes, without your prior consent.

What are your information rights?

- **right to be informed** – You have the right to be informed about the collection and use of your personal information.
- **right of access** – you can request copies of any of your personal information that is held by the Council.
- **right to rectification** – you can ask us to correct any inaccurate information.
- **right to erasure** – you can ask us to delete your personal information. The Council can refuse to delete information if we have a lawful reason to keep it.
- **right to object or restrict processing** – you have the right to object to how your information is being used and how it is going to be used in the future.
- **right to portability** – you can ask us to transfer your personal information to different services or to you.
- **right to prevent automatic decisions** – you have the right to challenge a decision that affects you, that has been made automatically without human intervention, for example an online form with an instant decision.

How you can access information held about you

By law, you have rights as a data subject, such as the rights detailed above. These rights are not absolute, and Councillors may be required to hold your information to comply with legal duties, but if you would like to exercise your rights or make a complaint regarding how your information is used, you should contact the Councillor(s) involved in the first instance.

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO)

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

Phone: [0303 123 1113](tel:03031231113)

Email: casework@ico.org.uk

Website: <https://ico.org.uk/>