

## **Fair Processing Statement**

### **Bridgend County Borough Council - Direct Payments**

What happens to information held about you? Your rights and our obligations to you.

#### **How We Use Personal Data**

This document explains how Bridgend County Borough Council (BCBC) obtains, holds, uses and discloses information about people (their personal data), the steps we take to ensure that it is protected, and also describes the rights individuals have in regard to their personal data handled by BCBC.

The use and disclosure of personal data is governed by the Data Protection Act 2018 and the General Data Protection Regulation 2016. As such the Direct Payments Section of BCBC is obliged to ensure that it handles all personal data in accordance with the legislation.

BCBC takes that responsibility very seriously and takes great care to ensure that personal data is handled appropriately in order to secure and maintain individuals' trust and confidence in the Council.

#### **1. Why do we handle personal data?**

The Direct Payments Section of BCBC processes personal information to enable it 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 the Council provides

#### **2. What type/classes of personal data do we handle?**

In order to carry out the purposes described under section 1 above the Direct Payments Section of BCBC may obtain, use and disclose personal data including the following:

- Personal details
- Family details
- Lifestyle and social circumstances
- Financial details
- Employment and education details
- Visual images, personal appearance and behaviour
- Case file information
- Physical or mental health details
- Racial or ethnic origin
- Offences (including alleged offences)
- Religious or other beliefs of a similar nature
- Criminal proceedings, outcomes and sentences

BCBC will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information e.g. CCTV images.

### **3. Who information is processed about**

In order to carry out the purposes described under section 1 above the Direct Payments Section of BCBC may obtain, use and disclose personal data about the following:

- Customers
- Suppliers
- Staff, persons contracted to provide a service
- Complainants, enquiries or their representatives
- Professional advisors and consultants
- Carers or representatives
- Offenders and suspected offenders
- Representatives of other organisations

BCBC will only use appropriate personal data necessary to fulfil a particular purpose or purposes. Personal data could be information which is held on a computer, in a paper record i.e. a file, as images, but it can also include other types of electronically held information e.g. CCTV images.

### **4. Where do we obtain personal data from?**

In order to carry out the purposes described under section 1 above the Direct Payments Section of BCBC may obtain personal data from a wide variety of sources, including the following:

- Legal representatives;
- Voluntary sector organisations;
- Approved organisations and people working with the Council;
- Auditors;
- Central government, governmental agencies and departments;
- Individuals themselves;
- Relatives, guardians or other persons associated with the individual;
- Current, past or prospective employers of the individual;
- Healthcare, social and welfare advisers or practitioners;
- Education, training establishments and examining bodies;
- Business associates and other professional advisors;
- Employees and agents of BCBC;
- Suppliers, providers of goods or services;
- Persons making an enquiry or complaint;
- Financial organisations and advisors;
- Local government;
- Voluntary and charitable organisations;

- Ombudsman and regulatory authorities;
- Data Processors working on behalf of BCBC;
- Information openly available on the internet;
- Other departments within the Council.

BCBC may also obtain personal data from other sources such as its own CCTV systems, or correspondence.

## **5. How do we handle personal data?**

In order to achieve the purposes described under section 1 the Direct Payments Section of BCBC will handle personal data in accordance with data protection legislation. In particular we will ensure that personal data is handled fairly and lawfully with appropriate justification. We will strive to ensure that any personal data used by us or on our behalf is of the highest quality in terms of accuracy, relevance, adequacy and non-excessiveness, is kept as up to date as required, is protected appropriately, and is reviewed, retained and securely destroyed when no longer required.

## **6. How do we ensure the security of personal data?**

The Direct Payments Section of BCBC takes the security of all personal data under our control very seriously. We will ensure that appropriate policy, training, technical and procedural measures are in place, including audit and integrity monitoring, to protect our manual and electronic information systems from data loss and misuse, and only permit access to them when there is a legitimate reason to do so, and then under strict guidelines as to what use may be made of any personal data contained within them. These procedures are continuously managed and enhanced to ensure up-to-date security.

## **7. Who do we disclose personal data to?**

We sometimes need to share information with the individuals we process information about and other organisations. Where this is necessary we are required to comply with all aspects of the legislation. What follows is a description of the types of organisations we may need to share some of the personal information that we process with for one or more reasons:

- Family, associates or representatives of the person whose personal data we are processing
- Ombudsman and regulatory services
- Professional advisers and consultants
- Courts \*
- Police forces
- Data processors
- \*Partner agencies, approved organisations and individuals working with the police
- Law enforcement and prosecuting authorities
- Local and national fraud initiatives
- Legal representatives, defence solicitors

- Barristers
- Insurance Brokers and Insurers
- Auditors

## **8. What are your rights in relation to your personal data which is handled by BCBC?**

Individuals have the following rights:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

### Right to be informed

You have the right to be informed about the collection and use of your personal data. The Council must provide you with information including: purposes for processing your personal data, retention periods for that data, and who it will be shared with. This is called 'privacy information'.

### Right of access

You can obtain a copy, subject to exemptions, of your personal data held by the Council. A copy of the application form is available from:

<https://www.bridgend.gov.uk/my-council/freedom-of-information/data-protection/>

You are also entitled to obtain confirmation as to whether or not data concerning you is being processed by the Council. Where that is the case, you are entitled to the following information subject to exemptions:

- The purposes of and legal basis for the processing
- The categories of personal data concerned
- The recipients to whom the personal data has been disclosed
- The period for which it is envisaged that the personal data will be stored
- Communication of the personal data undergoing processing and of any available information as to its origin.

\*Please note that 'processing' means an operation or set of operations

*performed on personal data such as collection, recording, organisation, structuring, storage, adaption, alteration, erasure, restriction, retrieval.*

Proof of ID and any further information needed to locate the information may be required before the Council can comply with your request.

Any request for the above information should be made in writing to the Data Protection Officer and the Council will respond within one month.

#### Rectification of data

You can request the Council to rectify inaccurate personal data relating to you. If the data is inaccurate because it is incomplete, the Council must complete it if it is required to do so by you.

A request should be made in writing to the Data Protection Officer and a response will be sent within one month.

#### Erasure or restriction of personal data

You can request that the Council erase your data or restrict any processing of your data, subject to exemptions.

All requests should be made to the Data Protection Officer. The Council will then inform you of whether the request has been granted and if it has been refused, the reasons for the refusal.

#### Right not to be subject to automated decision-making

You have the right, subject to exemptions, not to be subject to a decision when it is based on automated processing and it produces a legal effect or a similarly significant effect on you. You have a right to express your point of view and obtain an explanation from the Council of its decision and challenge it. However, it should be noted that this right does not apply to all decisions as there are exemptions for example authorisation by law, performance of a contract to which you are a party.

#### Right to 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 only applies to information you have provided to the Council.

#### Right to object

You have the right to object to the processing of your personal data in certain circumstances.

The Council has one calendar month to respond to an objection.

## **9. How long does BCBC retain personal data?**

BCBC keeps personal data as long as is necessary for the particular purpose or purposes for which it is held in accordance with the Council's Retention Policy.

## **10. Lawful basis for processing your personal data**

There are a number of reasons why we need to collect and use your personal data:

- You have entered into a contract with the Council
- To comply with a legal obligation
- It may be necessary to protect someone's vital interests
- You or a representative have given consent
- It is necessary for the Council to perform a task in the public interest

## **11. Contact Us**

Any individual with concerns over the way BCBC handles their personal data may contact the Data Protection Officer at the Council as below:

Bridgend County Borough Council, Information Office, Civic Offices, Angel Street, Bridgend, CF31 4WB.

E-mail [foi@bridgend.gov.uk](mailto:foi@bridgend.gov.uk)

Telephone 01656 643565

You can also raise concerns with the Information Commissioner for Wales. The Information Commissioner can be contacted at:

Information Commissioner's Office – Wales 2nd Floor

Churchill House

Churchill Way

Cardiff

CF10 2HH

Telephone: 02920 678400 Fax: 02920 678399

Email: [wales@ico.org.uk](mailto:wales@ico.org.uk)

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