

Kirklees Council General Privacy Notice

Introduction

The Council needs to collect and use information about people in order to perform a wide range of public functions, some private functions and because of statutory requirements. The Council takes the management of personal data seriously and it does this in compliance with data protection and other human rights related laws. However, the Council cannot guarantee that information will never be shared or even stolen, despite the Council's best practices and intentions.

The Council of the Borough of Kirklees (the "Council") is a metropolitan borough local authority created by the Local Government Act 1972. It is registered as a 'data controller' with the Information Commissioner's Office under the Data Protection Act 1998 (the "DPA").

Why do we collect information about you?

The Council will normally provide you with, or prominently display in a relevant position, a short, case specific notice explaining what personal data is being collected and the purpose of processing it (and any other significant matters) where the processing is not obvious (we will call this an "SPN"). SPNs will often refer to a more detailed notice with further information (which we will call a "DPN"). However, there are exceptions to the need to do this in the DPA, examples of which are mentioned below under 'Information Sharing with other Organisations'.

Collecting Information

Information may be collected on paper or online forms, through cookies, by telephone, email, CCTV or by a member of staff. Your information may also be collected on the Council's behalf by one of our agents, but our agents will be obliged to process personal data on the Council's behalf fairly and to keep it securely.

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 permit the recording of telephone conversations for a data controller's own business monitoring use. However, the Council will inform you if it

records or monitors any telephone calls you make to it. Recordings are to increase your security, for our record keeping of the transaction and for staff training purposes.

Generally speaking, if you email the Council, we may keep a record of the personal details you give us including your email address and the email for our record-keeping in accordance with our Records Management Policy & Retention Schedules.

How we use your information

The Council will use the information you provide in a manner that conforms with the DPA and the Human Rights Act 1998. So, the Council will normally obtain consent or provide an SPN (we say 'or' because if you have consented to the use of the data, this implies that you are already informed and an SPN is not needed) and only process data fairly, including compatibly with the purpose for which it was collected.

When collecting or otherwise using your information, the Council follows the following general policies:

- Information Governance Policy
- Information Security Policy
- Records Management Policy & Retention Schedules
- [Data Protection Policy Statement](#).
- [CCTV Code of practice](#)
- [Click here for more information about cookies](#)

The Council will also follow what it says in the relevant SPN and DPN (but may revise these in accordance with data protection law), or as promised you in connection with your consent.

Information sharing with other Organisations

Sometimes the Council needs to pass your information to other people and organisations which process the data on our behalf. These providers are known as 'data processors' and they are contractually obliged to keep your details securely and use them only to provide particular

Kirklees Council General Privacy Notice

services to you or the Council in accordance with our instructions.

We will share information with other third parties where we are required by law to do so. For example, the Council is required to take part in national data matching exercises undertaken by the Cabinet Office to detect fraud. The power to force the Council to share personal data in the data matching exercise is in Part 6 and Schedule 9 of the Local Audit and Accountability Act 2014.

The Council may also share certain information with other bodies that are responsible for auditing or administering public funds including the Council's external auditor, the Department for Work and Pensions, and the HM Revenue and Customs.

Otherwise, before sharing information with a third party, we (or one of our agents) will either obtain your consent or establish that the sharing is necessary (which includes ensuring that the data shared is kept to a minimum), fair and otherwise within the law.

The Council will usually let you know that we are sharing your data, why and who we are sharing it with (although sometimes a contact point may need to be given where you can find out the identity of the recipient instead). The exceptions to this are where the data processing (including sharing) is obvious or where an exemption to the subject information provisions in the DPA applies. An example of the latter is where the data consists of information which the Council is obliged by statute to make available to the public, such as in the case of the electoral register, and another example is where the Council discloses information to the Police in connection with a serious crime and letting the data subject know would prejudice the investigation (perhaps because the suspect might abscond or destroy evidence).

We will not pass your information to third parties for direct marketing purposes.

Detect and prevent fraud or crime

The Council is required by law to protect the public funds it administers. We may inform you that we

will use certain information you provide to us for the prevention and detection of fraud (usually at the time the Council collects the data), but the Council is not always required to do this. Section 29 of the DPA provides exemptions, which amongst other things and broadly stated, relate to the prevention or detection of crime, and the assessment or collection of any tax, for example. The Council does not have a blanket policy on this and will review its approach to each dataset and the application of the Section 29 DPA exemption on a case by case basis.

CCTV

The Council has installed CCTV systems in some of its premises used by members of the public, for the purposes of public and staff safety and crime prevention and detection. In all locations signs are displayed notifying people that CCTV is in operation and providing details of who to contact for further information about the scheme.

We will only disclose CCTV images to others who intend to use the images for the purposes of public and staff safety and crime prevention and detection or where disclosure is legally required. CCTV images will not be released to the media for entertainment purposes or placed on the internet.

Freedom of Information

The Council is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. These statutes have exemptions which relate to personal or confidential information and the Council will always consider these carefully before releasing personal data under these Acts. Please also be aware that the appropriate route for accessing your own personal data held by the Council is through the DPA (see below).

Emergency response management

Data matching may also be done to assist the Council in responding to emergencies or major incidents, by allowing the Council, in conjunction with the emergency services, to identify individuals

Kirklees Council General Privacy Notice

who may need additional support in the event of, for example, an emergency evacuation.

How we protect your information

The Council aims to be non-intrusive, and it will not make you answer irrelevant or unnecessary questions about your personal data. The Council aims to operate a principle of 'data minimisation', which means keeping, subject to reasonable tolerances, only the personal information which is needed to achieve the purposes for which it was collected.

The personal data you provide will be subject to rigorous practical data security measures and procedures to make sure it cannot be seen, accessed or disclosed to anyone who should not see it.

The Council provides data protection training to all staff and specialist training to the members of staff who handle sensitive personal information.

The Council will endeavour to keep your information accurate and up-to-date and in line with our various data policies (some of which are referred to above) and information governance framework. The Council keeps data in accordance with its Records Management Policy & Retention Schedules, which are based on the principle that data will normally not be kept for longer than is broadly necessary.

Your rights

You have the right to request that the Council stop processing your personal data in circumstances whereby that processing is likely to cause substantial and unwarranted damage or distress. You may also request the Council to stop processing data where you think that the Council is in breach of its promises to you, or you wish and are able to withdraw consent, or you have the right to be forgotten. However, this may cause delays with, or prevent us, delivering a service to you. Where the Council agrees with what you say, we will, if possible, seek to comply with your request. However there may be circumstances where this is not possible – for example if we are required to

hold or process information to comply with a legal requirement or to provide services to you.

You are legally entitled to request access to any information about you that we hold. For further information please refer to the [Subject Access Request Guidance](#).

We try to ensure that any information we hold about you is correct. There may be situations where you find the information we hold is no longer accurate and you have the right to have this corrected.

Please contact the service holding the information or our [Customer Services Centres](#) to exercise any of these rights.

Further information

If you have any questions regarding this Privacy Notice please contact us by any of the following means: -

Information Governance
Kirklees Council
Civic Centre 3
Huddersfield

01484 221000 asking for the Information Governance Team

InfoSec@kirklees.gov.uk

Changes to this privacy notice

We will continually review and update this privacy notice to reflect changes in our practices and, when appropriate, in response to feedback from the public, as well as to take into account changes in the law.