



Council of the
Isles of Scilly

Corporate Privacy Notice

Revisions to Source Document

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Date	17 September 2020	Ratified by Council	N/A
Responsible Officer	Tom Walton, Senior Information Risk Owner	Review Date	September 2021

Version History

Date	Version	Author/Editor	Comments
9 September 2020	1.0	Jemma Pender & Tom Walton	Draft for Approval by DPO
17 September 2020	2.0	Jemma Pender & Tom Walton	Amended in light of DPO opinion.
18 May 2023	2.1	Jemma Pender & Gemma Stephenson	Amended in light of DPO opinion

Corporate privacy notice

This privacy notice explains why we collect, use and share your information and how we will use any personal information we collect about you, or that you provide to us, when providing our services and carrying out our functions as a Local Authority.

We are committed to ensuring that personal information is held fairly, lawfully and securely in accordance with privacy laws.

We will continually review and update this privacy notice to reflect changes in our services and feedback from service users, as well as to comply with changes in the law. When such changes occur, we will revise the 'last updated' date on this document.

Who we are

The Council of the Isles of Scilly is registered as a 'data controller' under the Data Protection Act.

ICO registration: Z5715100

Address: Council of the Isles of Scilly, Town Hall, St Mary's, Isles of Scilly, TR21 0LW

What personal information we obtain

Our ICO registration entry describes in general terms the purposes, the categories of personal data and the categories of the recipients – see entry Z5715100. This entry applies to council staff and members of the public. Further details are contained within our service specific privacy notices.

Areas covered by this notice:

This privacy notice tells you what to expect when the Council collects personal information. We also have service specific privacy notices in place, please visit the relevant service web pages for this information. It applies to information we collect about people, such as:

- people who use and receive our services
- visitors to our website
- people who are referred to us by other persons, agencies, organisations
- people who contact us with an enquiry or complaint
- job applicants and our current and former employees
- people who participate in publicity for us
- people who are recorded on CCTV operated by us.

Your rights:

By law you have rights over how your data is collected, processed and stored. These are:

1. the right to be informed about how we use your personal information
2. the right to ask for access to the personal information we hold about you
3. the right to ask that your personal information is given to you, or another service provider of your choice, in a commonly used format
4. the right to ask us to stop using or to delete your information
5. to right to ask us to limit what we use your personal information for
6. the right to ask us to change personal information you think is wrong
7. the right to withdraw consent you have previously given us to use your personal information
8. the right to object to automated decision making and profiling where this is used.

For further information about how you can exercise these rights in relation to data collected and held by the Council of the Isles of Scilly, see below:

- **the right to ask for access to the personal information we hold about you ('subject access requests')**

To make a subject access request, visit the following webpage and complete the request form:

<https://www.scilly.gov.uk/council-democracy/open-data-transparency/subject-access-requests>

- **the right to ask that your personal information is given to you, or another service provider of your choice, in a commonly used format**

This is called 'data portability'. However, this only applies if you have provided us with your personal information and we're using your personal information with consent (not if we're required to by law) and if decisions were made by a computer and not a human being. It is likely that data portability will not apply to most of the services you receive from the Council.

To make a request, email dpo@scilly.gov.uk

- **the right to ask us to stop using or to delete your information ('right to be forgotten')**

This includes withdrawing your consent to us processing your personal data if your consent was relied upon.

In some circumstances you can ask for your personal information to be deleted, for example:

- where your personal information is no longer needed for the reason it was collected in the first place
- where you have removed your consent for us to use your information
- where there is no other legal reason for the use of your information
- where deleting the information is a legal requirement.

Where your personal information has been shared with others, we'll do what we can to make sure that those organisations using your personal information also stop and/or delete your information.

We can't delete your information where:

- we're required to have it by law
- it is used for freedom of expression
- it is in the interest of the wider public, for example public health purposes
- it is for scientific or historical research, or statistical purposes where it would make information unusable
- it is necessary for legal claims

- where use of your personal information is not reliant on obtaining consent, for example where your personal information is needed to comply with a legal obligation.

To make a request, email dpo@scilly.gov.uk

- **the right to ask us to limit what we use your personal information for**

When you ask for the use of your personal information to be limited, this means that it can't be used, other than:

- to securely store the personal information itself
- with your consent or to handle legal claims, or
- where it's for important public interests of the UK.

You have the right to ask us to stop using your personal information for any council service, where:

- you have questioned the accuracy of our record of your personal information
- you do not agree with the way your personal information is being processed, for example where it has been used for a secondary purpose
- you have objected to us using your data because you have taken steps to withdraw your consent.

If one of the above situations applies, we will stop using your personal information as you request, inform you that we are doing so, and securely store the information. However, this may cause delays or prevent us delivering that service to you.

Where possible we'll seek to comply with your request, but we may need to hold or use your personal information because we are required to by law.

To make a request, email dpo@scilly.gov.uk

- **the right to ask us to change personal information you think is wrong**

You should let us know if you disagree with something on your file.

We may not always be able to change or remove that information, but we'll correct factual inaccuracies and may include your comments in the record to show that you disagree with it.

To make a request, email the relevant service area.

Cookies:

Like most websites we use 'cookies' to collect anonymous statistics about how people use the site, and to help us keep it relevant for the user. Please see our cookies policy for more information.

<https://www.scilly.gov.uk/privacy-cookies>

What is personal information?

Personal information (sometimes referred to as personal data) is any information that lets us identify a living individual from that information, either directly or indirectly. For example, basic details such as your:

- name
- address
- telephone number
- date of birth
- family information
- lifestyle and social circumstances
- images, personal appearance and behaviour
- school records
- information held in paper files.

Some information is classed as 'special category information' and needs more protection because it is more sensitive. It is often information you would not want widely known and is very personal to you. This is likely to include anything that can reveal your:

- sexuality or sexual health
- religious or philosophical beliefs
- ethnicity
- physical or mental health
- trade union membership
- political opinion
- genetic/biometric data.

The law also requires us to take special care when handling information about criminal convictions and offences.

How the law lets us use your personal information

There are a number of legal reasons why we need to collect and use your personal information. The privacy statement for each service explains which reason we have used for that service.

We may collect and use personal information where:

- it is necessary to perform our public tasks
- it is required by law
- it is necessary to deliver health or social care services
- it is necessary to protect someone in an emergency or to protect public health
- you, or your legal representative, have given consent, and this consent has not been withdrawn
- you have entered into a contract with us
- it is necessary for employment purposes

- you have made your information publicly available
- it is to the benefit of society as a whole
- it is necessary for archiving, research, or statistical purposes
- it is necessary for legal cases.

If you have provided us with your consent to use your personal information, you can withdraw your consent at any time by contacting us.

Sometimes we may need to collect and use special category information about you. We may do so where:

- it is necessary to perform our public tasks (which are in the substantial public interest)
- it is necessary to comply with employment, social security or social protection laws
- it is necessary for legal claims
- it is information which has already been made public by you
- it is in the public interest for public health reasons
- it is necessary for medical purposes
- it is necessary for archiving, statistical and research purposes
- the use of special category information about you is necessary to protect you or someone else in an emergency; or
- we have your explicit consent to use the particular special category information about you

In some limited circumstances we may also need to collect and use criminal history information about you. We may do so where:

- it is in the substantial public interest
- it is necessary for any legal claims
- it is necessary to protect you or someone else in an emergency
- it is information which is already in the public domain, or
- we have your explicit consent to use criminal history information about you

How we use your personal information

We are the Controller for any personal information which we have collected, for example from online and paper correspondence or forms; by telephone, fax or in person; or when you visit the Council's website (i.e. your Internet Protocol (IP) address). This means that we collect the information and decide how it is used.

We use personal information to provide and manage services effectively. We do not share personal information unless it is necessary, lawful and appropriate to do so in the circumstances.

Sometimes you must, by law, give us personal information, such as information to register a birth, marriage or death. Not giving us this information can leave you at risk of a penalty, such as a fine or criminal proceedings.

In some cases, you may be required to provide us with personal information under a contract.

The privacy notice for each service will clearly set out if there is any obligation on you to provide us with personal information.

We will always tell you why and how the information will be used. For some of our services, we need to collect personal data so we can get in touch with you or provide the service. Where we do not directly provide the service, we may need to pass your personal information onto the people who do. These providers must keep your details safe and secure and use them only for the request.

We may need to use certain personal information about you to carry out tasks such as:

- providing council services and support to you, such as libraries, leisure activities, education and social services;
- promoting the services we provide;
- carrying out council functions, such as granting licenses for gambling or the sale of alcohol;
- collecting taxes, revenue, and administer grants and benefits;
- prosecuting for offences such as breach of planning regulation;
- carrying out law enforcement, including crime and fraud prevention;
- making or defending legal claims and other legal purposes;
- keeping track of spending on services and carry out money transactions including payments, grants and benefits;
- managing our property;
- checking the quality of our services and helping with research and planning of new services, such as by consulting, informing and gauging your opinion;
- carrying out consultations and surveys;
- training, supporting and managing our staff;
- helping investigate any worries or complaints you have about our services;
- ensuring we meet our statutory obligations, including those related health and safety and diversity and equal opportunities;
- carrying out corporate administration and all activities we are required to carry out as controller of personal data and as a public authority;
- managing archived records for historical and research reasons;
- acting in the event of emergencies or civil disasters;
- carrying out any other purposes relating to our public functions, as long as this is necessary, lawful and appropriate in the circumstances
- allowing the carrying out of technical maintenance, security and support of council ICT systems.

Who we share your personal information with

We use a range of organisations to either store personal information or help deliver our services to you.

The following is a summary of who your personal information may be shared with. You can find more detailed information on how and with whom individual council services share personal information in the service specific privacy notices.

Internally:

To provide appropriate, timely and effective services, we may share basic information about you such as your name or address between services within the council. This is so we can keep our information on you as up to date as possible and so we can improve our services to you. However, we ensure that staff within the council can only access the information they need to do their job.

Partner organisations under Data Sharing Agreements or protocols:

We have data sharing arrangements in place with local agencies and partner organisations, who we work with to provide certain services to you. Under data sharing arrangements, certain personal information is shared for a specific purpose. The agency or organisation receiving the information must only use that information to carry out that specific purpose and keep your data safe and secure.

For example, personal data may be shared between the us and the NHS in order to provide health and social care services.

We may also sign up to or follow local or national protocols which require us to share particular personal information in a certain way.

Third Parties:

If we wish to pass your sensitive or confidential information onto a third party, we will only do so once we have obtained your consent, unless we are legally required to do so.

We may disclose information to other partners where it is necessary, either to comply with a legal obligation, or where permitted under the Data Protection Act, e.g. where the disclosure is necessary for the purposes of the prevention and/or detection of crime.

Where we need to disclose sensitive or confidential information such as medical details to other partners, we will do so only with your prior explicit consent or where we are legally required to.

We may disclose information when necessary to prevent risk of harm to an individual.

At no time will your information be passed to organisations external to us and our partners, for marketing or sales purposes or for any commercial use without your prior express consent.

We will provide further information of what information is shared with other organisations on data collection forms, service specific privacy notices and sharing agreements.

Cornwall Council acts a data processor for all information we hold, this is because they provide support services to the Council of the Isles of Scilly. All such processing is carried out under the Inter-Authority Agreement and they adhere to our Data Protection Policy and requirements.

Using your personal information differently

We may need to either:

- use your personal information for a different reason than we originally told you because our purpose for using your personal information has changed; or
- use your information for an extra reason and we did not tell you about this in either this privacy notice or the privacy notice of the specific service using your personal information.

If we need to do this, unless the new reason is compatible with our original purpose, we will provide you with a new privacy notice. This will explain the new or additional reason we need to use your personal information, and on what legal basis we can do so. This will be given either at the time the information is collected, or before we begin to use information we already hold.

Keeping your personal information

We will only hold your personal information for as long as needed and in line with legal requirements or industry guidelines. The storage time for personal information varies between our services – contact the relevant service if you require more information on this.

Where we keep and protect your personal information

Most personal information we collect is stored on electronic systems in the UK.

However, there are some occasions when your information may leave the UK, some personal information may be stored on computer services located in the European Economic Area (EEA). For example, if it needs to be transferred to another organisation, which may be based outside of the UK or that uses systems which store information outside of the UK.

Generally, personal information in our control will not be sent outside EEA, unless stored within cloud-based computer services used by us. If this is done appropriate procedures and technologies will be put in place to maintain the security of all personal information processed outside of the EEA.

If we do this, we will ensure that procedures and technologies are put in place to maintain the security of all personal information processed overseas. We will take appropriate steps to make sure we hold records about you in a secure way, including:

- all employees who have access to your personal information or are associated with the handling of that data are obliged to respect the confidentiality of your personal information
- there will be procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction.

Getting help

For general support and information on protecting your personal information visit the Information Commissioner's Office website.

The Council of the Isles of Scilly's Data Protection Policy can be found on [this page of the website](#). If you have any questions or concerns about how we use your personal information, contact dpo@scilly.gov.uk

If you have any concerns about the way we use your personal information, we would ask you to come to us first for help. You do however have the right to complain to the Information Commissioner's Office:

0303 123 1113 (local rate)

casework@ico.org.uk

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.