

Can I use e-mail to make a subject access request?

No, because you need to provide original proof of identity/authority and you cannot do this by e-mail. You may also need to provide us with quite detailed personal information, so that we can find your records. Sending this type of information to us by e-mail is not very secure, so it is better if you use our application form.

Can I make a request for someone else?

Yes, but we need to be absolutely sure that you are authorised by them to make the request. Proof must be in writing and signed by that person. Sometimes the person you are making the request for is unable to exercise their right of access because they are too young or they do not have the mental capacity to understand their rights. Parents/carers are able to make an application on behalf of children, but they have no automatic right to the information. If a child is old enough to give informed consent and understands the contents of the information, the Council will be guided by their wishes. In all cases, disclosure of information will only occur if it is in the best interests of the child. Authority to act on behalf of an adult lacking mental capacity would normally require a lasting power of attorney, which we will ask to see a copy before we disclose any information.

What other rights do I have under the Data Protection Act?

You have the following rights:

- to prevent processing likely to cause damage or distress;
- To prevent processing for the purposes of direct marketing;
- To seek compensation if you have suffered damage and distress as a result of a breach of the Act by us;
- To make a request as to whether any provision of the Act has been contravened by us;
- To make a request to the Information Commissioner for an assessment as to whether any provision of the Act has been contravened by us.

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We cannot direct market you without your express consent.

What if I think information held about me is wrong?

The Act gives you the right to have inaccurate, factual data about yourself corrected. If you believe that any of the information held by the Council is inaccurate as a matter of fact, please write to the Council's Corporate Information Officer.

Where can I find out more?

On the Council's website www.westsomersetonline.gov.uk or you can contact the Council's Corporate Information Officer on 01643 703704. For independent advice about data protection, privacy and data-sharing issues, you can contact the Information Commissioner at www.ico.gov.uk.



Our Commitment to you and Your Rights

"Incorrect personal information can have dramatic effects on people's lives... everyone has the right to change any incorrect information held on them and to know exactly who holds this

Richard Thomas, Information Commissioner
July 2004

This document can be made available in large print, Braille, tape format or in other languages upon request

Our commitment to you and your rights

When we ask you for personal information, we promise:

- to make sure you know why we need it;
- to only ask for what we need, and not to collect too much or irrelevant information;
- to protect it and make sure nobody has access to it who shouldn't
- to only share it with other organisations when the law allows;
- to make sure we don't keep it longer than necessary; and
- not to make your personal information available for commercial use without your permission.

In return, we ask you to:

- give us accurate information; and
- tell us as soon as possible if there are any changes, such as a new address.

This will help us to keep your information reliable and up to date. You can get more details on:

- how to find out what information we hold about you and how to ask us to correct any mistakes
- agreements we have with other organisations for sharing information;
- circumstances where we can pass on your personal information without telling you;
- our instructions to staff on how to collect, use and delete your personal information;
- how we check the information we hold is accurate and up to date; and
- how to make a complaint.

What is the Data Protection Act?

The Data Protection Act applies to personal information that we hold about you. It sets the rules for how we handle your information. If the rules are not followed the Council risks breaking the law.

What is personal information?

Personal information is any information, which can be used to identify you. This includes all the obvious details we might hold about you such as your name and address, National Insurance number, Council Tax reference number, benefits entitlement.

Some types of personal information are classified as sensitive by the Act and require more careful handling.

This includes information about ethnic or racial origin, political opinions and religious beliefs.

Why do you need personal information about me?

We provide a wide range of services. To do this we need to keep essential personal information about people like you who use our services.

How is personal information held?

Personal information can be recorded in:

- Paper records
- Card indices
- Electronically held information, e.g. customer/client databases, spreadsheets, WORD documents, etc.
- Email
- CCTV images
- Video and audio tapes
- Photographs
- Microfilm

What are the rules?

The rules for processing personal information are known as the 8 data protection principles; these are that data must be:

1. lawfully and fairly processed;
2. processed for limited purposes;
3. adequate, relevant and not excessive;
4. Accurate;
5. not kept for longer than is necessary;
6. processed in line with individuals rights
7. secure and;
8. not transferred to countries without adequate protection

Can you disclose my personal information to anyone other than me?

We may need to share your information both internally within the Council and externally with other organisations, so that we can provide the services that you need. We can only disclose personal information about you if we have been 'fair'. This means that we have:

- told you for what purpose(s) we will use your information, and
- who we are intending to share it with

There are some circumstances where we may be required to disclose your information without being 'fair'. This may be for the purposes of:

- Preventing or detecting crime;
- The assessment or collection of any tax or duty; or
- Where we are obliged by law to provide the information to another person e.g. Her Majesty's Revenue and Customs, Child Support Agency, Asylum and Immigration, etc.

Does the Council need my consent?

In most cases we do not need your consent because the Data Protection Act and other legislation lets us process personal information without consent. Where sensitive personal information is involved extra care will need to be taken, which may mean that we will seek your consent.

Can I see my personal information?

Generally Yes. You have a right of access to your personal information. This is usually referred to as 'subject access rights'.

Your request must be made in writing and you will need to provide proof of identity. To help you make a request the Council has an application form, which is available on our website or from Council offices. If you want access to CCTV information you will need to use the special CCTV application form, which is also available on our website, or from Council offices. We may charge you a fee of up to £10.

When we have received your request and we have enough information to action it we must give you the information within 40 calendar days.

Sometimes, your personal information may contain information about other individuals. This is referred to as 'third party information'. There are generally two categories of third party information, these are:

- information about other people, e.g. family members, carers, friends etc.
- information that has been provided by another person or agency about you, e.g. doctors, solicitors, etc.

You are only permitted to access information about you and we may have to withhold or edit information, so that it does not identify third parties.