



## **The Data Protection Act 1998**

### **Personal Information**

### ***Your Right to Know***

### **What is the Data Protection Act 1998?**

The Data Protection Act 1998 came in to force on 1<sup>st</sup> March 2000, and it supersedes the previous Data Protection Act 1984.

The new Act covers computer files, manual files, photographic files (including digital photography), CCTV cameras, files of business cards, personal data viewable on screen and e-mails. It places a legal duty on those that process personal information to do so fairly, accurately and only for specified purposes. It gives individuals greater rights of access to their own information, and the ability to amend inaccurate information.

### **What are the main principles of Data Protection?**

- Personal Data - shall be processed lawfully and fairly
- Shall be obtained and processed for specific, lawful and limited purposes
- Shall be adequate, relevant and not excessive
- Shall be accurate
- Shall not be kept for longer than necessary
- Shall be processed in accordance with the data subjects rights
- Shall be kept secure
- Shall not be transferred to countries outside the EU without adequate protection

### **What are your rights?**

- to ask the Council what information it holds about you.
- to ask what the Council uses the information for.
- to be given a copy of the information.
- to be given details about the purposes for which the Council uses the information and details of other organisations or persons to whom it has been disclosed.
- to ask for incorrect information to be altered.
- to ask for information held by the Council not to be used for direct marketing

## **Why do we keep personal information?**

As a District Council we are required to perform many statutory duties, for example to collect Council Tax. We also maintain and provide services for the community in the form of housing, refuse collection and recycling. In order to perform our statutory duties and to ensure that all citizens receive the services they need, we collect and process personal information.

## **Does the authority require consent to use your information?**

The Council only requires consent if it is going to process your data for any other purpose than those prescribed by law.

## **How do you ask to see information held about you?**

You must send in a written request. This must contain your name and address, and a form of personal identification. For those acting on another's behalf, for example a parent acting on behalf of their child, the Council requires some form of evidence that they are acting on the data subjects behalf legally.

This can be in the form of a jointly signed subject access request form, a letter from the data subject giving authority, or evidence showing parental responsibility.

For those unable to make requests for themselves due to incapacity, authorisation may be given by a police officer, a doctor or another legal representative.

The Council has a subject access request form for the public to use, which sets out the information the Council needs from you in order to action a request.

## **How much does it cost?**

There is a statutory fee of £10 which has been set for each access request made.

## **What information will you receive?**

Depending on the type of information you have requested, you will receive a copy of the information, a description of the information, a list of to whom the information has been disclosed and information regarding how it was received.

## **When will you receive the information?**

Once the fee has been accepted and the identity of the requester/data subject has been verified, the Council then has 40 calendar days within which to respond.

### **What if the information is incorrect?**

You must write to the authority stating what information is incorrect and why, and ask for it to be corrected.

The Council must then tell you whether or not it has complied with your request within 21 days. If you are unhappy with the outcome of this you may then complain to the Council in writing and a review of the case will be undertaken by the Information Management Officer. You will be contacted within 15 days with the outcome of this review. If you still feel the outcome of this is unsatisfactory, a complaint can be logged with the Information Commissioner.

### **What information cannot be released?**

Under Data Protection law there remain some exemptions, this information may be held by the Council but not released to the data subject even when a request has been made.

- Where information is held or has been provided for the prevention or detection of a crime
- Apprehension or prosecution of offenders
- Assessment or collection of any tax or duty
- Matters of National Security
- Regulatory Activities
- Where information is held for research purposes - where the form does not disclose the identity of individuals
- Information contained in a confidential reference
- Some special purposes including
  - Types of Journalistic Actions
  - Artistic Purposes
  - Literary Purposes
- Information that is publicly available
- Information used for Domestic Purposes
- Information relating to the Armed Forces
- Judicial Appointments and Honours
- Crown and Ministerial appointments
- Management Forecasts & Planning
- Negotiations
- Corporate Finance
- Legal Professional Privilege
- Self Incrimination
- In certain circumstances information that has a reference to a third party may be exempt.

Data Protection guidance leaflet for data subjects

**If you would like to make a request or would like further information please contact:**

Legal Services  
Blaby District Council  
Council Offices  
Desford Road  
Narborough  
LE19 2EP

Request forms are available from the Council Offices or via  
[www.blaby.gov.uk/dataprotection](http://www.blaby.gov.uk/dataprotection)