

# Privacy Notice: Legal & Democratic Services Commercial Team

This Privacy Notice tells you about what information we collect about you, how we use that information and who we share it with.

## **Who we are and what we do**

The Commercial team is part of the Legal and Democratic Services of Durham County Council (the Data Controller).

The team provides general legal advice and conducts work of a legal nature on behalf of all of Durham County Councils services in respect of their functions.

Services provided cover planning, highways, property and procurement legal advice and as well as representing the council in the course of its statutory and regulatory functions.

For the purposes of Data Protection, Durham County Council is the Data Controller for your information.

## **What type of personal information do we collect and how do we collect it?**

The type of personal information collected varies dependent upon the nature of the matter being dealt with. The type of information typically collected can include:

- Name
- Address
- Contact details

We also collect and receive special category data such as:

- Health/medical information and records
- Employment records
- Financial Information

We collect information about you in the following ways:

- By consent or personal contact.
- By third parties, including referrals from Councillors, officers or other parties providing information.

## **What is our lawful basis to obtain and use your personal information?**

We collect and use your personal information so that either we can comply with our legal obligations, or we can perform a task in the public interest or for our official functions, under Article 6.

When we collect special category personal information we rely on one of the following Article 9 conditions:-

- processing is necessary for the establishment, exercise or defence of legal claims; or
- whenever courts are acting in their judicial capacity; or
- processing is necessary for reasons of substantial public interest.

## **What is your personal information used for?**

The Commercial team collects and processes information about you for the following purposes:

- To respond to requests for advice.
- To provide service delivery to our client services.
- In advising or representing client departments in legal proceedings
- To advise or represent client departments in regard to the Councils statutory and regulatory functions

## **Will your personal information be shared?**

In certain circumstances your personal information may be shared with other council departments or external organisations, where we have a statutory obligation to share such as for the purposes of the prevention or detection of crime or for legal proceedings.

Some organisations your data will be shared with include:

- HM Courts and Tribunals Service.
- Experts/Solicitors/Barristers for the purposes of obtaining advice and representation.
- Other relevant parties or bodies in relating to the legal instruction and other Councils where appropriate.
- Solicitors who request a search or copy documents held by Land Charges.
- Members of the public who request a search held by Land Charges.
- Statutory Undertakers.

## **How do we keep your information secure?**

The security of your personal information is important to us. The records we keep about you are secure and are confidential within the Council. The Council have a range of procedures, policies and systems to ensure that access to your records are controlled appropriately.

Anyone who receives information from us is also under a legal duty to only use the information for the purposes agreed and keep the information secure and confidential.

We use two systems to communicate securely with you and other organisations, namely:

- Safedrop - a system which lets users send audited secure messages and files to anyone with an email address with security features such as recipient verification, customisable terms of use, read receipts, expiry receipts, full audit trails, encryption and self-destruct after delivery.
- Egress - a system which helps users manage risk by enabling them to identify sensitive data wherever it resides on networks, cloud storage and within emails and manages access to the data with a view to preventing data breaches. It also provides data security and privacy when data is shared, encrypting it in transit and at rest.

We use electronic files within a secure case management system and have encryption on our local authority computers to ensure that if the computer is accessed by another person they cannot read any information contained on it.

We secure information by controlling access to systems and networks, which allows us to stop people who are not allowed to view your personal information from getting access to it. We also provide training for our staff which allows us to make them aware of how to handle information and how and when to report when something goes wrong.

### **How long will we keep your personal information?**

After we deliver a service to you, we have to keep your information as a business record of what was delivered. The type of service you receive will determine how long we have to keep your information.

Our corporate retention guidelines show how long we keep information for different services.

The retention periods for the Commercial team are:

Compulsory Purchase Orders	Permanent
Contracts Under sea	12 years after contract expires
Contracts Under hand	6 years after contract expires
Conveyancing	12 years after closure
Copyright	80 years after last action
Highway status assessments and side road orders	Permanent
Section 116 stopping up orders, permanent traffic orders, temporary traffic orders	7 years after last action
Judicial review	7 years after last action
Land charges personal and LA searches	7 years after last action
Planning appeals	6 years after last action
Lawful development certificate	12 years after date of the agreement
Section 106 Agreement	Permanent
Records relating to S106	12 years after date of the agreement
Rights of Way - Queries, appeals and related Matters	20 years after last action unless a major precedent, then presented to the Archivist
Common Land and Village Greens - Status assessments Queries	Permanent

## **Personal information processed outside of the European Union (EU)?**

We do not process your personal data outside of the EU

## **Marketing**

At no time will your information be used or passed to others for marketing or sales purposes, or for any commercial use without your express consent.

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

Your Information Rights are set out in the law. Subject to some legal exceptions, you have the right to:

- request a copy of the personal information the council holds about you
- have any inaccuracies corrected;
- have your personal data erased;
- place a restriction on our processing of your data; and
- object to processing.

To exercise your rights, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at [inforights@durham.gov.uk](mailto:inforights@durham.gov.uk)

To learn more about these rights please see the [ICO website](#).

## **Further Information**

Our Data Protection Officer (DPO) provides help and guidance to make sure we apply the best standards to protecting your personal information. If something goes wrong with your personal information, or you have questions about how we process your data, please contact our Data Protection Officer at [DPO@durham.gov.uk](mailto:DPO@durham.gov.uk) or write to:

DPO  
Floor 4 Room 143-148,  
Durham County Council  
County Hall,  
Durham County Council  
DH1 5UF

If we have not been able to deal with your query, you can also contact the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Water Lane Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 0303 123 1113 (local rate) or 01625 545 745