

Components of a Privacy Notice

1. Who we are and what we do

Durham County Council Information Management Team provides you, the public, with advice and guidance on information and records management and deals with your requests to access information under the following legislation:

- Freedom of Information Act 2000 (FOI)
- Environmental Information Regulations, 2004 (EIR)
- Data Protection Act 1998 (DPA) / General Data Protection Regulations 2018

2. What type of personal information do we collect and how do we collect it?

- For a request made under the FOIA / EIR:
 - your name
 - your contact address – email or postal
- For a request made under the DPA:
 - your name
 - your contact address – email or postal
 - proof of your identity (ID) passport, driving licence or two recent utility bills
 - any other relevant personal information for identifying and locating your personal data on our systems.
- Additionally, if you are applying on behalf of a child:
 - written proof of your parental responsibility or legal guardianship
- Additionally, if you are applying on behalf of someone else:
 - written proof of the person's consent or a Lasting Power of Attorney

We collect this information from you as part of your application in writing. For Environmental Information Regulation requests this collection can be in writing or verbal.

3. What is our power to obtain and use the personal data?

The following are the lawful basis for processing your personal information.

- a) processing is necessary for compliance with a legal obligation to which the controller is subject;

- b) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- c) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

4. What is your personal information used for?

We use your information in the following ways.

To respond to your requests for advice and guidance

- To respond to your requests under the FOI / EIR and DPA
- To respond to a complaint
- To manage any complaints to the ICO or a request from the ICO.
- To monitor our own performance in responding to your request – this may include our contacting you with a customer satisfaction survey

5. Will your personal information be shared?

In certain circumstances your personal information collected for handling your FOI/EIR and/or DPA request may be shared where we have a statutory obligation to share such as for the purposes of the prevention or detection of crime or, for legal proceedings. If you make a complaint to the ICO, we may share your personal information to manage your complaint or in response to a request from the ICO.

6. How do we keep your personal information secure?

The security of your personal information is important to us. This is why we follow a range of security policies and procedures to control and safeguard access to and use of your personal information.

7. How long will we keep your personal information?

Depending on the type of request you make to us we will keep your personal information in a case file in accordance with our corporate retention guidelines. The retention periods, as summarised below, are considered reasonable to enable us to carry out our statutory functions.

For a request made under the FOIA / EIR:

- Type of personal information
- Retention period

<ul style="list-style-type: none"> • Case file for your request 	<ul style="list-style-type: none"> - current year + 3 calendar years
For a request made under the DPA:	
<ul style="list-style-type: none"> ➤ <u>Type of personal information</u> 	<ul style="list-style-type: none"> ➤ <u>Retention period</u>
<ul style="list-style-type: none"> • Case file for your request 	<ul style="list-style-type: none"> - current year + 3 calendar years
<ul style="list-style-type: none"> • your proof of ID 	<ul style="list-style-type: none"> - 30 calendar days from when response provided
<ul style="list-style-type: none"> ➤ <u>Complaints</u> 	<ul style="list-style-type: none"> ➤ <u>Retention period</u>
<ul style="list-style-type: none"> • complaint to Durham County Council (internal review) 	<ul style="list-style-type: none"> - 6 years from response provided
<ul style="list-style-type: none"> • complaint to Information Commissioner's Office (ICO) 	<ul style="list-style-type: none"> - 6 years from response provided
<ul style="list-style-type: none"> • complaint to the First Tier Tribunal (FTT) 	<ul style="list-style-type: none"> - Permanent retention

8. Is your personal information processed overseas?

We do not send your information outside the EU.

9. Marketing (if applicable)

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.

10. What are your Information Rights?

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

- to have any inaccuracies corrected;
- to have your personal data erased;
- to place a restriction on our processing of your data;
- to object to processing; and

- to request your data to be ported (data portability).

“If you wish to exercise your information rights, please contact the Data Protection Officer at DPO@durham.gov.uk or alternatively write to DPO, Room 143-148, Floor 4, County Hall, Durham County Council, DH1 5UF”

You also have the right to request a copy of the personal information council holds about you. To do this, please use www.durham.gov.uk/inforights

To learn more about these rights please see the ICO website.

If something goes wrong with your personal information, or you have questions about how we use it, please contact the Data Protection Officer at DPO@durham.gov.uk .

If we have not been able to deal with your complaint, 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

Fax: 01625 524 510