

# Privacy Notice: Legal & Democratic Services Committee Services

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

## 1. Who we are and what we do

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

This team are the secretariat for all Council, Cabinet and all the formal committee meetings of the Council. This includes servicing many other meetings including those of the appeals and complaints panel for staff grievances/disciplinary and dismissal, the Police and Crime Panel, Board meetings of Council companies and the Health and Well-being Board. Runs the officer scheme of delegation together with the recording of decisions, and deals with the appointment of co-opted members to its committees and lay persons to school admission panels.

The team also handle the holding of school admission appeals, and appeals to the Independent Review Panel (school exclusion appeals), and process complaints about elected members in County Durham. This includes complaints about the Council made to the Local Government and Social Care Ombudsman.

The team runs the Council's petition scheme, processing of community governance reviews, receipt of tender documents, dealing with queries, applications and searches in connection with the common land/ village green registration, applications for small bus permits, and financial assistance applications.

The team collect and hold data relating to its elected members in relation to registration of interests/ and gifts hospitality, and other governance forms. The team hold the register of interests for town and parish councils.

## 2. 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 (e-mail address & telephone number)
- Evidence to support your application/appeal/petition/complaint/appointment
- Bank details (for financial assistance applications & panel members)
- Date of birth and current school attending (for school appeals and financial assistance applications)
- Date of birth and nationality (for companies/trusts)
- Copies of marriage/birth certificates, employment records and qualification certificates (for guild applications).

In addition to the above, we collect the following information about Councillors:

- Register of Interest Forms including gifts and hospitality.
- Emergency contact details.
- Related Party Transaction Forms.

We collect information about you in the following ways:

- Communication with yourself (either by telephone, in person, or in writing).
- Through our website.
- Application forms.
- From a third party.

We may hold some information about you in relation to our decision-making processes e.g. licensing applications/appointments/appeals.

### **3. 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 such as trade union members or health data we rely on one of the following Article 9 conditions:-

- Explicit consent, you or your representative gave us explicit consent; or
- 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.

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

We collect and processes information about you for the following purposes:

- To respond to requests for advice.
- To ensure the Council complies with its statutory duties.
- To hold appeals as appropriate.
- To process applications received.
- Record tender documents.
- Process community governance reviews.
- Process petitions received.
- Process complaints received.

### **5. 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.

We may share your personal information, as appropriate, with organisations including:

- Local Government and Social Care Ombudsman.
- Schools/ Diocese.
- Councillors/ Panel members/ Trustees/ Directors.
- Companies House.
- Moderngov consultants.

## **6. 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 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.

## **7. 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 majority of information we hold is for a period of 6 years, with the exception of:

- School Appeals (for 1 year after the conclusion of the academic year).
- Complaints (for a period of 7 years + 2 years for decision notices).
- Common Land/ Village Greens, Tender Registers, Directors of Companies/Trust Directors and Guild Applications are held permanently.
- All bank details are destroyed after payments have been made and proof of address for school appeals are destroyed once checks have been carried out.
- Information on County Councillors/ Co-opted members/ Independent members is held for a period of 18 months after they leave office.
- Emergency contact information for county councillors is held for one year after they leave office.
- Information on Parish/ Town Councillors is held for a period of 18 months after the four-year term of office of the parish/ town council has concluded.
- Information that is processed through the formal committee meetings of the council, this will be held indefinitely as part of the agenda pack held on the website as appropriate. Private information is passcode protected.

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

We do not process your personal data outside of the EU

## **9. 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.

## 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:

- 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](#).

## 11. 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