Privacy Notice

Community Emergency Planning Group Plans, Joint Emergency Management and Resilience Team

When processing your personal, special category personal or criminal/law enforcement data, Westmorland and Furness Council ('the council') is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide you with the information contained in this Privacy Notice.

This notice explains what the council will collect, who it will be shared with, why we need it and how we will use it. The council will continually review and update this Privacy Notice to reflect service changes, feedback from customers and changes in the law.

The council is also required to comply with the data protection principles as laid out in the UKGDPR, to ensure that personal data is:

- processed lawfully, fairly and in a transparent manner
- collected for specific, explicit, and legitimate purposes
- adequate, relevant, and limited to the purposes for which it was collected
- accurate and up to date
- kept for no longer than is necessary for the purpose(s) for which it was collected
- secured using appropriate technical or organisational measures

Registration

As an organisation that processes large amounts of personal, special category personal or criminal/law enforcement data, referred to in legislation as a data controller, the council is required to register with the Information Commissioner's Office (ICO)

Name:	Westmorland and Furness Council
Address:	South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ
Registration Number:	ZB512761

The council's Registration Certificate can be viewed:
https://ico.org.uk/ESDWebPages/Entry/ZB512761

About the Service

The Joint Emergency Management and Resilience Team hosts the Cumbria Local Resilience Forum Secretariat Function, and as part of this role hosts Community Emergency Plans to facilitate sharing with responder agencies.

Data Controller Arrangements

In most cases Westmorland and Furness Council is the data controller, however there may be instances where data is shared with another party as joint Data Controllers, or where the Council is operating as a data processor for another party.

What is personal data?

UKGDPR Article 4 defines personal data as: any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

What is special category personal data?

UKGDPR Article 9 defines special category personal data as: racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

What is criminal/law enforcement data?

The council is a competent authority as described in Schedule 7 of the Data Protection Act 2018 and is permitted to process data for law enforcement purposes that include: the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

What information does the council collect about me?

The council is required to process either your personal, special category/sensitive or criminal/law enforcement data to meet legal obligations and make robust recommendations and decisions.

The **Personal Data** requirements are:

- Name
- Email
- Contact number
- Address

How does the council collect data about me?

As part of this service the council will collect personal, special category personal or criminal/law enforcement data from you in the following ways:

- Through Community Emergency Plans, prepared by the Community.

Why does the council collect my personal data?

The Joint Emergency Management and Resilience Team collects personal, special category personal or criminal/law enforcement data to enable it to:

- To facilitate liaison (including direct contact) between Local Resilience Forum Partners and Community Emergency Planning Groups, before, during and after a major incident.
- Support the coordinating of countywide Emergency Response & Recovery to an incident in Cumbria with various external emergency roles/agencies.
- Develop training and exercising activities and promoting community and household resilience.

Who does the council share personal data with?

Where there is a lawful reason to do so the Joint Emergency Management and Resilience Team may share personal, special category personal or criminal/law enforcement data with:

- Local Resilience Forum Partners, these include the Emergency Services, Local Authority Teams, and other organisations who provide support and response during a Major Incident, as defined by the Civil Contingencies Act 2004.
- Voluntary organisations during a response and recovery from a local or national incident or emergency.
- Cumbria Council for Voluntary Service, Mountain Rescue and British Red Cross, as a partner in developing preparation activity.

Legal Basis

Where the council identifies the requirement to process personal, special category/sensitive or criminal/law enforcement data, depending on the specific data being shared, it must have at least one of the following:

- for personal data, a legal basis under UKGDPR Article 6
- for special category/sensitive data, a condition under UKGDPR Article 9
- for criminal/law enforcement data, a purpose under Data Protection Act 2018 - Schedule 8

If we are relying on consent to process your personal, special category personal or criminal/law enforcement data, you have the right to object at any time by contacting the service or officer the data was provided to.

If **personal data** is being processed the council must select at least one legal basis from the list below:

- **UKGDPR Article 6(1) (c) Legal Obligation**

Where the council is relying on UKGDPR Article 6(1)(c) all Relevant Legislation should be listed below.

Relevant Legislation

- Civil Contingencies Act 2004

Automated Decision-Making/Profiling

Automated individual decision-making is a decision made by automated means without any human involvement. Automated individual decision-making does not have to involve profiling, although in some cases it might.

A definition of Profiling can be found in: UK GDPR - Article 4(4) and further information can be found at: ICO - Automated Decision Making and Profiling

We **do not** use your information for automated decision-making or profiling purposes.

CCTV and Surveillance

We operate surveillance equipment within some of our services for the purpose of either, public and staff safety, or the prevention and detection of crime. CCTV is also installed on the outside of some of our buildings for the purposes of monitoring building security and crime prevention and detection.
Civil Enforcement Officers (CEOs) who undertake the enforcement of parking restrictions, are each equipped with a Body Worn Video Device (BWVD), which has both video and audio recording capability.

Images captured by CCTV will be kept in accordance with the council's Retention and Disposal Schedule. However, on occasions there may be a need to keep images for longer, for example where a crime is being investigated. Images can be requested by writing to: dataassurance@westmorlandandfurness.gov.uk.

We will only disclose images and audio to other authorised bodies who intend to use it for the purposes stated above. Images and audio will not be released to the media for entertainment purposes or placed on the internet for public viewing.

We operate CCTV and disclose in accordance with the codes of practice issued by the Information Commissioner and Biometrics and Surveillance Camera Commissioner.

CCTV Requests

The Police are permitted to request footage under the Data Protection Act 2018 (Schedule 2).

Officers making requests must present a completed Schedule 2 Form, signed by the authorised officer to confirm that the information is needed for the detection or prevention of a specific crime. Schedule 2 Forms should be submitted by email to: dataassurance@westmorlandandfurness.gov.uk.

Personal and business (insurance and solicitors) applicants should complete the CCTV and Surveillance - Request Form (DOCX , 282KB).

Completed forms should be accompanied by the relevant proof of identity or authorisation. Failure to provide the required evidence will result in the council refusing requests.

National Fraud Initiative/Data Matching

The Council is required by law to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing, administering public funds or where undertaking a public function, in order to prevent and detect fraud.

The Council is required to participate in the Cabinet Office's National Fraud Initiative: a data matching exercise to assist in the prevention and detection of fraud. The Council is obliged to provide particular sets of data to the Minister for the Cabinet Office for matching for each exercise. The Cabinet Office is responsible for carrying out data matching exercises in accordance with the https://www.gov.uk/government/publications/code-of-data-matching-practice-for-national-fraud-initiative.

Data matching involves comparing computer records held by one body against other computer records held by the same or another body to see how far they match. This is usually personal information. Computerised data matching allows potentially

fraudulent claims and payments to be identified. Where a match is found it may indicate that there is an inconsistency which requires further investigation. No assumption can be made as to whether there is fraud, error or other explanation until an investigation is carried out.

For further information on the Cabinet Office exercise please see:

- https://www.gov.uk/guidance/national-fraud-initiative-public-sector-data-requirements
- https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text

For further information please contact: nfi.WAF@westmorlandandfurness.gov.uk.

Alternatively, you can refer to the Privacy Notice - National Fraud Initiative: https://www.westmorlandandfurness.gov.uk/your-council/data-protection-and-privacy/services-privacy-notices.

Elected Members

In order for Elected Members to act on your behalf and resolve the issues you have raised they may need to collect some personal, special category personal or criminal/law enforcement data. This could include your name and address, and/or sensitive personal data, which could be concerning your health or ethnic origin.

In some circumstances your explicit consent may be needed to allow for the processing of your data. If this is needed the relevant Elected Member will contact you directly.

Elected Members will:

- only share data with the organisations necessary to deal with your enquiry i.e., different council departments, and to resolve any issues you have raised
- not share your data with third parties, unless it is required for law enforcement purposes to prevent or detect crime, to protect public funds or where required or permitted to share data under other legislation
- keep your data secure using the council's secure IT and email systems
- retain/destroy your data in accordance with the council's Retention and Disposal Schedule

You have the right to access your personal, special category personal or criminal/law enforcement data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances.

You can withdraw your consent for your personal, special category personal or criminal/law enforcement data to be processed as described above at any time. If you would like this to happen or you have a complaint about how your data is handled, please contact your Elected Member.

If you are not satisfied with the response or believe the Elected Member is not processing your personal, special category personal or criminal/law enforcement data in accordance with the law you can complain to the Information Commissioner's Office (ICO).

Data Transfers

It may sometimes be necessary to transfer personal, special category personal or criminal/law enforcement data beyond the UK to comply with legal or other obligations.

Where data is required to be transferred to the European Union or other adequate countries the council will ensure that all relevant safeguards are in place before this takes place and that all aspects of the UKGDPR/Data Protection Act 2018 are complied with.

Data requested for transfer to non-adequate countries will be subject to a Transfer Impact Assessment, that includes the identification of appropriate safeguards prior to data being authorised for transfer.

Data Security and Retention

The council is required by UKGDPR Article 32 to ensure that appropriate organisational and security measures are in place to protect your personal, special category personal or criminal/law enforcement data.

Security measures include: anonymisation, pseudonymisation, encryption, access controls on systems, regular testing of our systems, security training for all employees. You can find further information in the following documents:

- Information Security Policy
- Data Protection Policy
- PSN Connection Compliance Certificate
- NHS DS&P Toolkit - Compliance Certificate

If you access information online, the council website does not store or capture personal information, but merely logs a number called your IP address which is automatically recognised by the system. The system will record personal information if you:

- subscribe to or apply for services that require personal information
- report a fault and give your contact details for us to respond
- contact us and leave your details for us to respond

For further information visit our Cookies Policy.

Westmorland and Furness Council will only store your information for as long as is legally required in accordance with the council's Retention and Disposal Schedule or

in situations where there is no legal retention period established best practice will be followed.

To help you understand the Schedule the Council has published a Retention Schedule - Quick User Guide.

If you have any questions about the Schedule or the Quick User Guide, please contact record.centre@cumberland.gov.uk.

If you experience any problems in relation to your personal data or you see something that doesn't look right, contact the council by email at: databreaches@westmorlandandfurness.gov.uk.

Contacting the Council

Emails

If you email us, we may keep a record of your contact and your email address and the email for our record keeping of the transaction. We suggest that you keep the amount of confidential information you send to us via email to a minimum and use our secure online forms and services. Where available, you can sign up for email alerts for selected services using an external service from GovDelivery, with control over your preferences.

Telephone Calls

The council will inform you if your telephone calls are being recorded or monitored and will not record any financial card details if you make payments by telephone.

Your Rights - Data Subject Access

What is a Subject Access Request?

Individuals have the right to access and receive a copy of their personal data, and other supplementary information held by Westmorland and Furness Council. This is commonly referred to as a Subject Access Request or 'SAR'.

Subject Access Requests can be made verbally or in writing, including via social media. Please see 'Submitting Subject Access Requests' below for information.

Data Subjects can make requests themselves, or ask another person to do it on their behalf i.e. child (under 12), attorney, litigation friend. In these circumstances the council will need to see evidence of permission to request the data of another person and it should be emailed at the same time as the request is submitted. Failure to provide evidence may result in delays with handling your request or it being declined.

In most cases the council does not charge a fee for handling Subject Access Requests, it can however charge a fee:

- where a request is repeated to cover administrative costs
- where a request is manifestly unfounded or excessive
- in some circumstances, we may refuse to handle Subject Access Requests where they are vexatious, manifestly unfounded or excessive

Please be aware that the council may seek evidence of your identity and clarification of your request to assist with the identification of relevant information.

Once your request has been accepted, the council will:

- provide a response within one calendar month (where possible)
- inform you if your request cannot be responded to within one calendar month, as it is complex or you have submitted more than one request (the deadline for providing a response can be extended by up to a further two months)
- conduct reasonable searches for the requested information
- inform you if information is exempt from disclosure
- provide a response via secure email unless an alternative format has been requested

Submitting Subject Access Requests

If you would like to submit a request or you would like assistance with submitting a request, please contact us:

By post:	Westmorland and Furness Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ
By email:	subjectaccess@westmorlandandfurness.gov.uk
By telephone:	01539 637 437

If you have any concerns about how your personal data is used by the council please contact the Data Protection Officer: dataassurance@westmorlandandfurness.gov.uk.

Your Rights - Other

In addition to your right of access the UKGDPR gives you the following rights:

- the right to be informed via the council's Privacy Notice
- the right to withdraw your consent. If we are relying on your consent to process your data, then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information. Where your personal data has been shared with others, we will ensure those using your personal data comply with your request for erasure.

- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- the right to object. You can object to your personal data being used for profiling, direct marketing or research purposes
- you have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Unless otherwise stated above you can exercise any of these rights by contacting the council's Data Protection Officer:

Email: dataassurance@westmorlandandfurness.gov.uk
Post: Westmorland and Furness Council, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ

Consent

Where our processing of your personal, special category personal or criminal/law enforcement data is based on your **consent**, you have the right to withdraw your consent at any time.

If you do decide to withdraw your consent, we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on - in which case, we will let you know.

If you withdraw your consent, it won't impact any of our processing up to that point but may affect the services you are eligible for in future.

If you'd like to discuss withdrawing your consent in relation to data processing, please contact the council's Data Protection Officer:

Email: dataassurance@westmorlandandfurness.gov.uk
Post: Westmorland and Furness Council, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ

Verifying Your Identity

When exercising the rights mentioned above, please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additional documentation is only required when the council cannot verify your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request

- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to the council rejecting your request.

Complaints

If you are unhappy with how we have used your personal information, you can contact us to raise a concern.

We have a process in place to make sure data protection concerns are handled clearly, fairly and without unnecessary delay, in line with current legal requirements. We will look into your concerns and explain what we have found, along with any action we have taken.

You can contact the Council's Data Assurance Team using the details below.

Email: dataassurance@westmorlandandfurness.gov.uk
Post: Westmorland and Furness Council, PO Box 304, Kendal, Cumbria, LA9 9GY

If you are not satisfied with our response, you can also raise your concerns with the Information Commissioner's Office (ICO), which is the UK regulator for data protection.