

Lower Severn (2005) Internal Drainage Board

DATA PROTECTION POLICY

Introduction

The Data Protection Act 2018 (“the Act”) has replaced the Data Protection Act 1988 and came into force on 25 May 2018.

The General Data Protection Regulation (“the Regulation”) came into force on 25 May 2018 and is designed to cover the collecting, storing, processing and distribution of personal data. It gives rights to individuals about whom information is recorded. This applies to all individuals whether they are employees, members, ratepayers or other customers, suppliers or members of the public.

The General Data Protection Regulation is being implemented in the UK through the Data Protection Act 2018.

Policy Statement

In order to meet its legal obligations and to operate effectively the Lower Severn (2005) Internal Drainage Board (“the Board”) needs to collect, maintain and use certain personal information about current and past employees, members, ratepayers and other customers, suppliers and others with whom it has dealings. All such personal information, whether held on paper, computer or other format will be obtained, handled, processed, transported and stored lawfully and correctly in accordance with the Act.

The Board will aim to ensure that all employees and others who have access to any information held are fully aware of and abide by their duties and responsibilities under the Act.

The Board recognises that personal information is confidential and that unauthorised disclosure is a criminal offence under the Act.

Lawful Basis for Collecting and Processing Data

The Board is defined as a Public Authority under the Act. The Board has a lawful basis for collecting and using data under the Land Drainage Act 1991, in particular Section 52 Register of Drainage Hereditaments and Section 53 Power to require information. This data is categorised under the Act as a legal obligation to hold for the purpose of usage under the requirements of the Land Drainage Act 1991. The intended purposes for processing the personal data is for the Board’s legal obligations of the Land Drainage Act 1991 and any other relevant Act.

An individual or organisation has no right to object to the Board holding this relevant data. The Board does not require consent to hold the relevant data and there is no right to have it erased.

Data Protection Principles

The Board is committed to the principles contained in the Act.

These principles are:

- Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any way incompatible with that purpose or those purposes;
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- Personal data shall be accurate and where necessary, kept up to date;
- Personal data processed for any purpose or purposes shall not be kept longer than is necessary for that purpose or those purposes;
- Personal data shall be processed in accordance with the right of data subjects under the Act;
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedom of data subjects in relation to the processing of personal data.

To meet the requirements of the Act the Board is committed to the following:

That personal information shall be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest; scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the Act in order to safeguard the rights and freedoms of individuals;
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Compliance with the Data Protection Principles

In order to comply with the data protection principles, the Board will:

- Observe fully all conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate personal information only to the extent that it is needed to fulfil operational needs or to comply with legal obligations;
- Ensure that the personal information used is as accurate as possible;
- Apply strict checks to determine the length of time personal information is held and ensure that personal information is not held any longer than is necessary;
- Ensure that individuals about whom information is held are able to exercise their rights under the Act, including the right to be informed that processing is taking place, the right of access to their own personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase incorrect information;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred outside the EEA without suitable safeguards.

Commitment to Data Protection

The Board adheres to its commitment to the Act by:

- Allocating specific responsibility for data protection to at least one person;
- Ensuring that employees handling personal information are supervised appropriately;
- Processing requests for access to personal information in a timely and courteous manner;
- Recording any breaches in data protecting policy and taking disciplinary action as necessary;
- Periodically reviewing the management of personal information and updating the policy and procedures accordingly.

Lawful Processing

Before any processing of personal data takes place the lawful basis for processing will be established. The Lawfulness of processing conditions include:

- Consent of the data subject;
- Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract;
- Processing is necessary for compliance with a legal obligation;
- Processing is necessary to protect the vital interests of a data subject or another person;
- Processing is necessary for the performance of a task carried on the public interest or in the exercise of official authority vested in the Board.

Responsibilities

The overall responsibility of ensuring compliance to the Act remains with the Board. However:

- The day to day responsibility rests with the office based employees;
- It is the responsibility of all employees to ensure that personal information provided to the Board, for example current address, is accurate and up to date. To this end employees are required to inform the Board immediately when changes occur;
- Employees whose role involves the collection, maintenance and processing of personal information about other employees, ratepayers, customers, suppliers or any other individuals with whom the Board has dealings are responsible for following the Boards rules on good data protection practise as notified from time to time.

Individuals' Rights

Individuals have the following rights. The right:

- To be informed;
- Of access;
- To rectification;
- To erasure;
- To restrict processing;
- To data portability;
- To object;
- Not to be subject to automated decision-making including profiling.

Individuals' Rights are restricted if the information is lawfully collected.

Access to Information

Anyone who is the subject of personal information held by the Board has the right to make a subject access request. Those who wish to exercise this right should write to the Principal Officer. The Board reserves the right to charge £10 for responding to such requests. If, as a result of a subject access request, any personal information is found to be incorrect, it will be amended. The Board will deal promptly and in a courteous manner with subject access requests and will normally respond within 40 days. If there is a reason for delay, the person making the request will be informed accordingly.

Breach of the Policy

Breach of this policy by an employee will be regarded as a disciplinary offence and will be dealt with under the Board's formal discipline procedure.

Employees who consider that there has been a breach of this policy in relation to personal information about them held by the Board should raise the matter via the Board's formal grievance procedure.

Contact

If you have any questions, comments or complaints about this Data Protection Policy please contact Martin Dear using the details below:

Martin Dear
Data Protection Officer
Lower Severn (2005) Internal Drainage Board
Waterside Buildings
Oldbury Naite
Thornbury
South Gloucestershire
BS35 1RF

Email: MDear@lowersevernidb.org.uk

Updating this Data Protection Policy

The Board may update or amend this Data Protection Policy from time to time, to comply with law or to meet changing business requirements. When updates are made to this Policy, the Board will take appropriate measures to inform you, consistent with the significance of the changes made.