



## **Welsh Local Government Association Data Protection Policy**

## Document Control

<b>Organisation</b>	Welsh Local Government Association
<b>Title</b>	Data Protection Incidents Policy & Procedure
<b>Author</b>	Data Protection Officer, WLGA
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## Revision History

<b>Revision Date</b>	<b>Revision</b>	<b>Previous Version</b>	<b>Description of Revision</b>
	1.0		
26/04/2018	2.0	1.0	Minor amendments to logo and contact details
20/07/2020	3.0	2.0	Annual review of policy
17/04/2021	4.0	3.0	Annual review of policy
13/11/2022	5.0	4.0	Annual review of policy
31/01/2024	6.0	5.0	Responsibilities added, review and logo

## **Data Protection Policy**

### **Introduction**

The Welsh Local Government Association (WLGA) collects and uses personal information about staff and individuals as part of services that it delivers through its cross party decision making arrangements and support.

WLGA as a data controller has a duty to inform individuals about the information that it holds. This information should summarise why it is held and any other parties to whom this may be passed on to. WLGA will advise individuals through Fair Processing in concise, transparent, plain language and free of charge.

### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the UK General Data Protection Regulation (GDPR), Data Protection Act 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines. All employees will be required to complete annual data protection training to ensure that they understand theirs and WLGA's obligations.

### **What is Personal Information?**

Personal information or data is defined as data that relates to a living individual who can be identified from that data, or other information held as defined within the UK GDPR.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data
- That data and other information (including any images from which the individual can be identified) which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Special category data is personal data which UK GDPR says is more sensitive and consists of information about:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life
- Biometric and genetic data

There are separate safeguards for personal data relating to criminal convictions and offences, or related security measures, set out in Article 10 of UK GDPR

Other data which needs to be reported if lost includes:

- Loss of data relating to third parties, such as tender documents, commercially sensitive information and contracts, information which could affect the commercial interests of a third party organisation.

### **UK General Data Protection Regulation (GDPR) Principles:**

The GDPR establishes seven enforceable principles that must be adhered to at all times.

Article 5 (1) requires that personal information should be:

- a) Processed fairly, lawfully and in a transparent manner
- b) Collected for specified explicit and legitimate purposes and not further processed in a manner that is incompatible for those purposes.
- c) Adequate relevant and limited to what is necessary in relation to the purpose for which it is processed
- d) Accurate and where necessary kept up to date
- e) Kept in a form that permits identification of data subjects for no longer than necessary for purposes that which the personal data is processed
- f) Processed in a manner that ensures appropriate security of the personal data

The seventh principle is Article 5 (2) known as the accountability principle and requires WLGA to have appropriate measures and records in place to be able to demonstrate compliance.

## **General Statement**

The WLGA is committed to maintaining the above principles at all times. We will therefore:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Right of Access, right of rectification, right to erasure, right to restrict processing, right to data portability and right to object
- Ensure our staff are aware of and understand our policies and procedures
- Ensure our staff are provided with adequate training and support

## **Responsibilities**

### **Strategic Management Team**

The Strategic Management Team is responsible for the oversight and implementation of this policy.

It will be the responsibility of the SMT members to ensure compliance with the policy and for communicating the policy to all staff.

### **Senior Information Risk Owner**

This is the person who has ultimate responsibility for Information Governance and Data Protection throughout the organisation and will be advised of all Data Protection breaches/incidents.

The SIRO is the WLGA Chief Executive.

## **Data Protection Officer**

The nominated Data Protection Officer has operational responsibility for the implementation of this policy and will fulfil the roles and responsibilities as outlined within the UK GDPR.

The Data Protection Officer will also have overall responsibility for:

- providing data protection training for staff
- development of best practice guidelines for employees
- carrying out compliance checks to ensure adherence, throughout the authority, with the Data Protection Act
- conducting Data Protection Investigations and implementing actions and reports to the Information Commissioner

## **WLGA Audit Committee**

The WLGA Audit Committee reviews compliance across the organisation in relation to Policy and Strategy related to Data Protection and ICT Security.

## **Line Managers**

All line managers are responsible for ensuring that staff are aware of and abide by this policy and the Data Protection Incident Policy, together with ensuring that relevant training is completed in a timely manner.

## **All Staff**

All staff are responsible for ensuring that any personal data which they hold is kept securely and personal information is not disclosed in any way and to any unauthorised third party. All staff are responsible for ensuring that all personal data provided to the Welsh Local Government Association is accurate and up to date.

All staff are responsible for ensuring that individuals wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, know how this can be achieved.

All staff are responsible for ensuring that incidents are reported via the incident reporting process.

All staff are responsible for ensuring that media devices are securely destroyed when no longer required in line with the Secure Destruction of Media Policy.

All staff are responsible for ensuring that processes outlined within the Data Protection Policy and Procedure are followed at all times.

## **Training**

All staff with email accounts are required to complete mandatory e-learning training modules. Managers are responsible for ensuring their staff complete training within agreed timeframes and that they provide information within this policy to staff who do not have access to ICT systems.

## **Contractors, Consultants & Other Partners**

All contractors, consultants, partners or other servants or agents of the association must ensure that they, and all of their staff who have access to personal data held or processed for or on behalf of the WLGA, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act.

Any breach of any provision of the Act will be deemed as being a breach of any contract between the WLGA and that individual, company, partner or firm.

## **Rights of access to information**

Individuals have the right to under the UK GDPR to make a request to access the personal information held about them.

The UK GDPR provides the following rights for individuals:

### **1. The right to be informed**

The WLGA will provide concise, transparent, intelligible and easily accessible information about the processing of personal data to individuals via the Privacy Notice.

### **2. The right of access**

The WLGA will provide individuals with access to their personal data and supplementary information; this will be processed as a Subject Access Request (SAR). Subject Access Requests will be free of charge and processed in line with the statutory requirements and timeframes.

We reserve the right to charge a fee where and if the law permits

If requests are complex or numerous we have the right to extend the period of

compliance as permitted by the law.

WLGA will verify the identity of the individual making the request using reasonable means.

The right to access to information will be clearly outlined on the WLGA's website and Privacy Policy, with service bespoke notices signposting individuals to this information.

### **3. The right to rectification**

The WLGA is committed to rectifying personal data if inaccurate or incomplete and notifying any relevant third parties of this.

If we cannot take action in response to a request for rectification we will provide a written explanation of this, an individual will then have a right to complain to our data protection officer.

### **4. The right to erasure**

The WLGA will consider individual requests for deletion or removal of personal data where there is no compelling reason for its continued processing.

We will inform relevant third parties of erasure of personal data; unless it is impossible, or involves disproportionate effort to do so.

### **5. The right to restrict processing**

The WLGA will ensure that data processing is restricted in any of the following circumstances:

- Where an individual's contests the accuracy of personal data until the accuracy is verified
- Where an individual has objected to the processing
- When processing is unlawful
- If we are no longer requires to keep the personal data but the individual requires the data in relation to a legal claim

If data processing is restricted, we will notify any relevant third parties.

### **6. The right to data portability**

We will comply with individual requests to data portability free of charge and within one month of receiving the request.

## **7. The right to object**

The WLGA will comply with individuals right to object and will stop processing personal data unless there are compelling legitimate grounds for processing or the processing is in relation to a legal claim.

## **8. Rights in relation to automated decision making and profiling**

The WLGA will not use automated decision making nor profile any individuals.

### **Complex Requests**

We will respond to an individual rights request within one month of receiving the request, if the request is deemed complex this can be extended for a further two months.

### **Complaints**

Complaints in relation to processing of personal data must be addressed to the WLGA Data Protection Officer.

### **Review**

This policy will be reviewed on an annual basis. The policy review will be undertaken by the Data Protection Officer.

### **Contacts**

If you have any enquires in relation to this policy, please contact the data protection officer, Welsh Local Government Association, One Canal Parade, Dumballs Road Cardiff, CF10 5BF or e-mail [Dataprotection@wlga.gov.uk](mailto:Dataprotection@wlga.gov.uk)

Further advice and information is available from the Information Commissioner's Office:

[www.ico.org.uk](http://www.ico.org.uk)

The Information Commissioners Office  
Wycliffe House  
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