



**General Data Protection Regulations 2016 – Data Subject Rights
Guidance Note**

Contents

1.	Background	- 2 -
2.	Right to be Informed	- 2 -
3.	Right of Access.....	- 2 -
4.	Right of Rectification	- 3 -
5.	Right to Erasure.....	- 4 -
6.	Right to Restrict Processing.....	- 5 -
7.	Right to Data Portability	- 6 -
8.	Right to Object.....	- 7 -
9.	Complain to the Information Commissioners Office.....	- 7 -

1. Background

The new General Data Protection Regulations 2016 which came into force on the 25th May 2018 and the Data Protection Act 2018 give data subjects a number of rights, some of which previously existed under the Data Protection Act 1998.

The Board has produced a separate policy document to outline its responsibilities regarding processing of personal data, security measures etc.

This guidance note aims to give advice on the rights available to you.

2. Right to be Informed

You have the right to be informed when any personal data is collected about you. The Board will issue you with a Privacy Notice which will provide you with the following information:

- Our contact details;
- The contact details of our Data Protection Officer;
- The Board's purpose for collecting your data;
- Our legal basis for collecting your data;
- The Data Subject Rights available to you;
- What categories of data we have collected and where we have obtained the data from;
- Who, if anyone, we share the data with and if we transfer your data outside the European Economic Area;
- How long we will hold your data;
- Details of who you can complain to.

The privacy notice will be issued either at the time we collect the information from you¹ or within 28 days if we have received the information from a third party².

Copies of our Privacy Notices can be found on our websites:

www.wmc-idbs.org.uk/LMDB/Governance/Data-Protection.aspx

www.wmc-idbs.org.uk/TVIDB/Governance/default.aspx

www.wmc-idbs.org.uk/loAaNN/Governance/Data-Protection.aspx

3. Right of Access

Subject access requests³ can be made to the Board **free** of charge for copies or extracts of personal data held by us. Ideally these requests should be made in writing and wherever possible by completing the subject access request form, which can be located on the Data Protection page of the Board's website or requested from the office. If you would like to make a request verbally, please contact the office on 01507 328095 and we will complete the form with you over the phone. In order to action a subject access request confirmation of identity will be required.

For example, one of the Board's ratepayers makes a request for "*copies of all the information you hold regarding my rating assessment.*"

¹ General Data Protection Regulations 2016 Article 13

² General Data Protection Regulations 2016 Article 14

³ General Data Protection Regulations 2016 Article 15

In this instance we would provide a copy of the information held on our rating system (Name, Address, Phone Number/s, Email), copies of bills for the current and previous six financial years and copies of any correspondence regarding the requester. We would also provide a copy of the relevant Privacy Notice.

Another example of a Subject Access Request likely to be received by the Board is for *“all personal information held by the Board relating to the consent application I have made.”*

In this instance we would release a copy of the application form submitted to us, copies of any correspondence and any other personal information which is held on the file. We would also provide a copy of the relevant Privacy Notice.

The Board will only supply information which relates to the requester. Any requests for third party information will be refused unless you have written consent from them to request their information. For example:

The Board receives a request from the sister of one of our customers for *“all information on their rating assessment file”*

We would refuse to release this information to the sister unless written authority is provided by the data subject.

Or

A solicitor requests *“copies of the rate bills issued for the previous six years”*, on behalf of one of their clients, providing a signed authority to the Board.

In such cases, we would take steps to confirm both the identity of the individual and the requester. Once completed the information would be released.

Any personal information regarding third a party which is included within the documents released may be redacted.

We encourage anyone wishing to make a subject access request to be as specific as possible when making their request. Should you have any questions about your request please contact the Board’s Data Protection Officer who will be happy to assist.

We will normally respond to requests within 28 days. However, should your request be more complex (for example all information held about you by the Board), we **may** extend this period to a maximum of 84 days. If we intend to extend the response period we will notify you in writing and will give you the option to refine your request to allow it to be processed within the 28 days.

Although we do not anticipate an instance where it would occur, the Board may, in exceptional circumstances (when the request is manifestly unfounded or excessive), refuse to act on the request or charge a fee to cover our administrative costs. An example of a request which may be refused as excessive is "for all information currently held by the Board about you".

4. Right of Rectification

You have the right to request that the Board corrects any incomplete, inaccurate or incorrect details we hold about you⁴. Legislation allows one calendar month to respond to these

⁴ General Data Protection Regulations 2016 Article 16

requests, we have decided that this will mean a period of 28 days. We will within 28 days of receiving a request for rectification, correct your details and confirm that we have done so.

You can make a request to us either verbally or in writing.

The Board may ask for confirmation or proof to support any changes we make.

The most common request for rectification received by the Board is for correction of details held on our rating system when land is sold or given up by an occupier. For example:

Mr X calls us to let us know that he sold his land on 1st February to Mrs Y and requests that the Board transfer his rating assessment into her name and send any future correspondence to her.

In this instance we would amend the details on our rating system and notify Mrs Y within 28 days that we have collected her information including a Privacy Notice with our correspondence.

Another request we may receive would be for us to correct information we have obtained from the local council regarding a planning application. For example:

The Board sends a letter and Privacy Notice to Mr Smith regarding an application he has made to the local council, which the Board has obtained from their planning portal. We then receive a call stating that we have spelt his name incorrectly and it should be Mr Smith.

In this instance we would amend the surname on our system and confirm that we have done so.

On occasion the Board may refuse to correct the information we hold or we may correct the information whilst adding a file note giving the reason for the correction, which could include the disputed information. For example:

The Board has a rating assessment which is in joint names. We are contacted separately by both parties claiming that, following a separation, they now solely own or occupy the piece of land and asking that we amend our system.

In this instance we would refuse to amend the information at this time and request formal confirmation from both parties to allow us to determine the correct owner and/or occupier.

Or

Following a Subject Access Request for a copy of documents relating to a complaint, the requester disputes the content of a file note made at the time of the complaint which give details of a member of staff's conversation with them.

We may, after discussion with all of the parties involved, opt to add a note to the file which gives the individual's version of the conversation as well as the staff members.

We will send notification of any changes to your data to any third parties with whom we have shared your data⁵.

5. Right to Erasure

⁵ General Data Protection Regulations 2016 Article 19

This right, which is also referred to as the right to be forgotten⁶, gives you the right to ask, either verbally or in writing, for your data to be deleted in some circumstances. The Board will respond to such requests within one calendar month (28 days). We will either delete the data you have requested us to or, if we are unable to action your request, issue you with a notice explaining our reasons for our decision.

Instances when a request for deletion will be allowed include if the data is no longer necessary for the purposes it was collected, it was originally processed unlawfully and to comply with legal obligation. For example:

The Board receives a request for deletion of data held on an individual who applied for planning approval to the local council, on which the Board commented.

We usually hold this data for a period of three years, however as the application has been decided by the local authority we no longer need to keep the applicant's details. The documents would be anonymised.

Or

The Board receives a request to erase data relating to an enquiry emailed to the Board which has now been resolved.

We would in this instance delete all personal data held on the individual regarding the enquiry, however all other details would be retained in line with our document retention policy.

The Board is unable to action requests where we are required by law to hold your data, the data is necessary to perform a task in the public interest or in exercise of our official authority and where it is necessary for a legal claim. For example:

The Board receives a request from a current occupier to delete their details from our rating system.

In this instance the Board is legally entitled to hold this data to collect drainage rates so a request for deletion would be refused.

Or

The Board receives a request for erasure from Mr A to whom the Board has previously paid compensation for damage to crop.

In this case the Board is obliged to hold this information on its accounting system for a period of seven years (current plus six years) for tax purposes and the request would be refused. This information will be deleted after the retention period has expired.

We will request deletion of your data from any third parties with whom we have shared your data.

6. Right to Restrict Processing

This right allows you to limit what the Board does with your data⁷ if you have told us the information we hold is incorrect (see right to rectification) and if we have no longer have a legal reason to hold the information but you choose to ask us to stop processing rather than delete your data (see right to erasure). We will respond to a request made either verbally or in writing within one calendar month (28 days).

⁶ General Data Protection Regulations 2016 Article 17

⁷ General Data Protection Regulations 2016 Article 18

When you ask us to restrict our processing we will stop all use of your data, except for storage. Should the Board decide to recommence processing we will issue you with a notice confirming this and stating the reasons for our decision before we start processing again. This will give you the opportunity to object to our decision.

We may request proof of identification prior to actioning a request to restrict the processing of your data.

For the data held by the Board this is most likely to occur where land is sold or given up.

In the example, used above, for the right of rectification, *Mr X could request we restrict processing of his data pending amendment of the rating assessment file to the new owner.*

In this instance we would comply with the request and restrict our processing.

Another example would be where a request for rectification has been made but we are looking into the validity of that request. The requester can ask that we cease processing their data until the matter is resolved.

An example of when the Board would refuse a request is detailed below.

The Board declines a request from a ratepayer for deletion. They subsequently make a request for us to *“restrict processing of their personal data”*.

In this case we would refuse the request as we have processed their data to comply with a legal obligation. We would issue a notice giving our reasons for refusal.

We will notify any third parties with whom we have shared your data of any successful requests and ask that they comply with your request to restrict processing.

7. Right to Data Portability

This right allows you to request that your data be supplied back to you or transferred to a third party⁸. The Board does not envisage many instances where this right will be applicable, as we hold very little information where this right will apply. This right only applies where the data which has been supplied by you through automated means is processed using consent or contract as our legal basis for collection and the information is held electronically.

The majority of the personal data which is held by the Board is processed under a legal obligation or in order to perform a task within our official authority so the right to request data portability would not apply.

The most common types of personal data held by the Board under contract or consent, with the exception of employees details, consists of name, address and contact details which are unlikely to be requested.

One of these few instances would be a job applicant who has consented to our use of their data in order to apply for a position. However, the only personal information held electronically would be name, address and contact details as all other records regarding recruitment are held in paper format.

We will respond to any such requests within one calendar month (28 days).

⁸ General Data Protection Regulations 2016 Article 20

8. Right to Object

In some circumstances you will have the right to object to the Board processing your personal data.⁹ But only if it is being processed for a task in the public interest, or for the exercise of the Board's official authority. If you wish to exercise this right to object you should notify us either verbally or in writing providing us with the reasons for your request. We will respond to requests within one calendar month (28 days).

Where objections to processing are made to the Board we will restrict processing of the personal data involved pending a decision regarding the objection.

We may decide to continue processing your data, if we do so you will be informed the reasons for this decision in writing.

For example:

The Board holds the personal details of an enquirer who has contacted the Board stating they are at risk of flooding from a blockage in the dyke at the rear of their property. We send letters to the enquirer and their neighbours regarding the flooding issue. The original enquirer then contacts the Board to object to our use of their data.

In this instance as we are still investigating the causes of the flooding, which is within our official authority, and the problem has the potential to cause harm to others. We would refuse this request until such time as the matter is resolved.

Or

The Board receives a request from a ratepayer who objects to receiving our annual newsletter, which is sent out with our rates bills.

In this instance we would grant the objection and cease processing the data for this purpose. As we still have a legal basis for holding the information the data would not be deleted but processing would be restricted to our legal basis only.

9. Complain to the Information Commissioners Office

If the Board refuses a request under any of the above rights and you are unhappy about the decision, you can make a complaint to the Information Commissioners Office (ICO).

However, we would encourage you to discuss any issues with us before making a complaint to the ICO and we will do our best to come to an agreement with you.

Contact details for the ICO can be found on our privacy notices, on our website or can be obtained from our office.

⁹ General Data Protection Regulations 2016 Article 21