

## Appropriate Policy Document for Members

This is the "appropriate policy document" for elected Members of Leeds City Council. It sets out how I will protect your special category and criminal convictions personal data, when as an elected Member, I'm using your data in my constituency role to represent residents in my Ward.

It meets the requirement at paragraph 1 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the data subject in connection with employment, social security or social protection.

It also meets the requirement at paragraph 5 of Schedule 1 to the Data Protection Act 2018 that an appropriate policy document be in place where the processing of special category personal data is necessary for reasons of substantial public interest. The specific conditions under which data may be processed for reasons of substantial public interest are set out at paragraphs 6 to 28 of Schedule 1 to the Data Protection Act 2018. Depending on the circumstances, there are a number of specific conditions which I might need to rely on.

The specific conditions I'm most likely to rely on are paragraph 6 whereby processing is permitted if it's necessary for the exercise of a function conferred on me, or on another person such as the Council, by an enactment or a rule of law, and where it's also necessary for substantial public interest reasons, and paragraphs 23 and 24 which cover processing by me which is necessary to respond to requests by individuals, and disclosures to me which are necessary for me to respond to requests.

## Procedures for securing compliance

Article 5 of the UK-General Data Protection Regulation (UK-GDPR) sets out the data protection principles. These are my procedures for ensuring that I comply with them.

### Principle 1

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

I will:

- ensure that personal data is only processed where a lawful basis applies, and where processing is otherwise lawful. When I'm processing data which isn't special category data, If I'm acting in the public interest or in the exercise of my official role as a Member, I'll have a proper legal basis under Article 6 of the UK-GDPR. When I'm processing data which is special category data, I'll make sure that I do this on one or other of the legal bases in Schedule 1 mentioned above.
- only process personal data fairly, and will ensure that data subjects are not misled about the purposes of any processing. In particular, I'll make sure I take account of how people's privacy might be affected by my use of their data. In particular, when I need to share data about someone's health, I'll take particular care not to share any more than the minimum necessary to deal effectively with the particular issue I'm seeking to resolve.
- ensure that data subjects receive full privacy information so that any processing of personal data is transparent, in particular by making sure my privacy notice is accurate and up-to-date.

### Principle 2

Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

I will:

- only collect personal data for specified, explicit and legitimate purposes, and I'll tell data subjects what those purposes are in my privacy notice.

- not use personal data for purposes that are incompatible with the purposes for which it was collected. If I do need to use personal data for a new purpose that is compatible, I'll tell the data subject first.

## Principle 3

Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

I will only collect the minimum personal data that I need for the purpose for which it is collected, and I'll make sure I only collect data which is adequate and relevant.

## Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

I will ensure that personal data is accurate, and kept up to date where necessary, by referring back to people when I need to. I'll be particularly careful about this when I know that my using data which is out of date, could have a significant impact on the people concerned.

## Principle 5

Personal data shall be 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.

If I need to keep personal data, I'll also need to keep it in an identifiable form, so that I can make sure I deal with matters on behalf of constituents and others quickly and effectively.

Generally, for constituency matters I'll review whether I still need to keep your special category data after I've held it for 24 months, and none of your data will be kept longer than my term of office, unless it's necessary for me to pass this on to my successor or to one of the other Ward Members. I'll make sure that all your data is securely destroyed, and I'll take advice from Council officers about how best to do this.

## Principle 6

Personal data shall be 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.

Generally, even when I'm the data controller, I'll still process data on the Council's devices, and these are up to the proper standard. If I want to process data on my own device, then I'll ask for advice about this from Council officers

## Accountability Principle

The controller shall be responsible for, and be able to demonstrate compliance with these principles.

I will:

- ensure that I complete and keep up to date, the Members' record of processing activities, and provide this to the Information Commissioner on request.
- ensure that I keep my privacy notice up-to-date and accurate.
- take advice from Council officers if I think that my using data in a particular way could create a high risk for individuals.
- make sure I take account of how individuals' privacy could be affected by my use of their data, particularly in my communications on social media.

## My policies as regards retention and erasure of personal data

I will ensure, where special category or criminal convictions personal data is processed, that:

- the Members' record of processing activities includes this, and sets out the envisaged time limits for erasure of the different categories of data.
- where I no longer need special category or criminal convictions personal data for the purpose for which it was collected, I'll delete it securely and take advice from Council officers about how best to do this.
- data subjects receive full privacy information about how their data will be handled, including the period for which their personal data will be stored, in my privacy notice.

## How can you contact me?

My contact details can be found on this page

<http://democracy.leeds.gov.uk/mgCommitteeMailingList.aspx?ID=0>