

READING BOROUGH COUNCIL

Guide to Creating Data Privacy Notices (DPNs) Under GDPR

The GDPR sets out the information that you should supply and when individuals should be informed.

The information you supply about the processing of personal data must be:

- concise, transparent, intelligible and easily accessible
- written in clear and plain language, particularly if addressed to a child
- free of charge

<p>The identity and contact details of the company Reading Borough Council Civic Centre Bridge Street Reading RG1 2LU</p>
<p>Contact details of the Data Protection Officer <i>Ricky.gill@reading.gov.uk</i></p>
<p>What Personal Data is held? <i>Name, DOB, Address, Email, Telephone number, medical details, next of kin, nationality, first language, ability to read or write, gender, sexuality, religious belief, , national insurance number, benefit details, who deals with tenants finance; who hold power of attorney, who holds copy of tenants will,</i></p>
<p>How will the data be stored? <i>On secure encrypted laptops and systems. System access is limited to those who require it with users having varying levels of permissions depending on their requirement. Laptops are locked away when not in use.</i></p>
<p>What is the legal basis for the collection, use and storage of the data? <i>Legislative requirement under the Housing Act.</i></p>
<p>Give details of how long the data will be stored and criteria used to determine this? <i>We will store you data for up to 6 years after the successful closure of your tenancy. Whilst you still have a current tenancy with us we will store and process your data accordingly.</i></p>
<p>Who will it be shared with and for what purpose? <i>External organisations that the information will be shared with are: Forestcare, Bracknell forest Council – central call centre and first responder service. NHS eg. Hospitals; GP's; District Nurses; Paramedics. NRS – regarding specialist equipment.</i></p>

*Berkshire Fire & Rescue. Information required in event of fire and evacuation. Referrals made for risk assessment and advice.
Social Services allocated Care Agencies.
Social Services in Wokingham Borough Council related to one sheltered scheme only in their Borough.
Hire of transport for social trips – information limited to mobility issues.*

information will be shared internally for the better performance and efficiency of Council services as well the well-being of our sheltered tenants and applicants for sheltered housing.

How can the service user get access to it?

Request can be made by following the link: www.reading.gov.uk/dataprotection

State whether any data is to be transferred outside the EU?

Not applicable.

Is processing based on consent?

The way we process your data is exempt from consent through Contractual exemption, this is because you have signed a Tenancy Agreement and we have to process your data to manage your tenancy effectively.

If we process your data that is not covered by a contractual exemption then written consent will be obtained in a specific consent form.

You have a ‘right to be forgotten’ so you can ask for your personal information to be deleted where:

- It is no longer needed for the reason why it was collected in the first place*
- You have removed your consent for us to use your information and we do not have to keep your information for legal reasons*

If we have shared your personal information with others, we will do what we can to make sure those using your personal information comply with your request for erasure.

We may not be able to delete your personal data if it is needed for legal reasons, for reasons of public health, public interest or for medical purposes.

What other rights does the service user have that we have to make known to them?

The right to have their data corrected, the right to have their data deleted and their right to put a complaint to the Information Commissioner’s Office (ICO)

State if there will be any automated decision making

Not applicable

Consent

The GDPR sets out a higher standard for consent than the Data Protection Act. The GDPR defines consent as *'any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.'*

Consent has to be a positive indication of agreement to personal data being processed. It cannot be inferred from silence, pre-ticked boxes or inactivity. Opt out consent is no longer acceptable under the GDPR. The GDPR is clear that controllers have to demonstrate that consent was given, so a review is best practice in order to ensure there is an effective audit trail.

How should you write a consent request?

Consent requests need to be easy to understand and separate from any other information such as general terms and conditions.

The consent request must include the name of your organisation and the names of any third parties who will rely on the consent.

Your purpose for wanting the data and the processing activities you will be doing with the data need to be included.

The right to withdraw consent at any time and how to do this must be included.