

Essex County Council – Standard privacy notice for Councillors

Councillors are responsible for telling residents what they do with personal information they collect. This notice is provided by Essex County Council for Members to adopt if they so wish.

This notice only applies to a particular Councillor if they have provided it to you or where they have given you a link to this page on the ECC website.

This document tells you about how Councillors work with people’s personal information. Councillors have different roles which can make their position complex.

Within Essex County Council

Essex County Councillors hold an elected position within the County Council. The County Council shares information with Councillors as part of their role. Sometimes this is because they have a legal need to know the information.

Where this applies it is the County Council which is the ‘data controller’ (the person or organisation deciding how the information is handled and who receives it). When this applies they work to ECC rules about handling personal information

For more information about how Essex County Council handles personal information please visit <http://www.essex.gov.uk/privacy>

A Councillor’s role as a community leader or handling Casework from constituents

Councillors deal with casework raised by local residents as part of their work in the community. This means that they may contact officers of the Council or other organisations on your behalf to investigate your concerns and respond to your enquiries.

When Councillors are doing this, they themselves are acting as the data controller. All ECC councillors have notified the Information Commissioner that they are processing information.

Councillors can be contacted by email at `cllr.[firstname].[lastname]@essex.gov.uk`

Type of information handled during casework

Councillors will receive whatever information you send them as part of your inquiry including your contact details and the details of your query.

This might include information such as information about your health or whether or not you are alleged to have committed a criminal offence.

If Councillors contact the Council or another organisation they may also receive information from that organisation in order to allow the Councillor to respond to your enquiry. This might be from the Council or from another local authority.

How Councillors collect Personal Information

Councillors may collect information from you when you contact them by telephone, email or letter or if you meet them in person.

Why does the law allow Councillors to hold information about you?

The law says that people and organisations can only collect and use personal information for certain legal reasons. The reasons which allow Councillors' to hold and disclose information for casework are:

Explicit Consent – Where you provide a councillor with your information and ask a Councillor to act on your behalf then they have your consent to hold that information. The Councillor may also ask you to agree that they can share your information with another organisation such as the police or another local authority.

Performing a task in the public interest or because of their role as a councillor – Councillors have a role in ensuring that the Council carries out its legal duties. This means that they may share information you give them with the Council and they may use your information to do their job as a councillor.

The law says that special rules apply to some especially sensitive information. This includes information about racial origin, political opinions, religious or philosophical belief, union membership, biometric data, health, sex life or sexual orientation

The main area where councillors may hold sensitive information for casework purposes is health information. They would normally deal with this information if you consent or if reasons of substantial public interest, proportionate to the aim pursued. If this happened there would be suitable protection for your information.

What is your personal information used for?

To investigate and respond to your request for advice, guidance or information. Information may also be used for dealing with complaints.

Will your personal information be shared?

In some cases, Councillors may need to share your information with other organisations in order to respond to your enquiry. This will depend on the nature of your enquiry but it could include NHS bodies, other local authorities and Health information will not be shared without your consent.

In rare cases Councillors may not be able to tell you that information has been shared (eg if it would prejudice the prevention or detection of crime.

Personal information will not be shared with other Councillors unless a new Councillor is elected to replace them - in which case information may be passed to the new councillor.

How do Councillors keep your personal information secure?

Councillors have an ECC email address which is cllr.[forename].[lastname]@essex.gov.uk. If you contact a Councillor by email you are advised to contact them by using the ECC email address as this is a secure system for storing information. Where information is held on paper, Councillors will store the information securely and ensure that it is securely destroyed when no longer needed.

How long will Councillors keep your personal information?

To ensure that records are retained in order to deal with a legal claim – or a potential claim, records may be retained for up to six years. Routine casework may be destroyed after one year.

Councillors hold office for a term of up to four years. If a Councillor is not re-elected then they may destroy case work or they may pass it to their successor or to the County Council.

Marketing or Political Campaigning

Councillors will not use information given for case work purposes for marketing, newsletter or

political campaigning without your prior consent.

What are your Information Rights?

Where Councillors hold information about you, you have the right to make a number of requests. You can ask:

- For a copy of all the information they hold about you;
- To have any errors in the information corrected
- To have your personal data erased;
- That your information is not processed in a particular way;
- To stop the Councillor processing some or all of the information they hold about you.

Please note that Councillors do not always have to agree to any request you make and it will depend on the individual circumstances. To learn more about these rights please visit www.ico.org.uk .