

**AGENDA ITEM 11
REPORT NO. VAL/13/18**

The Highland & Western Isles Valuation Joint Board

Special Category Personal Data Policy

Document Control

Document last saved: 11 June 2018

Version	Changes	Author	Date
1.0	First release	M Thomson	11/06/18

This policy document refers to the Assessor for Highland & Western Isles, the Electoral Registration Officer for Highland & Western Isles and the corporate processes of The Highland & Western Isles Valuation Joint Board. These three functions are hereafter collectively referred to as ‘the Board’.

Introduction

From 25 May 2018, the Data Protection Act 2018 requires Data Controllers who process personal data known as special category personal data to have an “appropriate policy document” in place which sets out a number of additional safeguards for this data. Personal data is defined as ‘any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.’

Requirement to have an appropriate policy document in place

The Data Protection Act 2018 requires that:

“The controller has an appropriate policy document in place in relation to the processing of personal data in reliance on a condition described in paragraph 38 if the controller has produced a document which-

- (a) explains the controller’s procedures for securing compliance with the principles in Article 5 of the GDPR (principles relating to processing of personal data) in connection with the processing of personal data in reliance on the condition in question, and
- (b) explains the controller’s policies as regards the retention and erasure of personal data processed in reliance on the condition, giving an indication of how long such personal data is likely to be retained.”

This document is the policy adopted by The Highland & Western Isles Valuation Joint Board.

Policy Statement

Lawfulness, fairness and transparency

Under Article 6 of the General Data Protection Regulation (GDPR) the lawful basis for the Assessor & Electoral Registration Officer to process data is that it is necessary for the performance of a task carried out in the public interest. Some of the information that is collected is classified as special category personal data. This is processed for the reason of substantial public interest under Article 9 of the GDPR.

The Valuation Joint Board collects personal data to administer the corporate, financial and human resource functions of the Board. Under Article 6 of the GDPR the lawful basis for processing personal information is necessary for the performance of a contract to which the data subject is party. Processing of personal information is necessary for the purpose of carrying out the obligations and exercising specific rights of the controller or data subject in the field of employment under Article 9 of the GDPR.

Where personal data is collected the controller shall provide data subjects with a privacy notice which details how their information is being used. Privacy notices for the Assessor, Electoral Registration Officer and the Valuation Joint Board are available on our website: www.saa.gov.uk/h-wi-vjb/privacy-notices

The Board are presently updating data processor agreements and data sharing agreements to reflect the new legal requirements.

Purpose limitation

The purpose for which data is collected is clearly set out in our privacy notices.

Data minimisation

The Board has taken the opportunity to assess the need for the collection of data and only data necessary for securing compliance with Article 5 of the GDPR will be collected.

Accuracy

The Valuation Joint Board are continually checking data for accuracy and, where any inaccuracies are discovered, these are promptly corrected and any third party recipients of the inaccurate data notified of the correction.

Storage limitation

The Board only keeps personal information for the minimum amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is

based on business needs. The Board maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at www.saa.gov.uk/h-wi-vjb/governance.

Ongoing management of the Board's records and information is subject to the provisions of our Records Management Plan, which was developed in terms of the Public Records (Scotland) Act 2011 and approved by the Keeper of the Records of Scotland. Our Records Management Plan can be found on our website www.saa.gov.uk/h-wi-vjb/governance. The Records Management Plan sets out, in much greater detail, the provisions under which the Board complies with its obligations under public records legislation, data protection and information security and is complementary to this policy statement.

Integrity and confidentiality

The Board follows an approved Highland Council Information Security & Assurance Policy. Our ICT systems have appropriate protective measures in place incorporating defence in depth and the network is subject to vulnerability assessment and penetration testing. The Board has policies and procedures in place to reduce the information security risks arising from use of hard copy documentation.

21 June 2018