

The Highland & Western Isles Valuation Joint Board

Data Protection Policy

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Version	Changes	Author	Date
1.0	First release	F Finlayson	31/05/2016
2.0	DP 2018 Act update – rewritten	F Finlayson	12/06/2018
3.0	Updated to UK GDPR. Some minor amendments carried out. Information on roles and responsibilities and training requirements added.	M Thomson	20/02/2023

THE HIGHLAND AND WESTERN ISLES VALUATION JOINT BOARD

Data Protection Policy

Introduction

If you handle personal information about individuals, you have a number of legal obligations to protect that information under the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR).

The Assessor and Electoral Registration Officer is registered with the Information Commissioner's Office under the Act:-

REGISTRATION NUMBER: Z7182146

The Assessor and Electoral Registration Officer is a Data Controller under the DPA and the UK GDPR. His office holds information for the purposes specified in the registered entry on the Data Protection Register; including valuing properties in Highland and Western Isles to compile the non-domestic rating Valuation Roll and the Council Tax Valuation List and he may use this information for any of the three services he is responsible for. He may get information about properties from others or may give property information to them. If he does, it will only be as the law permits. He may check information he receives about a property, with what is already in his records. This can include information provided by an individual, as well as by organisations, such as constituent councils, government departments or agencies and other Assessors Offices in Scotland. He may not give information to anyone outside The Highland & Western Isles Valuation Joint Board unless the law permits him to do so. This authority does not allow a third party to request personal information held about an individual under the subject access provisions of the DPA and the UK GDPR. As Electoral Registration Officer (ERO) he also holds information relating to the Register of Electors which he compiles under a delegated authority from each of our two constituent authorities. The data is protected and its publication and availability to others is regulated under Regulations 92 – 114 of the Representation of the People (Scotland) Regulations 2001 which impose tighter restrictions on the Full Register than on the Open Register, which electors can opt to have their names excluded from.

Statement: Data Protection Act 2018 (The DPA)

The Assessor and ERO stores and uses a large amount of personal data including sensitive personal data about people. This information relates to members of the public and could also be about current, past and prospective employees, suppliers, clients and service users/customers. The DPA and UK GDPR regulate how this information is handled. The Assessor and ERO must ensure that he and his staff comply with the requirements of the DPA. He uses the principles contained in the guidance produced by the Information Commissioners Office in the Employment Practices Code. The DPA and the UK GDPR ensures the rights of individuals are upheld while the Assessor and ERO processes the information that he requires to carry out his legal obligations. It applies to computer records as well as paper records held in both structured and unstructured systems.

Personal data

Personal data means 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 to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Special categories of personal data

The DPA and UK GDPR defines "special categories of personal data" as data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of generic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a person's sex life or sexual orientation shall be prohibited.

Notification

The Assessor and ERO is a registered Data Controller. This means that he has notified the purposes for collecting and holding this data to the Information Commissioners Office. It is illegal to use personal data for any other purpose.

Principles

The DPA and UK GDPR sets down principles that the Assessor and ERO must follow when collecting and using personal data. These are called the Data Protection Principles. To comply with the Data Protection Principles, the Assessor and ERO must make certain that all personal data is:

1. processed lawfully, fairly and in a transparent manner in relation to the data subject
2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89 (1) (of the UK GDPR), not be considered to be incompatible with the initial purposes
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that any personal data that is inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
5. 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes or statistical purposes in accordance with Article 89 (1) (of the UK GDPR) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject
6. 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.

In addition, the controller shall be responsible for, and be able to demonstrate compliance with, the above principles.

Processing

This means any operation or any set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Conditions for processing

The legislation provides conditions for the processing of any personal data. It also provides separate conditions for processing “personal data” and “special categories of personal data”.

Strategy

The Assessor and ERO employs checks to ensure that these principles are upheld. The Assessor and ERO applies this policy to all of its activities. The Assessor and ERO, as the Data Controller, has responsibility for compliance with the DPA and UK GDPR. However, its implementation places specific responsibilities on:

- the Assessor and the Management Team, who are to implement and enforce this policy across the Board's three offices
- line managers, who are to make sure that their staff are aware of and comply with their responsibilities
- Individual staff members, who are to comply with their responsibilities; and
- the Data Protection Officer, who is to:
 - appointed in compliance with Articles 37 to 39 of the UK GDPR and Sections 69 to 71 of the DPA
 - give training, guidance and advice on how to interpret the DPA and
 - check the effectiveness of this policy and related procedures across the Board's three offices.

Roles and Responsibilities

Data Protection is everybody's responsibility and is something that should be considered as a part of normal everyday working practices. Staff should understand the information that they create, receive and use and be able to identify information that is or may become a record and understand the security requirements. Information and records management processes that are in place must be followed and record keeping systems should be used in accordance with provided instructions and guidance.

All staff handling information must have completed the Information Management online learning module and any other relevant training that is required to use the records management systems and supporting ICT systems required in their role.

Managers and supervisors are responsible for information held within their area. Managers and supervisors must ensure that all their staff have understood their obligations under this Policy (both general obligations and those that are specific to their role) and other Information Management Policies. Managers should support their staff in this regard by highlighting relevant parts of policies that apply to the roles being performed by a member of staff. Managers and supervisors must ensure that all their staff have completed the Information Management online learning module and other relevant training and ensure that it is part of Employee Review & Development Plans. All training results should be provided to the Central Admin Team who will record when training was completed, and the pass rate achieved by each member of staff.

Managers and supervisors should also ensure that staff are aware of any relevant data sharing agreements.

Staff Communication

This policy and associated guidance will be made available to staff through the electronic library.

Rights

The Assessor and ERO shall take appropriate measures to provide data subjects with:

- information where personal data are collected from the data subject
- information where personal data have not been obtained from the data subject

and ensure that data subjects have the following rights regarding data held about them:

- right of access
- right to rectification
- right to erasure (where applicable)
- right to restriction of processing

The Assessor and ERO has an obligation to notify data subjects regarding rectification, erasure of personal data or restriction of processing.

The data subject has a right to the portability of the data held about them by the Data Controller.

Controls

The Assessor and ERO Officer will, when collecting personal data, ensure that data subjects have access to Privacy Notices. Much of the data collected by the Assessor and ERO is required as part of statutory obligations and access to it permitted or prohibited under further legislation. However, how this data is handled, and to cover

new procedures and practices under UK GDPR, the Data Controller is required to produce a Data Protection Impact Assessment (DPIA) where high risk processes are identified to inform data subjects and raise the awareness of any risks involved in the proposed new process. DPIAs will be carried out for new projects or initiatives, whether high risk or otherwise, or where a mandatory DPIA is required by legislation.

Further information is available from The Highland & Western Isles Valuation Joint Board's appointed Data Protection Officer at Lanarkshire Valuation Joint Board.

You can get details of the Assessor and ERO's notification to the Information Commissioners Office at www.ico.gov.uk

Frank W Finlayson
Assessor and Electoral Registration Officer