

# **East Ayrshire Council - Elected Members**

## **Privacy Statement**

This notice relates to the personal data processed by Elected Members for East Ayrshire Council.

### **Who is responsible for your information?**

Each Elected Member is registered as a Data Controller with the UK Information Commissioner's Office. All personal information is held and processed by the Elected Member in accordance with Data Protection law.

### **What information do we need and why?**

Elected Members discharge the duties and functions of an elected representative of the East Ayrshire constituency.

As part of this work they conduct constituency casework and respond to queries for which they must process personal data of their constituents.

In addition, Elected Members play an important part in the council's decision making process. In addition to the full council, Elected Members will generally sit on one or more committees. The key roles taken by Elected Members are:

- executive decision-making: Elected Members attend full meetings of the council, and some may have specific roles in relation to policy making, delivery of services and use of resources
- scrutiny of decisions: Elected Members may serve on scrutiny panels, or committees which scrutinise existing policies and service delivery
- regulatory functions: some council committees, such as those that deal with planning and licensing applications, have a quasi-judicial role

As part of the decision making process Elected Members may process an individual's personal data when overseeing certain matters or applications e.g. member of a licensing committee, member of a planning committee, member of an employee panel etc.

Personal data includes identifiers such as Name, Address, Data of Birth and may include personal characteristics such qualifications/ training, and health or absence information.

### **What is the lawful basis for processing the data ?**

The lawful basis for processing personal data are set out in Data Protection legislation. In this case the lawful basis for processing individuals' data are:

- (1) Legal Obligation - the processing is necessary for Elected Members to comply with the law

- (2) Public task - the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law

### Special Category Data

Data Protection legislation defines Special Category Data as data relating to the processing of personal data regarding racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

Elected Members may have a requirement to process some types of Special Category Data and in particular:

- health information when representing their constituents and dealing with issues that they raise

The lawful basis for processing Special Category Data is :

- (1) The processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

### **Who will we share your information with?**

If a constituent contacts an Elected Member about a personal or policy issue, then the Elected Member may pass their personal information on to a third party in the course of dealing with the enquiry, such as the Local Authority (other elected member and/or council officers), Government Agencies, Public Bodies, NHS, Police and Regulators.

Any third party that the information is shared with, is obliged to keep the details securely, and to use them only for the basis upon which they were originally intended.

### **How long do we keep your information?**

For as long as necessary to deal with the matter that has been raised. Some casework and policy queries will be retained and revisited to provide the best service and representation for constituents, from whom Elected Members may continue to receive correspondence.

### **Providing accurate information**

It is important that Elected Members hold accurate and up to date information. If any details have changed, or change in the future, then individuals should ensure that they inform their Elected Member as soon as possible so that they can update their records.

## **Individuals' data processing rights**

Under data protection legislation, individuals have the right to request access to information about them that their Elected Member holds.

Individuals also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means; and
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- in certain circumstances, transfer their data to another organisation (data portability)
- object to automatic processing, including profiling

Individuals can contact their Elected Member regarding their data protection rights, the processing of their data, or to request access to information the Elected Member holds about them.

If individuals have a concern about the way an Elected Member is collecting or using their personal data, then they should raise their concern in the first instance with the Elected Member.

The Elected Member will aim to directly resolve all complaints about how they handle personal information. However, you also have the right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. Visit their website for more information at- <https://ico.org.uk/concerns>