



## Elected Members Privacy Notice

This privacy notice is for the use of service users/customers of Walsall Metropolitan Borough Council's elected members. Elected members are data controllers in their own right and are responsible for ensuring their own compliance with the General Data Protection Regulations 2016 (GDPR) and the Data Protection Act 2018.

Elected members may use your information to progress requests to access their services and obtain their assistance, or to administer their function and statutory duties as an elected member. Your information may be manually and/or digitally processed by Elected Members through processes and systems such as email, data bases and or paper records. All people with access to your information will do so under strict adherence to Data Protection law, adequate safeguards and appropriate authorisation.

You are entitled to know what personal data elected members use, why they use it, how they store it and for how long, and who they might share it with and why. Personal data is any information which provides details about a living individual to someone else. The individual must be identifiable from the information, if the information is fully anonymised it is no longer classed as personal information.

### Information we collect and use

Elected members collect, process and retain a range of information about you.

This can be classed as either Personal Data or Special Category (sensitive) Personal Data and includes information such as:

- Biometric data (special category – further details below)
- Date of birth
- Details of criminal investigation or convictions
- Ethnicity (special category – further details below)
- Financial information
- Gender (special category – further details below)
- Health (physical/mental) information (special category – further details below)
- Mental capacity information (special category – further details below)
- Next of kin, name and contact details
- NHS Number and internal reference numbers
- Other Agencies involved
- Record of the issue/complaint

- Referral/Assessment information (special category – further details below)
- Relationships information
- Relevant case information
- Religion (special category – further details below)
- Risks and vulnerabilities (we will record information regarding whether a person/family is at risk of harm or require safeguarding in accordance with our thresholds) (special category – further details below)
- Sexual orientation (special category – further details below)
- Trade union membership (special category – further details below)
- Your name, address and contact details including email address and telephone number

## **Purpose for processing and lawful basis**

The lawful basis under which elected members process your information and the linked reason for processing are:

- To carry out a task in the public interest or the exercise of official authority vested in the controller

### Special Category Data

Special category data is information which is deemed particularly sensitive and which unlawful processing could create risks to you. In order to help and assist constituents we may need to collect and use special category data and we are relying on the following lawful basis:

- Processing is necessary for reasons of substantial public interest.

In circumstances where the above lawful reasons apply we will only collect and use your information with your explicit consent. Please note you can withdraw your consent to this processing at any time by contacting us at our main address (detailed below). We will require your consent for some activities we undertake with regard to elections, please see section below for more details.

## **Elections and Campaigns**

We have a duty to promote a healthy democracy by engaging our electorate. Whenever we contact you to promote a political view we must abide by the rules regarding 'direct

marketing'. We may contact you via the following means where we have gained your previous consent to do so and your rights to object to such electoral or political content are not affected.

Post – we may send electoral or campaigning material addressed directly to you by post.

Email/text/fax – when campaigning we will only contact you by text or email if we have your explicit consent.

Phone call – we may contact you by telephone unless you have registered your number with the telephone preference service or specifically asked us not to contact you by phone.

If you want further information on how we are allowed to use your information for elections and promoting our support services, you can read the Information Commissioner's Office (ICO) guidance at:

[https://ico.org.uk/media/for-organisations/documents/1589/promotion\\_of\\_a\\_political\\_party.pdf](https://ico.org.uk/media/for-organisations/documents/1589/promotion_of_a_political_party.pdf)

## **Who we may share your information with**

In order to help and assist constituents we may need to share your information with the following organisations:

- Care agencies
- Charities and Voluntary Sector Organisations
- City/District/Borough Councils
- Education providers
- Government departments – for example the Department for Work and Pensions, Ministry of Justice, HMRC
- Health agencies and the NHS Trust
- Housing Associations and landlords
- Other Councillors
- Police
- Third parties who may be able to provide you with the services you request or require.
- Quality Care Commission
- Walsall Council Teams– for example adult social care, children's social care, planning, transport, community safety and anti-social behaviour

There may also be occasion when we will share your information with relevant third parties when required to do so by law.

## How long we will hold your information

There are provisions in UK law that dictate how long we can keep your information. We keep your information in accordance with the requirements of the data protection legislation and only keep the information as long as is necessary for us to assist in the resolution of your issue.

## Your rights

You have the following rights with regard to your personal information:

**Right to be informed** – You have the right to know the following:

- what information we intend to collect,
- why we need your information,
- the lawful basis under which we can process your information,
- how we will process your information,
- whether we share your information,
- who we might share your information with,
- your rights until the law,
- how long we will retain your information and how you can contact us.

This Privacy Notice should have detailed all of the above but if for any reason you are dissatisfied with our stewardship of your information, you have the right to lodge a complaint with the Information Commissioners Office (ICO), contact details are provided below.

**Access to your information** – If you would like to know what information we hold and process about you, the category of information, who we share your information with, to ascertain the accuracy of the information and the criteria we apply in processing your information, you can make a request to us in writing.

To make a subject access request and receive a copy of your personal information, contact Information Rights at Information Rights Resource and Transformation Directorate  
Walsall Council  
Civic Centre  
Darwall Street  
Walsall  
WS1 1TW

Telephone: 01922 650000

By email:

[informationrights@walsall.gov.uk](mailto:informationrights@walsall.gov.uk).



**Walsall Council**

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Please be aware we will need you to provide appropriate identification but you can find details of this and everything else about our Subject Access Request process on our website or by typing the link below into your computer browser:

[https://go.walsall.gov.uk/access\\_to\\_my\\_personal\\_records](https://go.walsall.gov.uk/access_to_my_personal_records)

WE should respond to your request within 30 days of receipt but if the request is complex and more time is required we will inform you in writing.

**Rectification of your information** – If it is established that information we hold about you is incorrect, you have the right to request that we correct this information.

**Erasure of your information** – In cases where the information we hold about you is no longer required in relation to the purpose for which it was collected and where there are no lawful grounds for holding your information, you can request an erasure of information.

**The Right to Restrict processing** – You can restrict us from using your information if you believe the data is inaccurate or if there are no lawful grounds for using the information but you do not want us to delete the information. In addition you can prevent us from deleting information we no longer use or need if you require it for a legal claim or defence. Following investigation, if it is determined that the right to restrict processing should not apply the Council will inform you of reasons for this before the restriction is lifted.

**Right to Object** – If you object to the Council using your information in the ways detailed about we will cease to process your information unless we can show there are legitimate reasons which override your interests

Whether or not you have legitimate grounds to object to processing of your information, the Council will respond to your request within one month stating that your request has been upheld or the reasons for not upholding your request if that is the case.

**Automated Decision Making**-You have the right not to be subject to a decision which affects you, which is solely based on automated processing. This will include profiling.

This right will not apply if the automated decision making is necessary in anticipation of entering into a contract or if it is authorised in law. You can give us explicit consent to be subject to automated decision making but you can remove this consent at any time.

Please be aware that the application of some of these rights is dependant upon the lawful basis for us to process your information. If you ask to enforce a right which is not applicable due to the reason for us processing the data we will explain the reasons for not upholding your request.

If you have any questions about your rights under the GDPR, how the elected members use your information, or you wish to make a complaint about how your information has been processed or utilised your data, please contact Walsall Council's Data Protection Officer, Paul Withers.

**Contact Address:**  
**Office of the DPO**

**Resources & Transformation**  
**Civic Centre 3rd Floor (HR Suite)**  
Walsall Council  
Darwall Street  
Walsall  
WS1 1TP

**Email Address:** [Informationmgmt@walsall.gov.uk](mailto:Informationmgmt@walsall.gov.uk)

**Contact Telephone Number:** 01922 650970

Should you be dissatisfied with the response you receive, you can contact the Information Commissioner's Office (ICO) with the details given below:

**ICO**

**Address:**

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Email Address:**

Use the online form via this link <https://ico.org.uk/global/contact-us/email/>

**Telephone Numbers:**

Calling from within the UK 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate.

Calling from outside the UK +44 1625 545 745.



**Walsall Council**

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