



GDPR Privacy Notice – Staff Guidance

Title	GDPR Privacy Notice – Staff Guidance
Who should use this	All Staff
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Approved by Management Team	Approved at 23/04/18 Corporate Governance Forum
Approved by Joint Board	N/A
Reviewer	Assessor & ERO/ HOVS
Review Date	June 2021

Review History

REVIEW NO.	DETAILS	RELEASE DATE
1	NEW GUIDANCE	JUNE 2018
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3		
4		
5		
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Data Protection/GDPR

Privacy Notices - Staff Guidance

Introduction

A key element of Data Protection legislation is transparency and requires individuals to be informed how their personal data will be used. As Ayrshire Valuation Joint Board processes personal data, it must comply with this rule and does so through Privacy Notices.

The new Data Protection legislation requires organisations to provide more information to data subjects (the individuals to whom the data relates) and this must be in a concise, transparent, easily accessible and intelligible manner.

This guide provides advice on what must be included in notices and will help Ayrshire Valuation Joint Board to revise and update our Privacy Notices as required. This guide can also be used by staff to gain a better understanding of why we use Privacy Notices, what they should contain and when we should use them.

Further information on privacy notices is available on the [Information Commissioner's](#) website.

What is personal 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.'

This means that data protection applies to information that directly or indirectly identifies an individual either on its own or by linking it with any other information. For example a name, address, contact number, personnel record etc. This information can be held in any format (i.e. paper, electronic, photos, CCTV).

The term 'processing' means the collecting, using, sharing, storing and deleting of personal data.

What is 'Special Category' personal data?

The General Data Protection Regulation (GDPR) states that certain categories of personal data require additional safeguards when processing. This applies to a person's race or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; health; genetic/biometric data; sexual orientation or sex life. These are referred to as 'sensitive' personal data under the DPA 1998 but are named as 'special' category data under the GDPR.

Processing personal data in a fair and transparent way

The first principle of the GDPR is that personal data must be processed fairly, lawfully and in a transparent manner. In order to meet this principle we must ensure that:

- Personal data is only processed in a way that data subjects would reasonably expect
- Consideration has been given to the potential impact the processing may have on data subjects
- Data subjects know how their personal data will be used

When planning a privacy notice, a Data Protection Impact Assessment (previously referred to a Privacy Impact Assessment) should be completed and will ensure that all possible issues have been fully considered and evidence that we tried to do the right thing. Consideration should be given to the following:

- What information is being collected?
- Who is collecting it?
- How is it collected?
- Why is it being collected?
- How will it be used?
- Who will it be shared with?
- What will be the effect of this on the individuals concerned?
- Is the intended use likely to cause individuals to object or complain?

It is important to be aware that the collection of personal data can be undertaken in a variety of ways, not just directly from data subjects. It can be observed by tracking, derived by combining data and inferred through analysis from different data such as social media, location data and so on, that the data subject did not consciously provide.

Ayrshire Valuation Joint Board is required to document all processing of personal data under the GDPR, therefore the Head of Valuation Services and Assistant ERO should be notified of any new processing and sent a copy of completed Data Protection Impact Assessment. More information on Data Protection Impact Assessments is available at [Sharepoint](#) and on the [UK Information Commissioners website](#).

What should be provided in a Privacy Notice?

1. The identity and contact details of the Ayrshire Valuation Joint Board Data Controller
2. Contact details of our Data Protection Officer
3. The purpose of the processing (each purpose must be given)
4. The legal basis being relied upon for the processing
5. The consequences of not providing the information
6. If the data will be shared and with whom
7. For how long the data will be kept
8. Rights afforded to the data subjects under the legislation
9. Where processing is based on consent, right to withdraw consent at any time
10. The right to complain to the ICO

Purpose(s) of processing

This refers to how the information will be used and it is important to know that each use should be detailed. We can no longer give an umbrella of purposes, each must be individually listed. For example, your personal information will be used to compile, publish and maintain the Electoral Register.

The legal basis for processing

Like the Data Protection Act 1998, the GDPR also requires a condition to be met before processing of personal data can take place. At least one of the following conditions must be met:

- The data subject has consented.
- Necessary for the performance of a contract. This applies when the individual has entered a contract with us, for example an employment contract.
- Necessary to enable Ayrshire Valuation Joint Board to comply with a legal obligation.
- Necessary to protect someone's vital interest. This can only be applied in 'life or death' situations such as providing information to paramedics in an emergency situation.
- Necessary for the performance of a task which is carried out by Ayrshire Valuation Joint Board in the public interest or in its official authority. This condition is likely to cover the majority of the processing carried out by Ayrshire Valuation Joint Board.

If you are unsure which basis will apply, please contact Head of Valuation Services and Assistant ERO for advice.

If the data will be shared and with whom

You should list all external parties that the data will be shared with and have an appropriate data sharing agreement in place. A statement should also be given on the potential of sharing information internally. For example 'Your details will be accessed by Ayrshire Valuation Joint Board staff who need to do so in order to provide the service/s described above and, if the service/s is/are provided on Ayrshire Valuation Joint Board behalf by an external organisation, your details will be shared with that organisation. Ayrshire Valuation Joint Board is legally obliged to safeguard public funds so details will be checked internally for fraud prevention and verification purposes and may be shared with other public bodies for the same purpose.'

How long the data will be kept for

Personal data should have a retention schedule in place and be adhered to. Holding on to personal data when it is no longer relevant is a breach of the legislation and can incur substantial fines. Ayrshire Valuation Joint Board has a Records Retention and Disposal Schedule and applies this in accordance with its Records Management Policies and Procedures.

When should the information be provided?

This information should be provided when obtaining the data from individuals. If the personal data is provided by a third party we are expected to provide the information within a month of obtaining the data or if the data is being used to communicate to individuals, when the first communication takes place. If the personal data is going to be shared with another party, this needs to be communicated before the data is shared.

How should you write a privacy notice?

You should:

- Use clear, straightforward language
- Avoid confusing terminology or legalistic language
- Do not assume that people have the same understanding as you
- Know your intended audience
- Align with [insert name of organisation] in-house corporate style
- Be truthful, don't offer choices that are counter-intuitive or misleading
- Don't bury within terms and conditions
- Ensure that the notice can be easily updated
- Avoid catch all privacy notices

Privacy notice checklist

- Details of who we are and contact details of the Data Protection Officer (link to website)
- The purpose and legal basis for processing
- The consequences of failing to provide the personal data
- The categories of personal data
- Retention period
- Individual rights and how to exercise them (link to website)
- The source of the personal data, if provided by third party
- The right to complain to the Regulator (link to website)