

Data Protection Act 1998

Data Protection

Introduction

Thanet District Council provides a wide range of services to many people. The Council may record information about you and the services that you receive.

What is the Data Protection Act 1998?

The **Data Protection Act 1998** (the Act) is designed to protect personal data. This covers information about any person, no matter how it is used, what it is used for or who uses it.

How does it protect personal data about you?

The Act sets rules and conditions which organisations must obey when gaining and using information about you. The Act also provides you with certain rights, which must be respected.

What are your rights to accessing your personal records?

- To ask the Council if it holds personal information about you
- To request a copy of that information
- To ask for incorrect personal information to be corrected
- To be given details about the purposes for which the Council uses the information and of other organisations or persons to whom it is given.

Why does the Council keep personal information?

So that the Council can provide you with the services you require. For example, the Council administers council tax, benefits, planning and housing services and needs to maintain a record of the services provided.

Anyone with whom the Council has contact may need to give some basic information about themselves, and their personal and family circumstances. Some people also have to give information about their financial situation. This information is put into a file. Other information can be added, for example, if the Council receives information from a doctor or teacher. The file will also include information that you and the relevant service have talked about.

Does the Council need your consent to use information about you for any of these purposes?

In normal circumstances we will ask your consent to use your personal information. However, there are some situations where the law requires us to use information without your consent.

How do you ask to see information about you?

When you want to see your records you need to:

- Write to the Deputy Data Protection Officer at the address at the end of this guidance
- or complete a [Subject Access Request Form](#) online and send to the Deputy DPO
- Pay a fee of £10

- Provide the Council with proof of your identity, and proof of your address and details of the information you require.

What information will you receive?

You are entitled to:

- copies of information that the Council holds about you on both computer and paper records
- a description of the purposes for which the Council uses your information
- a list of others who may have seen the information. This will be provided within a 40-day period, which commences once the Council is satisfied that all the necessary information from you has been received.

Is there any information that you cannot see?

Information is given to the Council by lots of different people and sometimes this information is given in confidence. The Council must respect the wishes of these people and therefore would need to ask their consent to release this information to you. Confidential information can include that given to the Council by doctors, the police, teachers and members of the public. The Council can only withhold information according to exemptions in the Data Protection Act. For example, where it is decided that disclosing information may cause someone to suffer serious harm, the Council may refuse to give this information.

Can other people see your file?

Other people, including members of your family, cannot see your file without your agreement. Likewise, you cannot see information about members of your family without their permission. However those with parental responsibility may see the files of those children who are not of an age to have an understanding of their files. This is on the understanding that the child has not given information that they expect to be kept confidential.

How will you be given the information?

You are entitled to be given a copy to keep and check for accuracy. This will either be a printout from a computer, a photocopy of the paper records or in electronic format if you prefer.

What if you think the information is wrong?

If you think any information recorded about you is wrong, you should inform a member of staff or tell the Council straight away. If the Council does not agree that the information is wrong, you can ask to record your disagreement on your records. You can also appeal to the Information Commissioner or through the courts if the Council does not correct the information. More details can be obtained by contacting the Information Access Officer at the address at the end of this guidance.

What do you do if you think you have not been given all of the information you asked for?

You can contact the Information Access Officer, appeal to the Council through its appeals and complaints procedure or you can appeal to the Information Commissioner. The Commissioner's staff will look into the matter on your behalf.

What if the Council has breached the Act?

If the Council has broken any of the rules or conditions established by the Act and you have suffered damage or distress you may be able to claim compensation. You may also be able to claim compensation if the damage or distress was caused by the Council's processing of your information. Claims are made through the Court. You must be able to prove that the Council had not taken reasonable care.

Contact

By Post: Deputy Data Protection Officer, Legal Services, Thanet District Council, PO Box 9, Cecil Street, Margate, CT9 1XZ

By telephone: 01843 577906

By E-mail: Gary.Cordes@thanet.gov.uk