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<b>Service Area:</b>	Corporate Information Governance Unit
<b>Work Area:</b>	IT & Central Services - Corporate Services
<b>Contact Details:</b>	Telephone: 01443 864320 Email: <a href="mailto:foi@caerphilly.gov.uk">foi@caerphilly.gov.uk</a> / <a href="mailto:dataprotection@caerphilly.gov.uk">dataprotection@caerphilly.gov.uk</a>
<b>Privacy Notice Name:</b>	Requests for information / rights under Freedom of Information Act 2000, Environmental Information Regulation 2004 and Data Protection legislation.
<b>Description of Privacy Notice:</b>	This privacy notice will explain how Caerphilly County Borough Council will use the information you provide about yourself, if you make a request for information or rights under the Freedom of Information Act (FOI), Environmental Information Regulations (EIR) or Data Protection legislation (DP).

## How we will use your information

### Purpose and legal basis for using your information

#### Purpose of processing

Caerphilly County Borough Council will process your request, the information which relates to your request, your identity and contact details for the purposes of providing you with a response. We will either provide you with the information / right you have requested or we will explain the reasons why we are unable to do so.

- The Freedom of Information Act provides a general right of access to recorded information held by a public authority.
- The Environmental Information Regulations provide a right of access to environmental information held by a public authority.
- Data Protection legislation provide data subjects (those who the information is about) a number of rights in respect of information held about them which are outlined in the 'Your Rights' section of this document.

#### Legal basis for processing

##### Freedom of Information / Environmental Information Regulations Requests

There is a public task requirement on public authorities to process your information as detailed below:

Section 10(1) Freedom of Information Act 2000  
Regulation 5(1) Environmental Information Regulations 2004

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

1e. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

#### Data Protection Rights

There is a statutory requirement to process your information, as detailed below:

Articles 12-23 General Data Protection Regulations 2016

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

1(c) processing is necessary for compliance with a legal obligation to which the controller is subject.

Data Protection legislation provides extra protection for certain classes of information called 'special personal data'. If any in question falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

2g. 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 have access to your information**

### **Identity of Data Controller and Data Protection Officer**

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Ms Joanne Jones  
Corporate Information Governance Manager / Data Protection Officer  
Email: [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)  
Tel: 01443 864322

### **Details of main users of your information**

Your request including your identity and contact details will be distributed to relevant service areas and elected members who may hold the information relating to your request for the purposes of processing your request and providing you with a response.

Caerphilly County Borough Council's Corporate Information Governance Unit will support the process by logging requests, distributing requests to relevant service areas and elected members, provide advice on the processing of requests to ensure compliance with the appropriate legislation and compliance check responses prior to them being issued. For some requests we may also collate the relevant information and issue a response of behalf of Caerphilly County Borough Council.

Additional legal advice may be provided by Caerphilly County Borough Council's Legal Services and responses may be checked for accuracy by relevant senior officers before being issued.

Requests for an internal review of Freedom of Information / Environmental Information Regulation responses or complaints in respect of how Caerphilly County Borough Council has dealt with a request to enact your rights under Data Protection legislation will be administered by the Corporate Information Governance Unit but determined by an appropriate senior officer. Legal advice where required will be provided by Legal Services.

Caerphilly County Borough Council may publish statistical information in relation to requests received and responses issued but not in a form that identifies the applicant. We may also publish actual Freedom of Information and Environmental Information Regulation requests received and responses issued but again not in a form that identifies the applicant.

### **Details of any sharing of your information with other organisations**

If you have made a complaint to the Information Commissioners Office (ICO) or others in relation to the processing of your request, copies of your request, response and any additional relevant correspondence between you and Caerphilly County Borough Council may be shared with them.

External legal advice may be sought in relation to the processing of your request. Your identity will only be released if it is relevant.

#### Freedom of Information / Environmental Information Regulations Requests

Other organisations and individuals who may be affected by the disclosure of the information you have requested may be consulted prior to a decision being made on the disclosure. Your identity or contact details will not be released.

#### Data Protection - Subject Access

Other organisations and individuals who may be affected by the disclosure of the information you have requested may be consulted prior to a decision being made on the disclosure. Your identity may be released.

#### Data Protection – Rights in relation to the Rectification, Erasure and Restriction of personal data

If your request for rectification, erasure or restriction of personal data is successful, we have an obligation to inform those organisations that we may have passed your information to of this, were possible.

### **Requests for information**

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection legislation.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

## **How long will we retain your information**

### **Details of retention period**

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

Your request and our response will be kept for 3 years. Some requests and responses may be kept longer but this will be in an anonymised form.

## **Your Rights (Inc Complaints Procedure)**

### **Your rights under the Data Protection Act 1998**

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: [www.ico.org.uk](http://www.ico.org.uk).

To enact your rights please contact the service area detailed on the top of this form.

### **Complaints Procedure**

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

[www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints](http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints)