

Information Rights Policy

Version: 3

Date Issue: May 2018

Review date: May 2019

Reference: WCCC-1073-231

Team: Information Management

Protective Marking: Public

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Approvals

V1	Corporate Board	26 November 2014
V1	Information Governance Steering Group	9 December 2014
V1	Strategic Director for Resources / Monitoring Officer	January 2015
v3	Corporate Information Manager/ Data Protection Officer	12 January 2018

Review and approvals

V1	Information Governance Steering Group	No changes	9 December 2015
V2	Information Governance Steering Group	Minor change to add internal reviews	17 January 2017
V3	Information Governance Steering Group	Updates for GDPR compliance	27 March 2018

Introduction

This policy sets out the statement of intent that Warwickshire County Council and its staff will follow with regard to the public's information rights. For general access this is often referred to by the name of the legislation, i.e. Freedom of Information and Environmental Information, and for personal information the Data Protection Act incorporating the General Data Protection Regulation.

Information is used here as a collective term to cover terms such as data, documents, records and content.

Personal information here means any identifiable data or information relating to a living or deceased individual.

Council information includes any data or information that is held by us on behalf of individuals, business, partners or we create in order to carry out our services.

We hold information in order to provide services to the public. Where possible we make available public information through our website, in leaflets and on demand. We need to restrict publication of some information because it is confidential, may have a copyright attached. Information can be provided on request.

We collect and hold personal information to provide services to individuals. An individual has the right to be informed about the collection and use of their personal data. We will do this by the use of privacy notices to inform individuals what rights they have and how to request them. Some rights may not be available, depending on the legal basis for processing. Legal rights available under Data Protection are:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

An individual should be confident that we handle your personal information responsibly, securely and in line with good practice.

The policy will be implemented by setting standards, procedures and guidance for council staff and guidance on access for individuals. The policy forms part of the Council's Information Governance Framework.

The policy

Personal information

We will handle all personal information in a safe, responsible and secure manner.

We will meet our obligations to protect personal data and the rights to privacy. This will be in accordance with the principles of Data Protection, Human Rights and other relevant data protection legislation and common law.

We will consider and address the risks to personal information when we are planning to use or hold personal information in new ways. For example, when introducing new systems, or new ways of working.

We will review and may take disciplinary or contractual action if staff misuse or do not look after personal information properly.

We may need to share personal information in order to perform our duties and legal obligations.

We will provide privacy notices which explain why we collect information, how we use and share information, and an individual's rights.

Individuals' rights depend on the legal basis of processing, as set out in the service specific privacy notice. We will normally respond to a request and provide information within one month. If complex, the provision may be extended by a further two months.

We will set out clear procedures for asking for an internal review if you are not satisfied with our response to your request and will ensure your concerns are dealt with appropriately.

If you are not satisfied with the outcome of the internal review, you have the right to complain to the Information Commissioner's Office.

Public information

We wish to be an accountable and transparent council and will publish a range of non-personal information for the public to access and in a reusable format.

We will state if any charges or restrictions on use apply for both general and personal information.

We will provide as much open access to our information as possible and through a

Publication Scheme. Wherever possible, information will be available in digital format from our website www.warwickshire.gov.uk. It can also on request be available in printed formats.

We will set out clear procedures for requesting and responding to formal requests for general information and we will respond within 20 working days.

We will set out clear procedures for asking for an internal review if you are not satisfied with our response and will ensure your concerns are dealt with appropriately. We will normally respond to the review within 20 working days.

If you are not satisfied with the outcome of the internal review, you have the right to complain to the Information Commissioner's Office.

We will treat people justly and fairly whatever their age, religion or belief, disability, gender, sexual orientation or ethnicity when dealing with requests for information.

Responsibilities

Warwickshire County Council is the overall body responsible for providing information, with the legal obligations being enforced by the Information Commissioner and the courts.

Specific responsibilities for all staff within the council are as follows:

- Awareness of the relevant legislation relating to requests for public information and an individual's information rights for their personal information
- Understanding and adhering to this policy and related information governance policies and procedures.

All Warwickshire County Council managers are responsible for the implementation of this policy within their teams.

Monitoring and review

This policy and the supporting standards will be monitored and reviewed annually in line with legislation and codes of best practice.

An Equality Impact Assessment/ Analysis on this policy was undertaken on 27 April 2018 and will be reviewed in April 2021, or before if required.

Further Information

www.warwickshire.gov.uk/accesstoinformation

Information Management, Shire Hall, Warwick, CV34 4RL

Telephone: 01926 418633

The Information Commissioner's Office is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Website: <http://ico.org.uk/> Telephone: 0303 123 1113

Appendices

External legislation

Data Protection Act 2018

[General Data Protection Regulation](#)

[Human Rights Act 1998](#)

[Freedom of Information Act 2000](#)

[Environmental Information Regulations 2004](#)

[Local Government Acts](#)

[Copyright, Design and Patents Act 1998](#)

Common Law

Duty of Confidentiality

This is not a written Act of Parliament. It is “common” law. This means that it has been established over a period of time through the Courts.

It recognises that some information has a quality of confidence, which means that the individual or organisation that provided the information has an expectation that it will not be shared with or disclosed to others.

For information to have a quality of confidence it is generally accepted that:

- it is not “trivial” in its nature
- it is not in the public domain or easily available from another source
- it has a degree of sensitivity
- it has been communicated for a limited purpose and in circumstances where the individual or organisation is likely to assume an obligation of confidence. For example information shared between a social worker/client, health practitioner/patient, etc.

However, as with the Human Rights Act, confidentiality is a qualified right. The Council is able to override a duty of confidence when it is required by law, or if it is in the public interest to do so.