

Privacy Notice Procedure

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1. Introduction

The Data Protection Act 2018 which applies the General Data Protection Regulation 2016 requires organisations who process personal data to be transparent about that use and provide individuals with information which explains how their personal data is used by the organisation.

2. Quick Reference Guide

- The law requires you to have clear, transparent notices advising individuals how you are using their personal data
- Review and publish the overarching privacy notice at Annex B
- Review and publish the service specific notices at Annex C
- Ensure any letters or forms which collect personal data carry a statement directing individuals to your online notices. see Annex D
- When processing special category personal data the law requires you to have in place a policy statement which should be published alongside your privacy notices. The statement can be found at Annex E

3. Policy References

This procedure is a requirement of the Data Protection Policy.

4. Privacy Notices

Where personal data is being obtained for us to process, whether from the Data Subject or a third party, then a Privacy Notice must be made available to provide assurance to the Data Subject over the legitimacy of the processing and what will be involved.

The law requires Notices to be concise, transparent, intelligible and easily accessible by the Data Subject. It should be written in clear and plain language, particularly if addressed to a child.

There must be no charge made to a Data Subject in order for them to be given access to a Notice.

The details that a Notice must contain are as follows:

- The Identity and contact details of the Data Controller, any Data Processors (if applicable) and the name of the responsible Data Protection Officer
- The purpose of processing and the legal basis supporting the processing
- (Where applicable) The legitimate Interests of the Data Controller or 3rd Party
- Any third party recipient (or categories of recipients) of the data

- Any transfers to 3rd countries (i.e. outside the European Economic Area) and details of the adequate safeguards in place to secure the data and the Data Subject's rights.
- The retention period (or the criteria to be used to determine one) at the end of which it will no longer be necessary to process the data.
- Which of the Data Subject's rights will be applicable to the processing (or confirm that all rights are applicable)
- (If consent is being relied upon) Advise the Data Subject of their right to withdraw consent at any time
- Advise the Data Subject of their right to lodge a complaint with the Information Commissioner's Office if they have concerns over the processing
- Make the Data Subject aware of any automated decision making/ profiling being undertaken as a part of the processing and information about:
 - How decisions based on the data are made,
 - The significance and consequences of the decisions.
- (Where data is obtained directly from the Data Subject):
 - The specific statutory/ contractual requirement/ obligation
 - The consequences of not providing personal data
- (Where data is not obtained directly from the data subject)
 - Where the data is coming from and whether this is from publicly accessible sources
 - The categories of personal data

The Notice must be available to the Data Subject:

Criteria	Sub-criteria	Action
if the data is being obtained directly from the Data Subject		At the time data is obtained
if the data is not being obtained directly from the Data Subject...	(no additional criteria)	Within a reasonable period of having obtained the data (within one month)
if the data is not being obtained directly from the Data Subject...	...AND if data is to be used to communicate with the Data Subject	<i>At the latest</i> , when the first communication takes place
if the data is not being obtained directly from the Data Subject...	...AND is to be disclosed to a third party	<i>At the latest</i> , before the data is disclosed.

5. Advice and Support

If you have any issues over the clarity of these procedures, how they should be applied in practice, require advice about exemptions from the requirements or have any suggestions for amendments, please contact your Data Protection Officer.

6. Breach Statement

A breach of this procedure is a breach of Information Policy. Breaches will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.

Annex A: ICO Privacy Notice Checklist

This is available at the following [link](#)

The following information must be provided where the data is collected from the data subject themselves, or from another source at the time the data are obtained:

- Identity and contact details of the controller and where applicable, the controller's representative) and the data protection officer
- Purpose of the processing and the legal basis for the processing
- The legitimate interests of the controller or third party, where applicable
- Any recipient or categories of recipients of the personal data
- Details of transfers to third country and safeguards
- Retention period or criteria used to determine the retention period
- The existence of each of data subject's rights
- The right to withdraw consent at any time, where relevant
- The right to lodge a complaint with a supervisory authority
- The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.

If the data is collected solely from the data subject the following information must be provided at the time the data are obtained:

- Whether the provision of personal data part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data

If the data was not collected from the data subject the following information must be provided to the data subject. The data must be provided to them within a reasonable period of having obtained the data (within one month). If the data are used to communicate with the individual, at the latest, when the first communication takes place; or If disclosure to another recipient is envisaged, at the latest, before the data are disclosed:

- Categories of personal data
- The source the personal data originates from and whether it came from publicly accessible sources