

READING BOROUGH COUNCIL

Guide to Creating Data Privacy Notices (DPNs) Under GDPR

The GDPR sets out the information that you should supply and when individuals should be informed.

The information you supply about the processing of personal data must be:

- concise, transparent, intelligible and easily accessible
- written in clear and plain language, particularly if addressed to a child
- free of charge

The identity and contact details of the company Reading Borough Council
Contact details of the Data Protection Officer <i>ricky.gill@reading.gov.uk</i>
What Personal Data is held? <i>Name, personal phone number</i>
How will the data be stored? <i>Electronically on secure council mobile phones and laptops. Online on the secure Resilience Direct system & Paper copies of our contact lists will be stored within the Councils Emergency Operations Centre.</i>
What is the legal basis for the collection, use and storage of the data? <i>Civil Contingencies Act Part 2 - The Council has a legal Duty to prepare for emergencies. Emergencies happen out of hours and thus we need to keep contact details for staff out of hours including personal details in case the primary method of contact fails.</i>
Give details of how long the data will be stored and criteria used to determine this? <i>The data will be stored for 1year unless there is the suggestion of a criminal investigation or public enquiry, in which case the data will be stored as long as is required to facilitate the investigation or public enquiry</i>
Who will it be shared with and for what purpose? <i>The information will be shared internally with members of the Councils Emergency Response Team.</i> <i>Details of staff on the Councils rotas are shared with the Councils Facilities Management Team who in turn share them with the Councils contracted out of hours call handler.</i>

How can the service user get access to it? <i>Subject Access Request can be made by following the link: www.reading.gov.uk/dataprotection</i>
State whether any data is to be transferred outside the EU? <i>No</i>
Is processing based on consent? <i>Staff will be asked at the time of capturing the information if they are willing to provide it.</i>
What other rights does the service user have that we have to make known to them? <i>The right to have their data corrected, the right to have their data deleted and their right to put a complaint to the Information Commissioner's Office (ICO)</i>
State if there will be any automated decision making <i>NO</i>

Consent

The GDPR sets out a higher standard for consent than the Data Protection Act. The GDPR defines consent as '*any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.*'

Consent has to be a positive indication of agreement to personal data being processed. It cannot be inferred from silence, pre-ticked boxes or inactivity. Opt out consent is no longer acceptable under the GDPR. The GDPR is clear that controllers have to demonstrate that consent was given, so a review is best practice in order to ensure there is an effective audit trail.

How should you write a consent request?

Consent requests need to be easy to understand and separate from any other information such as general terms and conditions.

The consent request must include the name of your organisation and the names of any third parties who will rely on the consent.

Your purpose for wanting the data and the processing activities you will be doing with the data need to be included.

The right to withdraw consent at any time and how to do this must be included.

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