



DATA PROTECTION

Update July 2008

The Data Protection Act 1998 and your right to know
about personal information held by Brent Council

This leaflet provides up to date information on the Data Protection Act 1998 and explains your rights under the act.

The Data Protection Act 1998 (DPA) protects personal data. This includes all information held by the council about an individual whether it is held as a paper copy or on a computer.



Like any organisation that uses personal information the council must follow the strict rules and procedures of the Act.

Q Why are personal records kept?

A The information we hold on an individual helps us decide the best way to provide services to them, or to carry out our legal duties.

Once we have finished providing you with a service we will only keep the information if you may need our services again, or we are required by law to do so. We will not keep your records longer than necessary.

Q What sort of information is kept?

A When you ask for help or advice we collect information about your personal and family circumstances.

We also collect information from other government agencies when necessary. If people or organisations outside of the council, for example doctors, teachers, other government officials or other members of your family, provide us with information on you we will keep a record of that information. We also keep notes of all meetings and conversations we have both with you and about you.

We will ensure that your personal data is relevant, accurate, kept up-to-date and secure.

Q Who can see the information held about me?

A Only staff that are involved in providing your services can see your personal information. This may include contact centre staff, council tax and benefits staff, housing workers, social workers and some administrative staff.

Once the information has been collected by the council, it can be used by other departments and agencies who work on behalf of the council, where necessary, to provide a complete service to you. We link up all the information held at the council so that you only need to give us your personal details once regardless of how many different departments you speak to.

Occasionally, we may share some information with organisations outside of the council, for example with staff at the Department of Work and Pensions (DWP), your GP or NHS health care provider or the audit commission to ensure the prevention of fraud.

Birth, death and marriage registers are public records. Under the Registration Births and Deaths Act 1953, anyone who can provide details of a birth, death or marriage which has taken place in the borough can apply for a certified copy of the legal entry.

The council is under a duty to protect the public funds it administers, and may use the information you have provided for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds.

The housing and community care team may need to share data with voluntary sector and service provider partners. If you have been placed in temporary accommodation we may give relevant information to your landlord or if you have been referred to our services by a

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voluntary sector group we may exchange information with them. We would normally seek your permission before sharing your data with such organisations.

We can also share information with other local authorities and organisations in order to verify your housing application. This can include the Department of Work and Pensions, the police, the probation service, the prison service or your GP.

If you ask us to investigate a complaint, the appropriate staff will need to examine your records.

Q Will the information held about me be used for any other purpose?

A In general we will only use your information for the provision of council services.

Occasionally, we are required by law to use information about you for another purpose or to report appropriate information to the authorities, for example as a result of a court order.

Q How is my information protected?

A The council has security measures in place to safeguard the confidentiality of your records and prevent any unlawful access to your personal data:

- Restricted access to council buildings means that only authorised staff are able to gain entry to areas where records are kept
- Passwords on computer records means that only staff with a need to know have access to your information
- Locked systems are in place for paper records
- Information is destroyed securely if it is no longer needed

Q What are my rights?

- A**
- To ask if we hold personal information about you
 - To ask what we use it for
 - To be given a copy of the information
 - To be given details of other organisations or people we disclose it to
 - To ask for incorrect data to be corrected
 - To ask us not to use personal information about you for direct marketing
 - To be compensated for damage or distress caused if we do not comply with the Act

- To object to decisions made only by automatic means. For example, where there is no human involvement
- To ask the Information Commissioner's Office to investigate and assess whether we have breached the Act

Q What information can I receive?

A You have the right to receive a copy of the information we hold about you. This includes both paper records and those held on computer.

This right also extends to children and young people under the age of 18 who understand what it means to exercise this right. If a child or young person under the age of 18 does not have sufficient understanding to make their own request, a person with parental responsibility may do so on their behalf, if it is in the child's interest.

Q How do I ask to see information held about me?

A Write to us at the address below, or call in at any of our offices, asking for a copy of your records and giving:

- your name
- your address
- your signature
- details of the service(s) you are receiving so that the council can locate the information
- any other information, for example date of birth, rent or council tax number, that can help us to find your information

You will need to complete a Subject Access Request Form available by calling **020 8937 1200** or from the library or One Stop Service. We can help you fill the form in.

We will arrange for you to receive a copy of your information within 40 days of receiving your request. It is important that we guard against unauthorised people seeing information about you, so we may ask you to provide some additional means of identification.

You can ask to view your records instead and take what copies you require. You are entitled to be accompanied by a friend or relative when you view your records.

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Usually, the member of staff you normally have contact with will be present when you see your file, and will be able to explain anything that you may find difficult to understand.

Q Do I have to pay to see the information?

A It is free to view information held by Brent Council.

Marriage notice books can be viewed but cannot be copied.

Q What do I do if the information is wrong?

A You must write and tell us so that we can correct it. We must tell you what we have done within 21 days of receiving your request. If we do not agree that the information is incorrect, you can ask for your disagreement to be recorded on your records. You can also appeal to the Information Commissioner or to a court if we do not correct the information.

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

A You can appeal through the council's appeal procedure, or to the Information Commissioner whose staff will look into the matter on your behalf.

Q How will I know if decisions about me have been made automatically by computer systems

A We will tell you and ask you to write in if you have any objections which will be investigated thoroughly. An example of a computer making a decision would be if you were sent a reminder directly by a computer because a council tax instalment was overdue.

Q Can I claim compensation?

A If you have suffered any damage or distress because we have broken the rules or used inaccurate data, you may be able to claim compensation through a court, provided you can show that we had not taken reasonable care to ensure that the council complied with the Act. You can ask the Information Commissioner's Office to investigate and assess whether we have breached the Act.

Q Can we help you in understanding the information?

A If you would like us to help you with any part of this process, let us know and we will provide someone to assist you. A translation service is also available.

To contact us:

The Data Protection Officer
Room 103
London Borough of Brent
Town Hall, Forty Lane
Wembley, Middlesex HA9 9HD
020 8937 1402
dpo@brent.gov.uk

Also:

The Information Commissioner
Wycliffe House, Water Lane
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