



# Black Drain

Drainage Board

## General Data Protection Policy

### 1. Background

- 1.1 General Data Protection Regulation 2018 (GDPR) applies to Controllers and Processors of personal information. A Controller determines the purposes and means of processing personal data. The Processor is responsible for processing personal data on behalf of a Controller.
- 1.2 GDPR applies to processing undertaken by organisations operating within the European union. As a Controller of personal data even where a processor is involved, the GDPR places obligations on the Board to ensure its contracts with Processors comply with the GDPR.
- 1.3 Black Drain Drainage Board (the Board) is a Controller of personal information.
- 1.4 The Shire Group of IDBs Management team (JBA Consulting) is responsible for Processing personal data on behalf of the Board as Controller. The Board has identified that processing is necessary for compliance with a legal obligation to which the controller is subject.
- 1.5 Personal data means any information relating to an identifiable person who may be directly or indirectly identified by reference to an identifier such as a drainage rate account number, or an identification number.
- 1.6 GDPR applies to automated personal data and to manual filing systems where personal data is accessible.
- 1.7 Article 5 of GDPR requires that personal data shall be:
  - 1.7.1 Processed lawfully, fairly and in a transparent manner in relation to individuals
  - 1.7.2 Collected for specified, explicit and legitimate purposes
  - 1.7.3 Adequate, relevant and limited to what is necessary in relation to the purpose for which the data is processed
  - 1.7.4 Accurate and where necessary kept up to date
  - 1.7.5 Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
  - 1.7.6 Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage

### 2. Lawful basis for processing

#### 2.1 Personal Data and Drainage Rates

- 2.1.1 The Board has reviewed the purposes of processing activities and identified the lawful basis for processing personal data. The Board is a Public Authority delivering a public task. The Board is a public body defined in the Freedom of Information Act 2000 as a body constituted under Section 1 of the Land Drainage Act 1991. The processing of personal data is necessary to perform that task in the public interest and the Board's official function has a clear basis in law as defined by the Land Drainage Act 1991.
- 2.1.2 The Board has checked the processing is necessary for the relevant purpose and is satisfied there is no other reasonable way to achieve that purpose.
- 2.1.3 This Policy is intended to evidence documentation of the Board's decision on which the lawful basis applies to help demonstrate GDPR compliance



# Black Drain

Drainage Board

## General Data Protection Policy

- 2.1.4 The Board has included information about the purpose of the processing and the lawful basis for the processing in its privacy notice issued with Drainage Rates.

### 2.2 Personal Data and Board Contractors

- 2.2.1 The Board has identified the lawful basis for processing personal data and sharing that data with its Contractors as a Public Authority delivering a public task which function has a clear basis in law as defined by the Land Drainage Act 1991.
- 2.2.2 The Board has checked the processing is necessary for the relevant purpose and is satisfied there is no other reasonable way to achieve that purpose.
- 2.2.3 This Policy is intended to evidence documentation of the Board's decision on which the lawful basis applies to help demonstrate GDPR compliance.
- 2.2.4 The Board has included information about the purpose of the processing and the lawful basis for the processing and sharing of personal data in its privacy notice issued with Drainage Rates.

### 2.3 Personal Data and Employees

- 2.3.1 The Board has reviewed the purposes of processing activities and identified the lawful basis for processing personal data. The Board as an Employer has a legal obligation for processing personal data to comply with Her Majesty Revenue & Customs requirements, Employer and Employee Pension Contributions.
- 2.3.2 The Board has identified a second lawful basis for processing personal data. The Board is party to a contract of employment and processing personal data is necessary for the performance of an employment contract to which the data subject is party.

### 2.4 Personal Data, Employees and Special Category Data

- 2.4.1 Special category data is more sensitive and needs more protection.
- 2.4.2 To lawfully process special category data the Board has identified a lawful basis under Article 6 and a separate condition for processing special category data under Article 9. Under Article 6 the lawful basis is legal obligation, under Article 9 the lawful basis is processing is necessary for the purposes of carrying out obligations and exercising specific rights of the Controller in the field of employment and for the purposes of preventative or occupational medicine for the assessment of the working capacity of the data subject

## 3. Data subject rights under GDPR

- 3.1 Right to be informed - The Board complies with its obligation to provide fair processing information through its privacy notice.
- 3.2 Right of access – The Board must provide a copy of subject data access request, without delay and within one month of request receipt. The Board notes GDPR includes a best practice recommendation that where possible, organisations should be able to provide remote access to a secure self-service system which would provide the individual with direct access to his or her information. The Board does not consider this appropriate associated with cost to the public purse of such a system for a small public body.
- 3.3 Right to rectification – the Board acknowledges a data subject right to rectification of data if it is inaccurate or incomplete
- 3.4 Right to erasure – the Board acknowledges the right to erasure where the personal data is no longer necessary in relation to the purpose for which it was originally collected however



# Black Drain

Drainage Board

## General Data Protection Policy

that request for erasure will be refused if continued compliance with legal obligation for the performance of a public interest task.

### 4. Evidencing GDPR compliance

- 4.1 The Board has produced and issued a Privacy Notice which accompanies issue of annual Drainage Rates. A copy of the Privacy Notice is available on the Board website at: [www.shiregroup-idbs.gov.uk](http://www.shiregroup-idbs.gov.uk)
- 4.2 With regards to Board employees, the board will inform its employees;
  - 4.2.1 why data protection is important
  - 4.2.2 what personal data is
  - 4.2.3 The consequences of non-compliance
  - 4.2.4 The right to have data deleted
- 4.3 The Board will report any personal data breach to the regulator (within 72 hours of discovery) if risk-such as discrimination, damage to reputation, financial loss- to employees is a likely consequence. We would consider data breaches of personal data in these instances to be specifically medical records or personal Bank Details.
- 4.4 The Board will seek to ensure that all personal data no longer required by the Board (i.e. evidence of verbal or written warnings when outside of their retention date) are expunged/deleted.

### 5. Evidencing GDPR accountability and governance

- 5.1 Accountability and governance complements GDPR's transparency requirements. The Board considers it has put in place comprehensive, proportionate governance measures that minimise the risk of breaches and uphold the protection of personal data.
  - 5.1.1 The Board implements appropriate technical and organisational measures through internal audits of processing activities and reviews of internal HR policies.
  - 5.1.2 It maintains relevant documents on processing activities
  - 5.1.3 It has appointed a Data Protection officer
  - 5.1.4 It has implemented measures meeting the principles of data protection by design and default through data minimisation, transparency and monitors processing.

### 6. Certification

By Order of the Black Drain Drainage Board

Under delegated Powers given to the Chairman

(Sgnd) D.N. Hinchliff

By the Board 5<sup>th</sup> November 2018

Certified by Ian M Benn, Chief Executive Officer

This document is next scheduled for review May 2021.