

**Eden District Council  
Council**

**30 July 2020**

**Information Governance Policies**

<b>Portfolio:</b>	Resources
<b>Report from:</b>	Assistant Director Governance
<b>Wards:</b>	All Wards
<b>OPEN PUBLIC ITEM</b>	

**1 Purpose**

- 1.1 To enable consideration to be given to the approval and adoption of four public information governance policies.

**2 Recommendation**

It is recommended that;

- a) the revised Access to Information Policy at Appendix A be approved and adopted, to replace the previous version adopted in April 2019;
- b) the Corporate Privacy Policy at Appendix B be approved and adopted, to replace the Privacy Policy adopted in June 2018;
- c) the Recording and Reporting Policy at Appendix C be approved and adopted, to replace the Filming, photography, recording and use of social networking at council meetings policy, adopted in February 2015; and
- d) the new Virtual Public Meetings Privacy Policy at Appendix D be approved and adopted.

**3 Report Details**

- 3.1 A revised Access to Information Policy has been prepared to take account of changes since the previous version was adopted. The updated policy is attached to this report at Appendix A, with proposed amendments shown in track changes.
- 3.2 The Council's Access to Information Policy sets out the Council's approach to handling requests for information under the Freedom of Information Act 2000 (FOI), Environmental Information Regulations 2004 (EIR), the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).
- 3.3 A revised Corporate Privacy Policy has been prepared to take account of changes since the previous version was adopted. The updated policy is attached to this report at Appendix B, with proposed amendments shown in track changes. The Corporate Privacy Policy has been revised principally to include the holding of virtual/remote committee meetings, which is a new

activity for the Council since May 2020, in response to the Covid-19 pandemic.

- 3.4 The Corporate Privacy Policy explains how the Council uses the personal information it holds, in order to deliver its services and what it does to protect that information.
- 3.5 A Recording and Reporting Policy has been prepared to take account of changes since the Filming, photography, recording and use of social networking at council meetings policy was adopted in February 2015. The updated policy is attached to this report at Appendix C. As the policy is significantly different and uses a newer template, it has not been possible to provide amendments in track changes.
- 3.6 The changes in the Recording and Reporting Policy relate chiefly to the introduction of virtual public meetings and the addition of summaries targeted at relevant audiences (which may be used as notices). Some more minor amendments are also proposed for the purposes of clarification.
- 3.7 The Virtual Public Meetings Privacy Policy at Appendix D is a new policy aimed at supporting the Council's virtual/remote committee meetings. It explains how the Council uses the personal data it holds for the purposes of holding virtual committee meetings and what it does to protect that information.
- 3.8 The Virtual Public Meetings Privacy Policy supports the Council's Virtual Public Meetings Policy, approved and adopted at a meeting of Executive on 19 May 2020, by providing greater detail on the associated processing of personal data.
- 3.9 All four policies are public documents, which once approved and adopted, will be properly formatted before publishing on the Council's website.

## **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:

- Sustainable;
- Healthy, safe and secure;
- Connected; and
- Creative

- 4.2 This report meets the 'sustainable' corporate priority.

## **5 Consultation**

- 5.1 The Resources Portfolio Holder and Members of the Executive have been consulted.

## **6 Implications**

### **6.1 Financial and Resources**

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan.
- 6.1.2 There are no proposals in this report that would reduce or increase resources.

## 6.2 Legal

- 6.2.1 The policies seek to ensure compliance with all relevant legislative and regulatory requirements.
- 6.2.2 A number of exemptions under FOI and exceptions under EIR apply, under which a refusal notice may be issued and which may be subject to a Public Interest Test.
- 6.2.3 As a Data Controller, the Council must process personal data in a transparent manner in relation to the data subject and be able to demonstrate its compliance, in accordance with the first data protection principle (Article 5) of the General Data Protection Regulation (GDPR).

## 6.3 Human Resources

- 6.3.1 There are no human resource implications associated with the policy documents.

## 6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	Requests for information are treated equally, regardless of who the enquirer is. Assistance is offered to all those making a request for information. Charges relating to EIR requests will be waived for requesters who are in receipt of certain passporting benefits.
Health, Social Environmental and Economic Impact	Increased transparency in local decision making has widespread benefits in society. However, in order to maintain those positive impacts, it is necessary to carefully and continuously balance the rights to access information with the need to protect personal data.
Crime and Disorder	The Council has a duty to protect privacy and the personal and confidential data it holds and has in place appropriate policies, procedures and systems to maintain information security.
Children and Safeguarding	The Council has a duty to protect privacy and the personal data it holds, including in relation to children and vulnerable adults.

## 6.5 Risk Management

Risk	Consequence	Controls Required
Failure to provide information to the public as required under legislation.	Public, financial or reputational harm (to the Council).	Regularly reviewing and updating policies.

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Failure to comply with the data protection principles.		

## **7 Other Options Considered**

7.1 No other options are considered relevant.

## **8 Reasons for the Decision/Recommendation**

8.1 To provide up to date information governance policies, in compliance with relevant legislative and regulatory requirements, guidance and best practice.

### **Background Papers:**

#### **Appendices:**

Appendix A: DRAFT Access to Information Policy  
Appendix B: DRAFT Corporate Privacy Policy  
Appendix C: DRAFT Recording and Reporting Policy  
Appendix D: DRAFT Virtual Public Meetings Privacy Policy

#### **Contact Officer:**

Information Governance Manager



Approved by: Council  
Date Approved: 30 July 2020

Review ~~Frequency: Annual~~ April 2022

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## **DRAFT Access to Information Policy**

**Freedom of Information, Environmental Information Regulations  
and Data Protection Requests**

**~~2019-2020~~**

## Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

## **Document Control**~~Sheet~~

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<b>Document Amendment History</b>			
<b>Revision No</b>	<b>Revised by</b>	<b>Date of change</b>	<b>Description of Change</b>
0.1	Information Governance Manager	15 February 2018	EIR charges and changes to SAR under GDPR
0.2	Chief Finance Officer and Monitoring Officer	19 March 2018	Governance check amendments
1.0	Information Governance Manager	22 March 2018	Final version
2.0	Information Governance Manager	19 March 2019	Revised version to take account of legislative and regulatory changes and new designations following a restructure
<u>2.1</u>	<u>Information Governance Manager</u>	<u>22 April 2020</u>	<u>Updates. Amendments for consistency. Changes to</u>

			<u>some terminology, including 'Subject Access Request'</u>
<u>2.2</u>	<u>Information Governance Manager / Member Services Team Leader</u>	<u>12 May 2020</u>	<u>Clarification on EIR charges</u>
<u>2.3</u>	<u>Information Governance Manager / Member Services Team Leader</u>	<u>10 June 2020</u>	<u>Further minor points of clarification</u>

<b>Approval</b>	<b>Date</b>
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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## 1. Introduction

- 1.1 The Freedom of Information Act 2000 (FOI Act) and the Environmental Information Regulations 2004 (EIR) provide a right of access to information which is held by the Council and both must be considered in conjunction with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).
- 1.2 GDPR and the Data Protection Act 2018 entitle individuals to certain rights over their own information, including the right to request access to personal information about themselves. This is the Right of Access, often known as a Subject Access Request (SAR).
- 1.3 A Code of Practice has been issued by the Ministry of Justice under Section 45 of the FOI Act, which was updated in 2018. The Council will abide by the terms of the Code of Practice whenever appropriate.
- 1.4 The Council is committed to conducting its affairs in a transparent manner and enabling public access to its information; whenever possible, in compliance with the statutory provisions.

## 2. The Aims of this Policy

- 2.1 The aims of this policy are to:
  - Facilitate the disclosure of information under the FOI Act, EIR and GDPR/DPA;
  - Set out the administrative practices which the Council will follow and any charges that may apply in handling requests for information (see Appendix A);
  - Ensure that the interests of third parties who may be affected by decisions to disclose information are considered by the Council;
  - Ensure an effective complaints procedure is available for applicants to use if they are dissatisfied with a decision; and
  - Ensure that the Council considers the implications of the FOI Act, EIR and the GDPR/DPA, before accepting any confidentiality provisions in contracts or information which is provided in confidence.

## 3. Statement of Commitment

- 3.1 The Council will:
  - Seek to publish key information proactively through an FOI Publication Scheme and also in line with the Freedom of Information Code of Practice 2018 and the Local Government Transparency Code 2015;
  - Respond to information requests in accordance with the requirements of the FOI Act, EIR and/or GDPR/DPA;
  - Uphold the requirements of the EIR which support the European Council Directive 2003/4/CE on public access to environmental information in the UK; and

- Uphold the Data Protection Principles in relation to all personal data with respect to which the Council is the data controller.

3.2 The Council has adopted the Model Publication Scheme for the FOI Act, as approved by the Information Commissioner. The model publication scheme is available on the Council's website and includes information on:

- How and what the Council spends its monies on;
- What the Council's priorities are and how the Council performs;
- How the Council makes decisions;
- The Council's main policies and procedures;
- The Council's lists and registers; and
- The services that the Council offers.

3.3 The Council is committed to data transparency and supports people's rights to be able to access data wherever it is legal and practical. The overarching principle is that data is 'Open by Default.'

3.4 The Local Government Transparency Code was issued by the Department for Communities and Local Government on 3 October 2014 and updated in February 2015 with additional requirements for data publication. The Code requires that local councils publish certain information to make it easier for local people to contribute to the decision making and enable them to shape public service. The Council seeks to comply with the Code.

## 4. Information

4.1 The Council will adhere to the FOI Act, EIR and GDPR/DPA by:

- Informing individuals if the information exists within the Council or with another organisation in response to requests;
- Enabling access to the information which it holds, subject to the conditions and exemptions by law; and
- Providing the information requested unless it is exempt from disclosure.

4.2 Information held on behalf of the Council, but not physically held on Council premises or systems is also covered by these Acts and Regulations. This can include information shared with contractors or partner organisations and information held by Councillors relating to Council business.

4.3 Applicants do not have to know or specify whether the information requested is covered by the FOI Act, EIR or the GDPR/DPA. The Council's Legal Services team will determine and advise on the appropriate provisions.

## Freedom of Information Act

- 4.4 The FOI Act applies to all recorded information held by the Council. Information includes printed documents, all paper records, computer files, letters, emails, photographs, microfiche, maps, handwritten notes or sound and video recordings and recordings of telephone conversations whether or not they are accurate.

Other types of information covered by the FOI Act are:

- tables of raw, unrefined data (sometimes known as datasets); and
- Meta-data. This is the information that is sometimes automatically recorded on electronic documents, eg the author's name and creation dates.
- information received at the Council from third parties.

The FOI Act does not apply to information that is in ~~someone's~~ a person's head and not currently recorded. ~~There is no need to create a new document or piece of information in order to respond to a request.~~

## Environmental Information Regulations

- 4.5 Under EIR, 'environmental information' means any information in written, visual, aural, electronic or any other material form on:
- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
  - (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
  - (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
  - (d) reports on the implementation of environmental legislation;
  - (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
  - (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

## 5. Code of Practice

- 5.1 The Council will take account of the Code of Practice issued by the Ministry of Justice under Section 45 of the FOI Act. The Council will abide by the terms of the Code of Practice whenever this is possible or appropriate. In addition the Council will take account of any guidance which is issued by the Information Commissioner.

5.2 The Council acknowledges the principles of the FOI Act, EIR and the GDPR/DPA including that:

- People have a right to know about the activities of public authorities, unless there is a good reason for them not to;
- Any individual can make a request for information, regardless of who~~m~~ they are and where they live. Applicants do not have to be resident in the UK;
- Applicants do not have to provide a reason for requesting information;
- All requests are treated equally; and
- The Council should only disclose information under the FOI Act and EIR, if it would also release this information to anyone else who asked for it.

5.3 In undertaking its role in providing information, the Council will continue to recognise its Public Sector Equality Duty under the Equality Act 2010 and make reasonable adjustments where applicable.

5.4 The Council will seek to publish a disclosure log of completed FOI and EIR requests on its website. This enables individuals to have instant, open access to ~~all~~ previously completed requests and information. The disclosure log will not include the identities of any applicants or of any staff handling requests, for data protection reasons.

~~5.5 This Access to Information Policy will be reviewed annually and updated as required, to reflect up to date advice, guidance, best practice from the Information Commissioner's Office and government.~~

## **6. Requests for Information**

6.1 The Council acknowledges the right for anyone to make a request for information. A person does not have to be a UK citizen or even live in the UK to make a request. Requests can be made by any person including an organisation or company.

6.2 Requests for information can be made to any officer in the Council.

6.3 All valid requests must include the applicant's name, an address for correspondence and a description of the information requested. All applicants should be treated alike and the Council should not normally seek to verify the applicant's identity in relation to FOI and EIR requests. However a check may be made if it is clear a pseudonym is being used, if there are legitimate grounds for refusing a request or if it is suspected that a person is trying to avoid this happening eg because the request may be vexatious or repeated.

6.4 ~~Applicants~~Requesters making a ~~Right of~~ Subject Access Request may be required to provide proof of their identity.

6.5 The Council will provide reasonable advice and assistance to those who make or propose to make requests for information.

6.6 There is no requirement for applicants to specify which type of information (FOI, EIR or GDPR/DPA) is being requested. This can be determined by the Council on receipt.

- 6.7 The Council requires that requests for information under the FOI Act ~~and GDPR/DPA~~ must be submitted by email or in writing. It is recognised that they may also be created through the Council's media channels eg Twitter and Facebook. Ideally requests will be submitted by email to [foi@eden.gov.uk](mailto:foi@eden.gov.uk) or by post to FOI, Legal Services, Town Hall, Penrith CA11 7QF.
- 6.8 The Council recognises that applicants can submit ~~a requests under for~~ EIR ~~and also Subject Access Requests under GDPR/DPA~~ information verbally, either in person or ~~on~~ via the phone. Where this is preferred by the applicant, this can be arranged, by appointment, with an officer of the FOI team in the Legal Services section of the Council.
- 6.9 Whenever an information request is not absolutely clear, the applicant will be asked to clarify the request. If necessary, applicants may be provided with reasonable assistance to achieve this.
- 6.10 The Council will publish and maintain its procedures for dealing with requests for information. The Council's current procedures for managing requests are attached as Appendix A to this Policy.

## 7. Response Times

- 7.1 The Council will endeavour to respond to FOI and EIR requests within 20 working days of the date of receipt. For more complex requests, this time period may need to be extended and applicants will be informed about this through Legal Services.
- 7.2 If the original request is unclear and clarification is required, the 20 day response period will only begin when full clarification is achieved.
- 7.3 Occasionally the Council will have to consider the public interest or consult with third parties in connection with a request for information and this may give rise to a delay.
- 7.4 Wherever there is a delay and the 20 working days response time cannot be met, Council officers will try to provide an estimate to the applicant as to when the information will be available or when a decision on its availability can be made.
- 7.5 All ~~Right of Subject~~ Access Requests will be completed within one month (30 calendar days) of receipt.

## 8. How Information is Provided

- 8.1 Wherever possible, responses to FOI, EIR and GDPR/DPA requests will be delivered electronically by email and may include an attachment or a link to a website where ~~the~~ information is published publicly available.
- 8.2 Where the information is not published publicly available or it is too large to send electronically, it may be delivered in hard copy format. Where this is necessary, a charge may be levied on the applicant. A charge will be applied in the case of such responses to requests under EIR (unless the applicant requester is in receipt of relevant benefits – see 9.14).

## 9. Charges

- 9.1 The FOI Act and the EIR allow public authorities to charge for responding to requests in some circumstances.
- 9.2 Applicants will not be charged to view information that the Council is statutorily required to make available to the general public. Nor will there be a charge for copies of most of the leaflets and brochures produced by the Council. Charges may be payable for the supply of specific documents, as detailed in the Council's Fees and Charges.

### **Freedom of Information Act**

- 9.3 Under Section 12 of the FOI Act, the Council does not have to comply with a request for information if the cost of compliance exceeds the 'appropriate limit.' The FOI Act currently defines this limit as 18 hours or £450.
- 9.4 Where the cost exceeds the appropriate limit defined in the FOI Act, the applicant will be consulted to see if the original request can be simplified or the scope of it refined, so that the Council can respond to the request.
- 9.5 When estimating the cost of completing a request for information under the FOI Act, the Council can only consider the following factors:
- Determining whether the information is held by the Council;
  - Locating the information or documents containing the information;
  - Retrieving the information; and
  - Extracting the information from documents.
- 9.6 Where a fee is required for the Council to undertake an FOI Act request, the information will not be provided until the applicant has paid the fee. The applicant has three months from the date the application is received to pay this fee. If the fee is not paid during this period, then the request may lapse.
- 9.7 If an applicant splits a large request up into several smaller requests and these are submitted within 60 working days of each other, then the Council can add the costs of the requests together to estimate the cost. The Council can refuse to provide the information, if the total exceeds the appropriate limit.
- 9.8 Some FOI Act information requests may incur a charge to cover printing, postage or delivery.

### **Environmental Information Regulations**

- 9.9 The Council may charge a 'reasonable amount' for information requested under the EIR. This can include the following:
- Reasonable costs of production and delivery of the information; and
  - Staff costs incurred to extract and provide the information.
- 9.10 The costs of providing environmental information are included in current Fees and Charges and charged at the following rates:
- £25 per hour for staff time for locating, retrieving and extracting information;
  - 10p per A4 sheet for any photocopying and printing; and



- The costs of any postage.

- 9.11 Applicants will be informed in a fees notice of ~~the any~~ potential costs payable, following submission of their request for environmental information. Officers will explain to applicants how to make payment and to advise that work will not commence until payment has been received.
- 9.12 The amount stated in each case would be fixed, even if the work were to take more time than estimated, as required under the EIR.
- 9.13 Under the EIR, an applicant has 60 days following issue of the fees notice-payment notification in which to make the payment. If payment is not made within this period, the Council is not obliged to proceed with the request.
- 9.14 All charges relating to EIR requests will be waived for any applicantrequester in receipt of certain benefits at the time of submitting their request for environmental information to the Council. ApplicantsRequesters in receipt of benefits will be required to provide evidence, such as their most recent award letter from the Department for Work and Pensions (DWP). These must be the originals or certified copies. Benefits eligible for exemption from the Council's EIR charges include at least one of the following:
- Income Support;
  - Income-based Jobseeker's Allowance;
  - Income-related Employment and Support Allowance;
  - Pension Credit - Guarantee Credit; and
  - Universal Credit.
- 9.15 There are costs that the Council cannot charge for under the EIR. These are the costs of maintaining a register of information or a database and also overhead costs or staff time spent redacting information.
- 9.16 If environmental information which the Council holds is readily available and does not require staff time to locate, retrieve or extract it, there will be no charge to the applicant and they will be informed of this at the time the information is supplied to them.
- 9.17 If the entirety of a request for environmental information is refused under a relevant exception under the EIR, there will be no charge to the applicant. If a partial refusal is issued, only the information disclosed will be subject to a charge (there will not be a charge for the refusal notice).

### **Right of Subject Access Requests**

- 9.16 Under GDPR/DPA, there is no charge for submitting a Right of Subject Access Request, unless ~~they are~~ repeat requests or manifestly excessive.

## **10. Transferring Requests for Information**

- 10.1 If the Council does not hold the information that is requested and it is aware that another public body does, officers will advise the applicant about which other authority or organisation to approach for the information.

## **11. Consultation with Third Parties**

- 11.1 In some cases the disclosure of information may affect the rights of a third party. For example, where the information is subject to the common law duty of confidence or where it constitutes personal or sensitive personal data (special categories) within the meaning of the GDPR/DPA.
- 11.2 Where disclosure requires the consent of a third party, the Council will consult with that third party with a view to seeking consent to the disclosure. On occasion this may be impractical because, for example, the third party cannot be located or the costs of any consultation would be disproportionate.

## **12. Public Sector Contracts**

- 12.1 In entering into contracts, the Council will not include terms or provisions which could restrict the disclosure of information held by that organisation, which relates to the contract and are contrary to the statutory provisions.
- 12.2 The Council will acknowledge and apply the restrictions which are permitted under the statutory provisions ~~FOI Act~~.

## **13. Copyright and Intellectual Property Rights**

- 13.1 The Council will not place any conditions or restrictions on an applicant, for any information supplied under the statutory provisions ~~FOI Act~~. The Council may however include a copyright notice with the disclosed information.
- 13.2 The FOI Act does not affect an information owner's copyright and intellectual property rights allowing them to protect their original work against commercial exploitation by others. Any FOI applicant who wishes to re-use the information for commercial purposes should make an application to the Council, under the Re-use of Public Sector Information Regulations 2015.

## **14. Accepting Information in Confidence**

- 14.1 The Council will only accept information from third parties in confidence if it is necessary to do so in connection with the exercise of the Council's functions.

## **15. Refusal of Requests**

- 15.1 A refusal of a request for information will only be made in accordance with the relevant statutory provisions ~~Act or Regulations~~.
- 15.2 All refusals will be made by the Assistant Director Governance or a delegated representative and the applicant will be notified as soon as possible about the refusal and the grounds for the refusal.
- 15.3 Requests under the FOI Act may be refused if they are regarded as vexatious, are repetitive, will incur costs greater than the defined appropriate limit (currently 18 hours or £450) or where it is deemed that the harm ~~danger~~ in ~~of~~ disclosing the information is greater than the public interest in its disclosure.

## **16. Monitoring**



- 16.1 The Council will keep a record of all applications which are made under the FOI Act, EIR and GDPR/DPA. The Assistant Director Governance will seek to monitor and report compliance and performance to the Council's Corporate ~~Leadership Management~~ Team and the relevant portfolio holder.

## 17. Complaints Procedure

- 17.1 The Council has an established complaints procedure. Any applicant who is dissatisfied about the way in which a request ~~for information under the Freedom of Information Act~~ has been managed, will be informed of the right to complain under the Council's complaints procedure. ~~Applicants~~ Requesters will need to submit their complaint to the Council within ~~410~~ 40 working days after ~~their they receive a~~ response ~~has been issued to their FOI request~~.
- 17.2 Complaints relating to EIR requests must be in writing, ~~and will need to be made no later than 40 working days after the requester receives a response to their request~~. The ~~applicant requester~~ will receive a response within 40 working days of the complaint being lodged.
- 17.3 Whenever possible, a complaint will be dealt with informally. The formal procedure will only be invoked if it is not possible to resolve a complaint informally.
- 17.4 Whenever appropriate, an applicant will be informed of ~~their his or her~~ right to refer a matter to the Information Commissioner.
- 17.5 The Council maintains a record of all formal complaints and their outcome.

## 18. Corporate Responsibility

- 18.1 The Assistant Director Governance or nominated deputy has overall responsibility for requests made under the FOI Act, EIR and the GDPR/DPA.
- 18.2 All employees of the Council will be informed about the Council's obligations under the FOI Act, EIR and the GDPR/DPA. Information about the statutory provisions is available on the Council's website.
- 18.3 Specific training will be provided to the appropriate officers of the Council involved in the provision of information to satisfy FOI, EIR and GDPR/DPA requests. Guidance and t Training will be provided to employees with regard to their levels of responsibility in handling data and dealing with these requests.

### ICO Contact Details

The Information Commissioner can be contacted at:

[www.ico.org.uk](http://www.ico.org.uk)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Telephone - 0303 123 1113

## 19. Review

- 19.1 This policy will be reviewed by April 2022, in line with any changes to legal and regulatory requirements, relevant guidance and best practice. This policy will be reviewed at least annually. It will be reviewed by the Assistant Director Governance (Monitoring Officer), Information Governance Manager and Member Services Team Leader. This policy is available to all staff and Members and is published on the website.

DRAFT

## Freedom of Information Act, Environmental Information Regulations and Data Protection Requests

### Information Request Processing Procedure

#### 1. Applications

- 1.1 Any request for information under the ~~Freedom of Information (FOI)~~ Act, EIR or GDPR/DPA should preferably be made;
  - by email to [foi@eden.gov.uk](mailto:foi@eden.gov.uk);
  - using the forms available on the Council's website; or
  - in writing marked for FOI, Legal Services, Town Hall, Penrith CA11 7QF
- 1.2 Requests for information under the EIR may also be made verbally on the phone or by appointment with a member of the FOI team. It is preferable for all requests for information to be in writing so that they are clear.
- 1.3 Requests for information may also be raised through social media channels eg Facebook and Twitter. The delegated officers in the Council who monitor these channels should obtain contact details (minimally an email address) from the applicant (using private messaging) and forward these details and the information request to [foi@eden.gov.uk](mailto:foi@eden.gov.uk).
- 1.4 All Access to information applications are co-ordinated and administered by the FOI team, based in Legal Services.

#### 2. Initial Validation

- 2.1 A request for information need not refer to the statute under which it is made. If a request is made to an officer in the Council rather than to a representative in the FOI team ~~and,~~ the officer is unsure whether the request is routine business, they should consult with the FOI team on decide how to manage the request.
- 2.2 A formal request for information which specifically refers to the statutory provisions should be referred, preferably by email to the FOI team, via: [foi@eden.gov.uk](mailto:foi@eden.gov.uk).
- 2.32 ~~Applicants~~Requesters making a ~~Right of Subject~~ Access Request may be required to provide proof of their identity.
- 2.43 If the question can be answered quickly and easily, the officer should action it as part of their normal duties. If a more in-depth response is required, the request should be forwarded to [foi@eden.gov.uk](mailto:foi@eden.gov.uk) so that it can be logged and actioned as a FOI or EIR request. Similarly, the request should be forwarded to [foi@eden.gov.uk](mailto:foi@eden.gov.uk) if it is complicated or has implications relating to disclosure.
- 2.54 The FOI team will decide whether the request is made under the FOI Act, ~~the~~ EIR or the GDPR/DPA and the request logged onto the database. All requests will be considered and processed in compliance with the relevant Act or Regulation.

- 2.65 The applicant will be contacted and informed as to the relevant legislation-Act or Regulation that applies and how it affects their request.
- 2.76 All valid requests for information will be entered onto the FOI/EIR/DPA database and dated either with:
- the date the application was received, if it is received within office hours on a working day; or
  - the next working day if the application arrives out of office opening hours or on a non-working day (ie weekends, bank holidays or public holidays)
- 2.87 It should be noted that any period of office closure, for example between Christmas and New Year, may still be regarded as a working day, if it is not a Saturday or Sunday or a public holiday.

### 3. Processing Valid Applications

- 3.1 All validated information requests are logged in the FOI/EIR/DPA database and are allocated a unique case reference number for use on all future correspondence. All valid information requests will be acknowledged promptly by the most efficient and appropriate communication channel.
- 3.2 The initial approach to satisfying any validated request is to check existing data to see if this can answer or satisfy this request. This includes a review of;
- The Council's publication scheme;
  - The disclosure log; and
  - The current data files in Legal Services

(Note: Some departments provide regular data in anticipation of FOI requests, eg Non Domestic Rates statistics)

If any of the above can satisfy the request, then officers will refer the applicant to the source of the information, or provide the pre-obtained data and the request will be completed and closed.

- 3.3 If the information requested is not currently available, then the request is forwarded to the appropriate Council officer(s) who will be advised at that time, about the deadline for the completion of the request.

As information owners, Council officers are required to review the information request and select one of 3 possible outcomes as follows:

Outcomes	Follow up Actions
1. The information is already publicly available.	If this is the case, the officers should provide the FOI team with a link to a specific web page that can be provided to the applicant. If the link is to a large document eg budget information, officers should also provide a page number for the document which will be passed to the applicant.

Outcomes	Follow up Actions
2. The information is not currently <u>publicly</u> available and should be provided.	Council officers would then arrange for the information to be sourced and provided to the FOI team to enable the request to be fulfilled within the defined timescale.
3. The information request should be refused.	Officers would have to send a response to the FOI team, outlining why they would recommend that the request should be refused. This will be considered by the Assistant Director Governance and a decision made <u>by him/her</u> on whether the request should be refused and the basis of that refusal.

3.4 Where the information is not currently available to the public and the request has not been refused, the officer receiving the request ~~s~~ is required to source and provide the data to the FOI team within the specified timeframe. Responses should be emailed to [foi@eden.gov.uk](mailto:foi@eden.gov.uk).

3.5 On receipt of the information, the FOI team will review and check the information. They will make any redactions as necessary, in accordance with the Council's Redaction Policy to protect the identities of third parties, before the final response is sent to the applicant. Details of all responses are uploaded into the FOI/EIR/DPA database and FOI/EIR responses are published. Once completed, a member of the FOI team will despatch the information to the applicant and close the case in the FOI/EIR/DPA database.

## 4. Refused Requests

4.1 The Council aims to provide applicants with all the information they request to which they are entitled. Occasionally, applications have to be refused and the information withheld. Whenever a refusal is recommended by the relevant officer, the proposed reasons and justification for this refusal will be communicated to the Assistant Director Governance.

4.2 If the Assistant Director Governance considers that the information should be exempt, a refusal notice will be drawn up, which will be sent out to the applicant through Legal Services. The refusal notice must be in the form required by statute. If the Assistant Director Governance does not consider that the requested information should be refused, then the request will be returned to the officer to complete.

4.3 An applicant will be notified as soon as possible about any decision to refuse their request for information. This will include details of the reasons and grounds for refusal.

4.4 Applicants who are refused information will be informed about the internal complaints procedure. In some cases the applicant may be offered advice and assistance to simplify their initial request, which may enable the request to be re-requested and satisfied. They will also be informed about how they can contact and complain to the Information Commissioner.

## **Accessibility Information**

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

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***District Council***

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: [info.governance@eden.gov.uk](mailto:info.governance@eden.gov.uk)

Approved by: Council

Date Approved: 30 July 2020

Review: April 2022

Responsible Officer: Assistant Director Governance (Monitoring Officer)

## **DRAFT Corporate Privacy Policy**

## Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

## Document Control

<b>Document Control</b>	
Organisation	Eden District Council
Title	<u>DRAFT Corporate</u> Privacy Policy
Author	Information Governance Manager
Filename	DRAFT_ <u>Corporate</u> PrivacyPolicy_v2.2.doc
Owner	Assistant Director Governance
Subject	Data Protection
Protective marking	UNCLASSIFIED
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<b>Document Amendment History</b>			
<u>Revision No</u>	<u>Revised by</u>	<u>Date of Change</u>	<u>Description of Change</u>
<u>0.1</u>	<u>Information Governance Manager</u>	<u>15 May 2018</u>	<u>First draft</u>
<u>0.2</u>	<u>Deputy Chief Executive, Assistant Director Customer Services and Transformation, Web Co-ordinator and Data Transparency Assistant</u>	<u>16 May 2018</u>	<u>Amendments</u>
<u>1.0</u>	<u>Information Governance Manager</u>	<u>22 May 2018</u>	<u>Final version</u>
<u>2.1</u>	<u>Information Governance Manager</u>	<u>14 May 2020</u>	<u>Updated contact details, added committee meetings (including virtual meetings) and website visitors section. Changed title to 'Corporate' to distinguish from any other privacy policies</u>



Approval	Date
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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## 1. Introduction

- 1.1 We are committed to protecting your personal data and privacy and to complying with all the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other privacy laws.
- 1.2 This Corporate Privacy Policy explains how the Council uses the personal information it holds ~~about you~~, in order to deliver services ~~to you~~ and what we do to protect it-your personal data.

### What is personal data?

- 1.3 Personal data is any information that can identify a living individual, so it could be ~~ayour~~ name, address, bank account details, or even ~~your~~ IP address.
- 1.4 There are also 'special categories' of personal data, otherwise known as 'sensitive personal data.' These include; racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic, biometric and health data, sex life or sexual orientation.

### What do we use personal data for?

- 1.5 We only process personal information for specific purposes, for the efficient and effective delivery of our services. 'Processing' includes the collection, use, storage, disclosure and deletion of information.

## 2. Data Controller

- 2.1 Our registration reference, as Data Controller, is **Z6208207**, with the Information Commissioner's Office (ICO).
- 2.2 There may be instances where we share data with another party as Joint Data Controllers, or where we operate as a Data Processor for another party.

## 3. Data Protection Officer

- 3.1 We have a designated Data Protection Officer (DPO), who is our point of contact with the ICO. The DPO is responsible for advising the Council, its contractors and partners on their data protection responsibilities, for assigning responsibilities, monitoring compliance, ensuring appropriate awareness and training and for undertaking and complying with data protection audits.

Our Data Protection Officer is:

~~Matthew Neal~~  
Deputy Chief Executive Assistant Director Governance (Monitoring Officer)  
Eden District Council  
Town Hall  
Corney Square  
Penrith  
Cumbria CA11 7QF

Telephone: 01768 212249450

Email: [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

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## 4. The data protection principles

4.1 We will seek to comply with the GDPR data protection principles:

1. **Lawful, fair and transparent** - process all personal information lawfully, fairly and in a transparent manner.
2. **Purpose limitation** - collect personal information for a specified, explicit and legitimate purpose.
3. **Data minimisation** - ensure the processing of personal information is adequate, relevant and limited to the purposes for which we collect it.
4. **Accuracy** - ensure personal information is accurate and up to date.
5. **Storage limitation** - keep personal information for no longer than is necessary for the purpose(s) for which ~~it is~~we collected~~ed it~~.
6. **Integrity and confidentiality** - keep personal information securely, using appropriate technical or organisational measures.

## 5. The lawful ~~base~~is for processing personal data

5.1 The first data protection principle requires ~~that~~us whenever we process personal data, ~~we~~ to do so lawfully. As a local authority, most of our processing is for; 'the performance of a task carried out in the public interest or in the exercise of official authority,' otherwise known as 'public task.' This means that in most circumstances, we do not require consent to process ~~and~~ share ~~your~~ personal ~~information~~data with our contractors or partners.

5.2 There are a limited number of situations where we require ~~an individual's~~your consent ~~to process personal information~~, such as emailing newsletters to residents and businesses. Occasionally we may require consent when additional information (which is not essential to deliver a service to you) may provide further assistance in supporting an application you may make to the Council. Where this is the case, we will make it clear that consent is needed and you will have the right to withdraw consent at any time.

5.3 Sometimes we ~~may~~will process personal data for other reasons, such as for the performance of a contract, to comply with a legal obligation or in a person's vital interests.

5.4 Whenever we collect ~~your~~ personal data, we will aim to ~~provide inform you of~~ the particular lawful basis that applies in a privacy notice. So for example, if you are completing one of our forms to request a replacement green box for recycling, we will tell you that we are collecting ~~your~~ personal data for the lawful basis known as 'public task.'

5.5 We will aim to record all the circumstances ~~where~~ we process personal data and the lawful basis for the processing in each case, in a Record of Processing Activities (RoPA).

## 6. Purposes of processing personal data

**6.1** As a local authority, we have a duty to deliver certain services to you. In order to do this in an effective way, we need to collect and use personal information. We process personal information to enable us to provide a range of services to local people and businesses, which include:

- maintaining our own accounts and records;
- supporting and managing our employees and Councillors;
- committee meetings, including virtual meetings;
- registering and maintaining online customer accounts;
- promoting the services we provide;
- marketing our local tourism;
- carrying out health and public awareness campaigns;
- managing our properties;
- providing leisure and cultural services;
- carrying out surveys;
- administering the assessment and collection of taxes and other revenue including benefits and grants;
- licensing and regulatory activities;
- local anti-fraud initiatives;
- crime prevention and prosecution of offenders including the use of CCTV;
- corporate administration and all activities we are required to carry out as a data controller and public authority;
- undertaking research;
- the provision of all commercial services including the administration and enforcement of parking regulations and restrictions;
- the provision of all non-commercial activities including refuse collections from residential properties;
- internal financial support and corporate functions;
- managing archived records for historical and research reasons; and
- data matching under local and national fraud initiatives.

**6.2** Occasionally, we may use your personal data for a different purpose, providing that to use it for that other purpose is in an individual's your interests and does not infringe with their your privacy rights. In which case, we will issue a new privacy notice, setting out the purpose of the new use and lawful basis, in advance of any processing. Where relevant, we will seek consent for the new processing activity.

## 7. The categories of personal data we process

**7.1** We shall only process personal data necessary~~which is required~~ to carry out the required task. We will not ask for information which is not required.

**7.2** The categories of personal data we process include:

- personal details
- family details
- lifestyle and social circumstances
- goods and services
- financial details
- employment and education details

- housing needs
- visual images, personal appearance and behaviour
- licenses or permits held
- business activities
- case file information

We also process some sensitive classes of information that may include:

- race
- ethnic origin
- politics
- religion
- trade union membership
- biometrics
- health
- sex life
- sexual orientation

## 8. The sources of personal data we process

**8.1** We process personal information on:

- Councillors;
- customers;
- suppliers;
- employees and persons contracted to provide a service;
- claimants;
- complainants, enquirers or their representatives;
- professional advisers and consultants;
- students and pupils;
- carers or representatives;
- landlords;
- recipients of benefits;
- witnesses;
- offenders and suspected offenders;
- licence and permit holders;
- traders and others subject to inspection;
- ~~people captured by CCTV images; and~~
- speaking members of public at committee meetings, including virtual meetings; and
- representatives of other organisations.

**8.2** In some of the above circumstances, individuals are under a statutory or contractual obligation to provide personal information to us. Where this is the case, we will aim to make it clear in our privacy notices, at the point of data collection and in relevant contract clauses.

## 9. Information sharing

**9.1** To ensure we ~~are able to~~ can provide ~~you with~~ efficient and effective services, we will sometimes share ~~your~~ information within the Council. If you choose the option of setting up an online account ('My ~~Eden~~ Account') with us (~~under our Contact Eden~~

~~scheme~~), we will match your personal data held by our different services, so that you can access as much of it yourself. Your online account will record any changes (such as change of address), so that you do not have to change your details for each of the different services we provide to you.

9.2 We will sometimes share ~~your~~ personal information with our contractors and partners who support the delivery of our services. For example, we may share ~~your~~ personal information with other councils, the Department for Work and Pensions, the Police and the Fire Service.

9.3 We will only ever share personal ~~your~~ information where it is lawful to do so and where we are satisfied that our contractors and partners have adequate measures in place to protect ~~it~~your personal information.

9.4 When sharing personal ~~your~~ information externally, we will aim to use encryption and access controls, Information Sharing Agreements and Data Protection Impact Assessments where appropriate, to keep ~~your~~ personal information secure.

9.5 We will never share your personal information for marketing purposes, without your express consent.

## 10. The country of processing

10.1 Normally, personal data held and processed by the Council will be stored and processed on servers based in the UK. However, it may sometimes be necessary to transfer personal information overseas. If needed, we may transfer information to countries or territories around the world. Any transfers made will be in full compliance with the GDPR, Data Protection Act 2018 and other privacy laws.

## 11. Retention of personal data

11.1 We aim to keep personal ~~your~~ information for only as long as it is required ~~to be retained~~ (the retention period). Once we no longer require it, we will securely and confidentially destroy it. The law, or us, dictate retention periods, or for business reasons.

11.2 We have a Retention Schedule, which sets out the retention periods for each type of information we hold. It also details any relevant legislation, guidance and policy. All retention periods are minimums only and our records are reviewed at the end of the stated time.

## 12. Your rights

12.1 You have certain rights in relation to your data, these are:

- **The right to be informed** - using privacy policies and notices such as this;
- **The right of access** - to any personal information the Council holds about you. To request a copy of this information, you will need to make a subject access request. Please see our Access to Information Policy for more details on how to do this;
- **The right to rectification** - we must correct inaccurate or incomplete data within one month;



- **The right to erasure** - you have the right to have your personal data erased and to prevent processing, under certain circumstances;
- **The right to restrict processing** - you have the right to restrict our processing of your personal information if you believe it to be inaccurate, unlawful, or it is the case that we no longer require it, but you do for legal purposes;
- **The right to data portability** - in situations where we require your consent to process your information and where that processing is carried out by automated means, we will provide you with your personal data in a structured, commonly used, machine readable form, when asked;
- **The right to object** - you can object to your personal data being used to make decisions about you based solely on automated processes (including profiling), for direct marketing or research purposes; and
- **The right to withdraw consent** - in circumstances where we require your consent to process your personal data, you will have the right to withdraw consent at any time.

### **13. Website visitors**

13.1 When someone visits our website, we collect standard internet log information and details of visitor behaviour patterns. We do this to find out things such as the number of visitors to the various parts of our website. We collect this information in a way which does not identify any individuals. We do not make any attempt to find out the identities of those visiting our website.

13.2 We use cookies to help analyse anonymous use of our website and to provide you with a more personalised experience (for example, by remembering which bits of information you last looked at on our maps). Cookies are pieces of information generated by a web server and stored as small text files on the user's computer ready for future access. When you leave our site, it may destroy 'session cookies'; 'persistent cookies' may remain for a period of time.

### **14.3. Complaints about the way we process personal data**

- 14.1 You have a right to complain to us about the way we process your personal data and to the supervisory authority, the Information Commissioner's Office.
- 14.2 If you wish to make a complaint about the way we process your information, you can have your complaint considered under the Council's Complaints Procedure. To do this you will need to contact the Assistant Director Governance (Monitoring Officer) ~~Deputy Chief Executive~~ in writing or by email:

Assistant Director Governance (Monitoring Officer) ~~Deputy Chief Executive~~  
 Eden District Council  
 Town Hall  
 Corney Square  
 Penrith  
 Cumbria CA11 7QF  
[dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

- 14.3 If you are dissatisfied with the way we have handled your complaint, you may contact the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Wilmslow  
Cheshire SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

~~Alternatively, visit: [www.ico.org.uk](http://www.ico.org.uk) or email: [casework@ico.org.uk](mailto:casework@ico.org.uk)~~

~~[Website: ico.org.uk](http://www.ico.org.uk)~~

~~[Email: casework@ico.org.uk](mailto:casework@ico.org.uk)~~

## **15 Review**

- 15.1 This policy will be reviewed by April 2022 in line with any changes to legal and regulatory requirements, relevant guidance and best practice. The review will be undertaken by the Assistant Director Governance (Monitoring Officer) and Information Governance Manager.



***District Council***

Town Hall, Penrith, Cumbria CA11 7QF

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Approved by: Council

Date Approved: 30 July 2020

Review: April 2022

Responsible Officer: Assistant Director Governance (Monitoring Officer)

## **DRAFT Recording and Reporting of Public Meetings Policy**

## Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

## Document Control

Organisation	Eden District Council
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Author	Member Services Team Leader / Information Governance Manager
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Subject	Committee meetings
Protective marking	UNCLASSIFIED
Review date	April 2022

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Revision No	Revised by	Date of Change	Description of Change
v0.1	Information Governance Manager	09 June 2020	Review of Filming, Photography, Recording and Use of Social Networking at Council Meetings Policy 2015  First draft
V0.2	Information Governance Manager, Member Services Team Leader	17 June 2020	Virtual meetings added, summaries added as appendices, contact details updated, amendments for clarification purposes

Approval	Date
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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# **1 Introduction**

- 1.1 This Recording and Reporting of Public Meetings Policy is a public document for Council officers and elected Members, the public and press and any others who may record or report the Council's public meetings. This policy supports the transparency, accessibility and accountability of our decision making.

# **2 Purpose**

- 2.1 The purpose of this policy is to provide a commitment and clear direction on the recording and reporting of the Council's public meetings (including virtual meetings) and to ensure compliance with all relevant legislative and regulatory requirements and our Constitution.

# **3 Scope**

- 3.1 This policy applies to the recording and reporting of the Council's formal public meetings (including virtual meetings), where decisions are made in respect of Council business and which are open to members of the public and press to attend. These include:
- Council;
  - Executive;
  - Planning Committee;
  - Overview and Scrutiny Committee;
  - Budget Planning Committee;
  - Licensing Committee;
  - Human Resources and Appeals Committee; and
  - Accounts and Governance Committee.
- 3.2 Portfolio Holder meetings are not included, as they are not open to the public or press.
- 3.3 This policy does not apply to private meetings, such as training sessions, task and finish group meetings, officer or Member working group meetings or political group meetings, as these are not formal public meetings.
- 3.4 This policy covers both meetings held physically, with some or all elected Members being present in a room and also virtual meetings, where a meeting 'is held' in different remote/virtual locations. As such, this policy helps to support the Council's 'Virtual Public Meetings Policy,' introduced in May 2020 in response to the Coronavirus pandemic.
- 3.5 This policy covers all forms of recording and reporting and all forms of media, including (but not limited to) filming and photography, video links and live streaming, blogging and the use of social media.
- 3.6 A distinction is drawn in this policy between recording and reporting, as it is possible to record without reporting and also to report without recording.

## **4 Policy Statement**

- 4.1 We are committed to being open and transparent about how we work, how our decisions are made and the services we provide and to complying with all legal and regulatory requirements and our Constitution.
- 4.2 We welcome the use of modern communication methods at our public meetings and also to enable our public meetings to take place virtually/remotely where appropriate.
- 4.3 We will make available shorter summaries of this policy, targeted at relevant audiences, including one for the public and press, which is provided at Appendix B to this policy and can be used as a notice or poster in venues where the Council's public meetings are held. It will also be made available on our website.
- 4.4 In our own recording and reporting of our public meetings, we will seek to balance our obligations for accountability and transparency with our data protection and confidentiality duties. Where information is exempt from disclosure for data protection reasons or because we are subject to a duty of confidentiality, we will seek to edit that information. In the event of a breach involving personal information, we will follow our Personal Data Breach Policy.

## **5 Legal and Regulatory Requirements**

- 5.1 We will seek to comply with all relevant legal and regulatory requirements and guidance in relation to the recording and reporting of our public meetings.
- 5.2 In accordance with the Openness of Local Government Bodies Regulations 2014, persons and press attending any meeting of the Council open to the public are allowed to record and/or report all or part of that meeting. This includes filming, recording, photographing or any other means for enabling people not present to see or hear proceedings at a meeting at the same time as it takes place or later. We will provide reasonable facilities to enable them to do so, as far as is practical.
- 5.3 We will seek to comply with The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 and all other relevant legal and regulatory requirements and guidance in relation to the recording and reporting of our public meetings (including virtual meetings). During the Coronavirus pandemic, councils have new powers to hold meetings through electronic, digital, virtual locations and telephone conferencing. The Regulations apply to meetings held before 7 May 2021 and permit the holding of meetings without all, or indeed any elected Members being present in a room
- 5.4 During our public meetings, there may be occasions when recording and reporting is not permitted, in accordance with provisions set out in Schedule 12A of the Local Government Act. This is when matters involving exempt or confidential information are under discussion

5.5 The main legal and regulatory requirements that apply to the recording and reporting of the Council's public meetings are:

- Common Law Duty of Confidentiality;
- Equality Act 2010;
- General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA);
- Local Government Act 1972, Schedule 12A;
- Local Government Act 1985, S85;
- The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020; and
- The Openness of Local Government Bodies Regulations 2014.

5.6 The recording or reporting of meetings does not replace the formal written minutes of any meeting. Neither does it necessitate or dictate that minutes need to be a verbatim account. Minutes of a meeting are a summary of the business transacted at the meeting, with a record of the resultant decisions.

## **6 Notification**

- 6.1 The Chairman or legal officer will announce at the beginning of a public meeting if it is to be recorded and/or reported (video linked and live streamed) by the Council and whether it is to be capable of repeat viewing or listening (if audio only).
- 6.2 A statement will be included on agendas of public meetings to announce whether all or part of the meeting is to be recorded and/or reported. A link and joining instructions will be provided if all or part of the meeting is to be video linked and live streamed.
- 6.3 The Chairman or legal officer will advise that recording and reporting is to stop, when matters involving exempt or confidential information are under discussion according to Schedule 12A of the Local Government Act 1972.
- 6.4 The Chairman or legal officer will attempt to announce when the Council's recording or reporting is to be stopped or suspended due to technical issues, or for any other reason.

## **7 Recording and Reporting Requirements**

- 7.1 This section and its requirements applies to all recording and reporting of the Council's public meetings by any persons, including (but not limited to) the Council, public and press.
- 7.2 Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- 7.3 Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian. If an adult with known learning disabilities or mental health issues is expected to be speaking at a meeting, there will be a need to ensure they have given their informed consent.
- 7.4 Recording and reporting of the public gallery is not permitted.



- 7.5 All persons recording and/or reporting must remain silent while doing so, unless asked by the Chairman to comment.
- 7.6 Any filming must be carried out in such a way as to ensure the view of proceedings by others present is not obscured at any time.

## **8 Recording and Reporting by the Council**

- 8.1 Audio recording was enabled by the Council by the introduction of a digital microphone system in the Council Chamber during 2018. Video recording and live streaming were enabled during May 2020, to allow for virtual meetings during the Coronavirus pandemic.
- 8.2 Recording and/or live streaming by the Council will start at the opening of the meeting and will stop at the close of the meeting, or as instructed by the Chairman.
- 8.3 Recordings of our public meetings may be made and publicly available for repeat viewing and/or listening. A statement to this effect will be included on the Council's website and displayed in the Council Chamber, or other venue where a public meeting is taking place.
- 8.4 Recordings or associated transcripts and/or their links may be edited or removed from public view if the Monitoring Officer considers it is likely to be in breach of any statutory provision or other legal requirement.
- 8.5 Any recordings or associated transcripts made by the Council may be edited to:
- remove confidential items in accordance with 12A of the Local Government Act 1972;
  - remove obscenities or actionable remarks;
  - remove any images or audio of children or vulnerable adults (safeguarding);
  - comply with Human Rights legislation;
  - comply with Data Protection legislation;
  - address technical issues; and
  - remove items out-with the scope of the meeting.
- 8.6 Recordings and any associated transcripts will be retained in line with the Council's Retention Policy and Schedule.

## **9 Information Security**

- 9.1 We are committed to preserving the confidentiality, integrity and availability of our information systems and assets. We will seek to do this in accordance with our Information Security Policy, through a range of administrative, technical and physical controls.
- 9.2 We will seek to use appropriate technical and organisational measures wherever possible, including platforms and equipment, to ensure the security, integrity and availability of our virtual meeting video links, live streaming and any associated recordings.

## 10 Roles and Responsibilities

- 10.1 The Monitoring Officer has day to day responsibility for ensuring the proper administration of committee meetings and compliance with the Constitution. The Data Protection Officer is responsible for compliance with Data Protection legislation.

The Monitoring Officer and Data Protection Officer is:

Assistant Director Governance (Monitoring Officer)

Eden District Council

Town Hall

Penrith

Cumbria CA11 7QF

Telephone: 01768 212249

Email: [dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

- 10.2 The Chairman has absolute discretion to adjourn a meeting or to terminate or suspend the recording and reporting of proceedings, if in the opinion of the Chairman, continuing to record or report would prejudice the proceedings of the meeting. This includes:

- Public disturbance, or use of obscenities;
- Exclusion of the press being moved and supported by the Members; and
- Any other reason moved and seconded and supported by the Members.

- 10.3 Democratic Services officers will provide guidance and advice on the recording and reporting of meetings.

- 10.4 The Senior Information Risk Officer/Owner (SIRO) has overall responsibility for managing information risk in relation to all aspects of the Council's recording and reporting of public meetings.

- 10.5 The Head of Shared ICT and Lead for Digital Innovation will ensure appropriate technical support, information security and equipment for the Council's recording and reporting of public meetings.

## **11 Recording and Reporting by the Public and Press**

- 11.1 While a meeting is open to the public, any person attending wishing to record or report proceedings is, so far as practicable to be afforded reasonable facilities (such as Wifi and electricity supply) for doing so.
- 11.3 All persons recording or reporting must be courteous and respectful at all times.
- 11.4 Recording and reporting of meetings must not be edited in such a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards another person.
- 11.5 Electronic devices used for recording or reporting, such as laptops, tablets, cameras or mobile phones etc. must not be audible during proceedings and should be placed on silent settings.
- 11.6 The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.
- 11.7 Any person wishing to record or report using large equipment (including the use of a camera and tripod), or having other special requirements should contact the Council at least 24 hours in advance of the meeting to seek advice and guidance, by email: [cttee.admin@eden.gov.uk](mailto:cttee.admin@eden.gov.uk) or telephone: 01768 817817 Such requests will be subject to practical considerations and the constraints of meeting rooms. This requirement is to prevent proceedings from being disrupted and so that others attending the meeting can be informed.
- 11.8 Persons using large equipment or having special arrangements must arrive at least half an hour prior to the commencement of the meeting to set up, in order to avoid disruption to proceedings.
- 11.9 Cameras and/or tripods must not be dismantled or removed until the public meeting has been completed, unless otherwise permitted by the Chairman.
- 11.10 Any filming with the use of a camera and tripod must be carried out from a vantage point designated by a Council officer. Persons filming using a camera and/or tripod must remain at their vantage point for the duration of the meeting.
- 11.11 Persons wishing to record or report the Council's public meetings must provide their own equipment.
- 11.12 The Council does not accept any responsibility for the damage or loss of any equipment or device used by a member of the public or press.
- 11.13 Free Wifi is provided for use by the public and press in the Council Chamber.

## **12 Compliance**

- 12.1 All Council officers and elected Members, members of the public and press must comply with this Recording and Reporting of Public Meetings Policy.

## **13 Review**

- 13.1 This policy will be reviewed by April 2022, in line with any changes to legal and regulatory requirements, relevant guidance and best practice. The review will be undertaken by the Assistant Director Governance (Monitoring Officer) and Information Governance Manager.

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## **Appendix A – Summary - Recording and Reporting by Eden District Council**

- Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian. If an adult with known learning disabilities or mental health issues is expected to be speaking at a meeting, there will be a need to ensure they have given their informed consent.
- Recording and reporting of the public gallery is not permitted.
- All persons recording and/or reporting must remain silent, unless asked by the Chairman to comment.
- Any filming must be carried out in such a way as to ensure the view of proceedings by others present is not obscured at any time.
- Recording and/or live streaming by the Council will start at the opening of the meeting and will stop at the close of the meeting, or as instructed by the Chairman.
- Recordings of our public meetings may be made and publicly available for repeat viewing and/or listening. A statement to this effect will be included on the Council's website and a printed notice will be displayed in the Council Chamber.
- Recordings or associated transcripts and/or their links will be edited or removed from public view if the Monitoring Officer considers it is likely to be in breach of any statutory provision or other legal requirement.
- Any recordings or associated transcripts made by the Council may be edited to:
  - remove confidential items in accordance with 12A of the Local Government Act 1972;
  - remove obscenities or actionable remarks;
  - remove any images or audio of children or vulnerable adults (safeguarding);
  - comply with Human Rights legislation;
  - comply with Data Protection legislation;
  - address technical issues; and
  - remove items out-with the scope of the meeting.
- Recordings and any associated transcripts will be retained in line with the Council's Retention Policy and Schedule.

## **Appendix B – Summary - Recording and Reporting by the Public and Press**

- Any recording and reporting should be focused on those speaking officially at the meeting and should be overt and obvious to those present.
- Recording and reporting of children under the age of 18 who are speaking at or attending Council meetings is not permitted without the consent of their parent or guardian.
- Recording and reporting of the public gallery is not permitted.
- All persons recording and/or reporting must remain silent, unless asked by the Chairman to comment.
- Any filming must be carried out in such a way as to ensure the view of proceedings by others present is not obscured at any time.
- While a meeting is open to the public, any person attending wishing to record or report proceedings is, so far as practicable to be afforded reasonable facilities (such as Wifi and electricity supply) for doing so.
- All persons recording or reporting must be courteous and respectful at all times.
- Recording and reporting of meetings must not be edited in such a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards another person.
- Electronic devices used for recording or reporting, such as laptops, tablets, cameras or mobile phones etc. must not be audible during proceedings and should be placed on silent settings.
- The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.
- Any person wishing to use large equipment (including the use of a camera and tripod), or having other special requirements should contact the Council at least 24 hours in advance of the meeting to seek advice and guidance, by email: [cttee.admin@eden.gov.uk](mailto:cttee.admin@eden.gov.uk) or telephone: 01768 817817. Such requests will be subject to practical considerations and the constraints of meeting rooms. This requirement is to prevent proceedings from being disrupted and so that others attending the meeting can be informed.
- Persons using large equipment or having special arrangements must arrive at least half an hour prior to the commencement of the meeting to set up, in order to avoid disruption to proceedings.
- Cameras and/or tripods must not be dismantled or removed until the public meeting has been completed, unless otherwise permitted by the Chairman.

- Any filming with the use of a camera and tripod must be carried out from a vantage point designated by a Council officer. Persons filming using a camera and/or tripod must remain at their vantage point for the duration of the meeting.
- Persons wishing to record or report the Council's public meetings must provide their own equipment.
- The Council does not accept any responsibility for the damage or loss of any equipment or device used by a member of the public or press, or other party.
- Free Wifi is provided for use by the public and press in the Council Chamber.

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***District Council***

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: [info.governance@eden.gov.uk](mailto:info.governance@eden.gov.uk)

Approved by: Council

Date Approved: 30 July 2020

Review: May 2021

Responsible Officer: Assistant Director Governance (Monitoring Officer)

## **DRAFT Virtual Public Meetings Privacy Policy**

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## Accessibility Information

A summary of the information contained in this document is available in different languages or formats upon request. Contact Eden District Council's Communication Officer, telephone: 01768 817817 or email: [communication@eden.gov.uk](mailto:communication@eden.gov.uk)

## Document Control

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Author	Information Governance Manager
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Revision No	Revised by	Date of Change	Description of Change
0.1	Information Governance Manager	16 June 2020	First draft

Approval	Date
Corporate Leadership Team	24 June 2020
Council	30 July 2020

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## **1. Introduction**

- 1.1 We are committed to protecting your personal data and privacy and to complying with all the requirements of the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other privacy laws.
- 1.2 This Virtual Public Meetings Privacy Policy explains how the personal information involved in the Council's virtual public meetings and any associated recordings or transcripts is used and what we do to protect it.
- 1.3 The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 temporarily remove the legal requirement for local authorities to hold public meetings in person and to allow meetings to be conducted remotely (virtually). This means that during the Coronavirus pandemic, councils have new powers to hold meetings through electronic, digital, virtual locations and telephone conferencing.
- 1.4 The Regulations apply to meetings held before 7 May 2021.
- 1.5 The Regulations permit the holding of meetings without all, or indeed any Councillors being present in a room. 'Being present' at a meeting and 'open to the public' includes access by remote means and different remote/virtual locations.
- 1.6 We will seek to use appropriate technical and organisational measures wherever possible, including platforms and equipment, to ensure the security, integrity and availability of our virtual meeting video links, live streaming and any associated recordings or transcripts. We use Microsoft Team's conferencing technology for our virtual public meetings.

## **2. Data Controller**

- 2.1 Our registration reference, as Data Controller, is **Z6208207**, with the Information Commissioner's Office (ICO).
- 2.2 There may be instances where we share data with another party as Joint Data Controllers, or where we operate as a Data Processor for another party.

## **3. Data Protection Officer**

- 3.1 We have a designated Data Protection Officer (DPO), who is our point of contact with the ICO. The DPO is responsible for advising the Council, its contractors and partners on their data protection responsibilities, for assigning responsibilities, monitoring compliance, ensuring appropriate awareness and training and for undertaking and complying with data protection audits. Our Data Protection Officer is:

Assistant Director Governance (Monitoring Officer)  
Eden District Council  
Town Hall  
Corney Square  
Penrith  
Cumbria CA11 7QF

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## **4. The data protection principles**

- 4.1 We will seek to comply with the data protection principles in all aspects of our virtual public meetings. Go to our [Corporate Privacy Policy](#) for more information.

## **5. The lawful bases**

- 5.1 Our lawful bases for processing personal information in connection with our virtual public meetings are; 'legal obligation' and 'public task.'
- 5.2 Go to '[Privacy and Microsoft Teams](#)' for information on Microsoft's lawful bases.

## **6. Purposes of processing personal data**

- 6.1 As a local authority we have a duty to deliver certain services. In order to do this in an effective way, we need to collect and use personal information.
- 6.2 We use Microsoft Team's conferencing technology for remote attendance at our virtual public meetings, where Councillors, officers, third party representatives (such as consultants) and speaking members of the public are able to hear and see and be heard and seen by others in attendance at the meeting, whether in person or in remote attendance.
- 6.3 Any person observing (not in attendance) the live streaming or recording of one of our virtual public meetings will also be able to hear and see those speaking.
- 6.4 Websites can be seen throughout the world and not just in the United Kingdom, where UK data protection law applies.
- 6.3 We may make transcripts and/or recordings of our virtual public meetings, to improve accessibility and provide greater transparency and clarity on how decisions are reached. These may be made available for play-back, with links to the recordings on our website.

## **7. The categories of personal data**

- 7.1 We shall only process data necessary to carry out the required task. We will not ask for information which is not required.
- 7.2 The categories of personal data we process for our virtual public meetings may include:
- full name and any names of those on whose behalf you may be speaking
  - email address
  - job title
  - physical office address
  - personal address
  - telephone number
  - audio and video call recording images
- 7.3 Microsoft Teams collects certain categories of personal data, needed to allow video conferencing to function properly. These include:
- name
  - IP address

- Telephone number

## **8. Information sharing**

- 8.1 Minutes and details of decisions are published on our website once available.
- 8.2 Recordings of virtual public meetings made by the Council on Microsoft Teams may be available for playback.
- 8.3 If you have asked a question, or participated in a discussion, some information about you may be included in our minutes or transcripts.
- 8.4 Go to our [Corporate Privacy Policy](#) for more information on our sharing of information.

## **9. The country of processing**

- 9.1 Go to '[Location of data in Microsoft Teams](#)' for information on the countries of processing.

## **10. Retention of personal data**

- 10.1 We aim to keep personal information for only as long as it is required (the retention period). Once we no longer require it, we will securely and confidentially destroy it. The law, or us, dictate retention periods, or for business reasons.
- 10.2 We have a Retention Schedule, which sets out the retention periods for each type of information we hold. It also details any relevant legislation, guidance and policy. All retention periods are minimums only and our records are reviewed at the end of the stated time.
- 10.3 Go to '[Privacy and Microsoft Teams](#)' for information on Microsoft's retention of personal data.

## **11. Your rights**

- 11.1 You have certain rights in relation to your data. Please refer to our [Corporate Privacy Policy](#) for more details.

## **12. Website visitors**

- 12.1 If you visit our website in connection with our virtual public meetings, please note that we collect some standard internet log information and details of visitor behaviour patterns (cookies). Go to our [Corporate Privacy Policy](#) for more details.

## **13. Complaints about the way we process personal data**

- 13.1 You have a right to complain to us about the way we process your personal data and to the supervisory authority, the Information Commissioner's Office.
- 13.2 If you wish to make a complaint about the way we process your information, you can have your complaint considered under the Council's Complaints Procedure. To

do this you will need to contact the Assistant Director Governance in writing or by email:

Assistant Director Governance (Monitoring Officer)  
Eden District Council  
Town Hall  
Corney Square  
Penrith  
Cumbria CA11 7QF

[dcls@eden.gov.uk](mailto:dcls@eden.gov.uk)

- 13.3 If you are dissatisfied with the way we have handled your complaint, you may contact the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Wilmslow  
Cheshire SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number

Website: [ico.org.uk](http://ico.org.uk)

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

## **14 Review**

- 14.1 This policy will be reviewed by May 2021, in line with any changes to legal and regulatory requirements, relevant guidance and best practice. The review will be undertaken by the Assistant Director Governance (Monitoring Officer), Member Services Team Leader and Information Governance Manager.