



## **Information Rights Policy**

### **Introduction**

1. This policy details the statement of intent that Nottinghamshire County Council (NCC) and its staff will follow in respect of the public's information rights.
2. Information rights are often referred to by the name of the legislation under which the rights are given (i.e. Freedom of Information and Environmental Information, and for personal information the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR)).
3. We hold information in order to provide services to the public. Where practical we make available public information through our website, in leaflets and on request. We need to restrict publication of some information because it is confidential, may have a copyright attached or contains personal information about people.
4. We collect and hold personal information to provide services to individuals. Individuals have rights in respect of their personal information under data protection legislation and the Council must fulfil its obligations in respect of those rights. These rights are:
  - a) The right to be informed about how and why their data is being used.
  - b) The right of access to their own personal information held by the Council
  - c) The right of rectification where their data is inaccurate or not up to date.
  - d) The right to erasure of their data
  - e) The right to restrict the processing of their data by the Council
  - f) The right to object to processing of their data by the Council
  - g) The right to have their data 'ported' to another organisation
  - h) The right to withdraw consent where this is the legal basis relied upon
  - i) Rights in relation to automated decision making and profiling.
5. These rights apply to all organisations which collect and use the personal data of UK citizens. However, the rights are not absolute. Rather they are qualified rights which will only apply in particular circumstances and to certain types of business activities.
6. People should be confident that they can exercise their rights and that we will handle their personal information responsibly, securely and in line with good practice.

7. This policy forms part of the Council's Information Governance Framework and is underpinned by relevant standards and procedures for Council staff, together with further guidance to help the public and staff.

## Definitions

8. "We" means the County Council and includes all members, employees, trainees / apprentices and volunteers of the County Council and contractors, suppliers and partners delivering County Council services on our behalf.
9. Information is used here as a collective term to cover terms such as data, documents, records and content, audio recordings, digital and photographic images etc. and can be on paper or electronic.
10. Processing is any operation or set of operations which is performed on personal information such as collection, recording, storing, alteration, combining, retrieval, use, disclosure, destruction etc.
11. Personal information here means any identifiable data or information relating to a living or deceased individual.
12. Council information includes any data or information that is held by us on behalf of individuals, business, partners or that we create in order to carry out our services.
13. The data subject is the person about whom personal data is being processed.

## Scope

10. The principles and commitments set out in this policy apply to all members, employees, trainees / apprentices and volunteers of the County Council and to contractors, suppliers and partners delivering County Council services on our behalf.
11. Members of the Council should note that in respect of their constituency duties as an elected representative they are data controllers in their own right and are responsible for ensuring any personal information they hold/use in this capacity is treated in accordance with the relevant legislation.
12. This policy does not apply to information held by schools who are individually responsible for ensuring that they comply with Data Protection and Freedom of Information legislation. If a request concerns data protection in a school or a wish to access school records, the requester should contact the Head Teacher of the relevant school.

## Principles and Commitments

### Personal information

13. We will handle all personal information in a safe, responsible and secure manner.
14. We will meet our obligations to protect personal data and the rights to privacy. This will be in accordance with the principles of the UK General Data Protection Regulation, Data Protection and Human Rights Acts and other relevant legislation and common law.
15. We will have an [Appropriate Policy Document](#) setting out how we will process special categories of personal data and criminal convictions data.
16. We will consider and address the risks to personal information when we are planning to use or hold personal information in new ways. For example, when are introducing new systems, or new ways of working.
17. We will investigate and may take disciplinary or contractual action if staff or contractors misuse or do not look after personal information properly.
18. We may need to share personal information in order to perform our statutory duties, legal obligations and public tasks.
19. We will not rely on, or ask for, individuals' consent to use and share their personal information, when there is a more appropriate legal basis.
20. Where consent is the only legal basis available to process personal information, we will ensure that it is freely given, people are made aware of their right to withdraw consent and that the mechanisms are in place to enable them to do so.
21. We will provide and publish privacy notices which explain why we collect personal information, how we use and share information and the rights that people have over their data.
22. Individuals' rights of individuals depend on the legal basis under which we process their data, as set out in our privacy notice(s).
23. Our [Records Retention and Disposal Schedule](#) will detail how long we keep particular types of documents and records. It will be publicly available with a link from our privacy notice(s).
24. We will respond to information rights requests as soon as possible and within the relevant statutory timescales.

25. Where reasonable and practical, we will provide the information in the format requested.
26. We will set out procedures for managing how the Council will deal with information rights and ensure staff aware of their obligations through the provision of guidance and training.
27. Where our suppliers process personal information on our behalf, they will be contractually obliged to support us in appropriately responding to information rights requests.

## **Public information**

27. We wish to be an accountable and transparent Council and will publish a range of non-personal information for the public to access, in a reusable format.
28. We will state if any charges, or restrictions on use, apply in respect of requests for both general and personal information.
29. We will provide as much open access to our information as possible and through a Publication Scheme. Wherever possible, information will be available in digital format from our website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).
30. We will set out procedures for requesting and responding to formal requests for general information and we will respond within 20 working days.
31. We will set out procedures to enable a review to be requested and for responding to review requests where requestors are dissatisfied with our initial response. We will ordinarily respond to the review request within 20 working days.
32. We will advise individuals that they may get advice from, or complain to, the Information Commissioner's Office if they are not satisfied with the outcome of requests for information or responses to the exercising of their rights.
33. We will treat people justly and fairly when they are exercising their rights and in dealing with requests for information.

## **Responsibilities**

35. Nottinghamshire County Council is the overall body responsible for responding to requests for information which it holds, with the legal obligations being enforced by the Information Commissioner's Office and the courts.
36. Specific responsibilities for staff within the Council are as follows:

<b>Staff member/group</b>	<b>Responsibility</b>
All staff and others working for or on behalf of NCC.	Awareness of the relevant legislation relating to requests for information
All staff and others working for or on behalf of NCC.	Understanding and adhering to this Policy and its related procedures
Data Protection Officer	Establishing arrangements to monitor and report on compliance with this policy, provide support and advice and training.
Complaints and Information Team	Maintaining a record of requests for information, coordinating responses and managing liaison with the requestor (except where requests are from current or former staff members, in which case Human Resources will fulfil this role)
HR Service	Maintaining record of all requests for information and managing liaison with requestor where requests are from current or former staff members and are related to Human Resources records.
All managers	Compliance with and implementation of this policy within their teams

## Monitoring and review

37. This policy and the supporting standards will be monitored and reviewed a minimum of every two years in line with legislation and codes of good practice.

## Appendices

38. NCC information standards, procedures and guidelines which support this policy, which at the time of this policy's approval include:

- [Records Retention & Disposal Schedule](#)
- [Data Subject Information Rights Procedure](#)
- [Subject Access Requests \(SARs\) Procedure](#)
- [Freedom of Information and Environmental Information Regulations Requests Procedure](#)
- [Access to Information Procedure](#)
- [Access to Deceased Persons Records Procedure](#)
- [Privacy Notice Procedure](#)
- [Obtaining and Managing Consent to Process Personal Data Procedure](#)

## External Legislation

39. External legislation related to this policy includes:

- [UK General Data Protection Regulation](#)
- [Data Protection Act 2018](#)
- [Human Rights Act 1998](#)
- [Freedom of Information Act 2000](#)
- [Environmental Information Regulations 2004](#)
- [Local Government Acts](#)

## Further Information

39. Further Information can be obtained from:

The Complaints & Information Team

By email: [accessto.records@nottscc.gov.uk](mailto:accessto.records@nottscc.gov.uk)

By telephone: 0115 977 2788

By post: Complaints & Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP

40. The Information Commissioners Office (ICO) is the UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Information Commissioners Office

Website: <http://ico.org.uk/>

Web form: <https://ico.org.uk/global/contact-us/>

By telephone: 0303 123 1113

By Post: The Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

## Document Control

<b>Owner</b>	Data Protection Officer
<b>Author</b>	Caroline Agnew, Data Protection Officer
<b>Last Reviewer</b>	Jason Monks, Acting Data Protection Officer
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1.0	28/03/19	Original document approved by Policy Committee
2.0	30/10/19	Lists rights, underpinning procedures, updates links and minor changes to align with post-GDPR knowledge and experience.
2.1	17/01/23	Policy review and minor amends
2.2	26/11/24	Policy review and minor amends

## Nottinghamshire County Council – Information Rights Policy

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