

## Handling personal, confidential or sensitive information in Place Management

### Overview

The Place Management service receives a large number of representations from members of the public regarding planning matters. These responses form an important part of the licensing process, and often contain personal, confidential or sensitive information, so it is important that we handle these in an appropriate way.

The General Data Protection Regulation (GDPR) and Data Protection Act 2018 govern how personal data is handled by the council. Personal data is information that allows a living person to be identified, on its own or in combination with other data.

This data includes name, address, signature or other contact information. Other personal data provided may be sensitive and or confidential, such as information about people's medical records, criminal records, ethnicity, political affiliations, trade union membership etc. This data may be held in electronic format, paper, or any other media such as video.

The GDPR requires that data about individuals is:

- a) processed **lawfully, fairly** and in a **transparent** manner in relation to individuals;
- b) **collected for specified, explicit and legitimate** purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) **adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed;
- d) **accurate and, where necessary, kept up to date**; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which **permits identification of data subjects for no longer than is necessary** for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that **ensures appropriate security** of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures."

### What information should be redacted before publication?

Telephone numbers, signatures & email addresses should always be redacted on every comment before publication. These details will still be available to licensing officers to assist with their assessment. We do however publish the name and address of objectors and/or supporters of licensing applications.

In addition officers preparing the comments for publication need to check the body of the response to identify and redact any information which could be considered as

personal data. Examples of this would be: date of birth, national insurance number, photographs, email address, phone numbers. You should also be aware that special category data should be removed (see below).

### Handling 'Special category data'

Under this act 'Special category data' means data consisting of information as to:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation

This form of personal data is subject to stricter rules as to when we can use such data and therefore particular care is required before you do anything with such information. It should always be redacted before publication.

If you are in any doubt please discuss with a Manager or the Information and Records Management Team before publication. It is also worth noting that while transparency in the licensing process is an important principle, we are under no legal duty to publish comments. Therefore where you are in any doubt it is better to exercise caution in what you publish.

### Roles of officers and managers

The officer who logs consultation responses is responsible for ensuring that information described above is redacted before the comments are published on the website.

When the case officer reviews the responses as part of their assessment of the case, they should act as a 'second-pair of eyes' to double check that no sensitive information has been published in error. If they realise an error they should redact the appropriate information and report it immediately to their line manager.

If the case officer receives a consultation responses directly which they log themselves then they are responsible for ensuring that relevant information as set out above is redacted before the comments are published on the website.

### Process for redacting information

Documents should always be redacted through the use of the appropriate software. Currently this means that all redaction needs to be carried out using the Trim system. Officers should not use any other method of redaction, as this can't guarantee the information will be correctly protected.