

Darren Jones MP

# Data Protection Policy - GDPR

May 2018

## 1. Introduction

Darren Jones MP must process personal data to carry out the necessary work of an MP.

This data must be processed appropriately and securely, regardless of how it is initially collected or recorded.

This policy has been compiled to ensure compliance with the GDPR.

The GDPR applies to 'controllers' and 'processors'. For all definitions please see Glossary of Terms.

Further information on GDPR can be found on: <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/>

## 2. Data Controller and Data Protection Officer

Darren Jones MP is the Data Controller under the GDPR. Darren Jones MP is responsible for notifying the Information Commissioner of the data he holds or is likely to hold, and the general purposes that this data will be used for. This applies to all data sourced from inside the EU.

Darren Jones MP must register with the Information Commissioners Office on an annual basis.

A Data Protection Officer with specific responsibility for ensuring compliance with GDPR and any 'Right to/of' requests has been appointed. In their temporary absence, this role falls to the Data Controller.

## 3. Lawful Basis for processing information

1. Darren Jones MP's lawful basis for processing data for casework, campaign related and policy-based enquiries is legitimate interest. Processing is necessary for the purposes of the legitimate interests pursued by the controller, or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, where the data subject is a child. The lawful basis of public interest and/or exercise of authority applies when Darren Jones MP is acting on behalf of the House of Parliament (for example, as part of a select committee).

Additionally, the data subject's consent is sought at every opportunity where contact is indirect (i.e. by an advocate). Consent to processing can be withdrawn at any time.

2. Darren Jones' lawful basis for processing data for non-political marketing, campaigning or addressed information-sharing purposes (specifically e-newsletters) is consent. Consent has been obtained directly and can be easily withdrawn at any time. A Privacy Notice has been compiled to share information with subjects where consent is required.

While carrying out the casework and/or policy related duties of an MP, Darren Jones has access to, and is shared, special category data about subjects.

The lawful basis for processing special category data is public interest. Public interest includes elected representatives (or their staff) taking actions on behalf of an individual where it is wholly necessary to their enquiry.

## 4. Principles of Data Processing

Personal data shall be:



Darren Jones MP regards the lawful and correct treatment of personal data as crucial to maintaining the confidence of constituents and third-party agencies. To this end, Darren Jones MP will adhere to the Principles of GDPR.

A [Personal Data Audit](#) has been undertaken by the Data Controller's Designated Data Protection Officer and will be reviewed on a minimum per annum basis.

Specifically, the Principles require that personal information:

- a) Shall be processed **fairly and lawfully**, and shall not be processed unless specific conditions are met. This includes detailing the lawful basis and ensuring privacy notices.
- b) Shall be obtained **only** for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- c) Shall be **adequate, relevant and not excessive** in relation to those purpose(s), only the minimum amount of information will be requested and where it is wholly necessary. Information will not be collected for 'just in case' scenarios. Information supplied by constituents/advocates/third parties that is not necessary to the enquiry may be redacted before it is stored.
- d) Shall be **accurate** and, where necessary, **kept up to date**. Trusted sources/routes will be used and data is updated, as required, by the responsible caseworker. Minimum once a year, constituents will be routinely asked if they still live at the same address. Updates to the electrical roll are also added to electronic systems minimum once per annum.
- e) Shall only retained for as long as necessary – casework files will be deleted from electronic systems after a maximum **of four years** after the case has closed/the last contact. Current but unnecessary information will be securely deleted/disposed of.
- f) Shall be processed in accordance with the **rights of data subjects** under the Act,
- g) Shall be kept **secure** by the Data Controller who takes appropriate technical and other measures to **prevent unauthorised or unlawful processing** or accidental loss or destruction of, or damage to, personal information. Access to systems is restricted to

employees (and interns/volunteers who have signed Model Volunteer Agreements and completed contracts) and removed upon cessation of employment.

- h) Shall **not be transferred to a country or territory outside the European Economic Area** unless that country or territory ensures an adequate level of protection for the rights and freedoms of subjects/Service Users in relation to the processing of personal information.

Darren Jones MP, through appropriate management and strict application of criteria and controls, including a [Personal Data Audit](#), will:

- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation, voting record, political views or ethnicity when dealing with requests for information
- Respond appropriately to all 'right to/of' requests.
- Ensure that any breaches will be formally reported to the Information Commissioners Office as required.

## 5. Data collection and consent

Consent must be freely given, specific, informed and unambiguous. Consent can be withdrawn at any time.

Informed consent is when:

- A subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing (or later withdrawing) the proposed use of the data
- And then gives their consent.

Daren Jones MP will ensure that data is collected within the boundaries defined in this policy. A [Privacy Notice](#) has been completed and access will be shared with subjects prior to consent being obtained.

When collecting data, the Data Controller (as an organisation) will ensure that the subject:

- a) Clearly understands why their information is needed and **opts in** to receive further information such as general (non-political) newsletters.
- b) Understands what their information will be used for and what the consequences are should the subject decide not to give consent to processing or later withdraws consent
- c) As far as reasonably possible, grants explicit written consent for their data to be processed or for an advocate to act of their behalf
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used
- f) Understand they have a right to remove themselves from mailing lists or withdraw consent for further data processing etc. at any time,

- g) Understand they have a variety of 'right of/to' listed in section 7.
- h) In relation to children and young people aged under 16, data processing only takes place (in relation to their responsible adult's case) where the data has been directly provided by the parent/guardian or their advocate.

## **6. Disclosure of Data to third parties**

The Data Controller may share data with other agencies such as the local authority, government agencies and other voluntary service providers. This is necessary to complete many of the core duties as a Member of Parliament i.e. to progress casework.

- 1- Where there is indirect contact by a family member, friend or advocate, the subject requiring support will be asked to complete a signed, written consent form \*

**or**

- 2- Where the subject has contacted the MP directly to seek support but it is unclear what action the subject requires – the subject will be asked for clarification before any action is taken that requires the sharing of any data with third parties.

In the above circumstances the subject will usually be made aware how, and with whom, their information will be shared.

There are circumstances where the law allows Darren Jones MP, as an elected representative, to disclose data (including special category data) without the explicit data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of a subject or other person
- c) The Subject has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) \* Providing a confidential service where the subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing highly distressed, imprisoned and/or terminally ill subjects to provide consent signatures.

## **7. Data Security and Retention**

Information and records relating to subjects will be stored securely and will only be accessible to authorised staff and volunteers.

Staff will be required to sign a Data Protection and Confidentiality Agreement (or Model Volunteer Agreement for volunteers) alongside their contracts. Staff also undertake security clearance. All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

Information will be stored for a maximum of **4 years** after date of last contact. Paper records are kept to a minimum but will be disposed of using a secure and professional confidential waste service. Electronic records will be securely deleted from record management systems.

The Data Controller will also ensure all personal and company data is non-recoverable from any computer or system previously used within the organisation, which has been passed on/sold to a third party. Data Protection Impact Assessments will be completed as required for use of new technology.

Darren Jones MP will notify the ICO of a breach **within 72 hours** of its discovery where it is likely to result in a **risk** to the rights and freedoms of subjects. Risk is considered as likely resulting in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.

Where a breach is likely to result in a **high risk** to the rights and freedoms of data subjects, Darren Jones MP will also notify those data subjects directly. High risk is considered as very likely resulting in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.

There is no GDPR-specified timeline of notification to data subjects but it will be completed as soon as possible alongside consideration for the number of subjects affected by any breach.

## **8. 'Right to/of' requests including Subject Access**

### **General principles:**

All 'Right to/of' access requests will be managed by the designated Data Protection Officer on the Data Controller's behalf.

Darren Jones MP will endeavour to provide 'right of' information in a concise, transparent and easily accessible form.

All 'Right of/to' requests are **free of charge** on the first occasion. Where there is a manifestly unfounded or excessive request or a request is of a repetitive nature, a reasonable fee to cover administrative costs may be charged or the request may be refused. If the Data Controller refuses to act on a request - we will tell the subject why and that they have the right to complain to the supervisory authority and to a judicial remedy.

All 'Right of/to' requests will be processed without undue delay within **one month** of appropriate request details and proof of identity being received. This may be extended up to two months, but must be explained within one month.

Darren Jones MP accepts the following **forms of ID** when information on your personal data is requested:

Passport *or* photo card driving licence

*or*

birth certificate *and 1* utility *or* council tax bill (from last 3 months)

*or*

2 x utility *or* council tax bill (from last 3 months)

**Right to be informed;**

Subjects can request information on data processing by writing to or emailing Darren Jones. A privacy notice will be sent to data subjects requesting a right to be informed within a maximum of one month.

**Right to Access:**

All subjects have the right to access their data. Subjects must request right to access by writing to or emailing Darren Jones MP. Darren Jones MP will need to establish identity before supplying data.

Darren Jones MP will provide access to subject data (redacted where necessary) and keep a copy of the data supplied. A privacy notice will also be sent to data subjects requesting a right to access within one month. The lawful basis for processing data will be included within the 'right to access' response.

**Right to rectification;**

All subjects have the right to access and then rectify the data the Data Controller holds about them. Subjects must request right to rectification by writing to or emailing Darren Jones MP. Darren Jones MP will need to establish identity before supplying data.

The Data Controller (as an organisation) will take reasonable steps ensure that information is accurate by asking subjects where there has been any change to data and updating files as required (i.e. change of address).

**Right to erasure;**

All subjects have the right to request the erasure of the data the Data Controller holds about them where one of the following grounds apply:

- The data collected is no longer necessary in relation to the purposes for which it was collected or otherwise processed
- The data subject withdraws consent (on which processing was based) and where there is no legal ground for processing
- The data subject objects to the processing and there are no overriding legitimate grounds for processing
- The personal data must be erased for compliance with a legal obligation
- The personal data has been collected in relation to the offer of information society services.

Subjects must request right to erasure by writing to or emailing Darren Jones MP. Subjects must be specific about the data they wish to be erased – once it is erased it cannot be restored. Darren Jones MP will need to establish identity before erasing data.

### **Right to restrict processing;**

All subjects have the right to request the restriction of processing data. For example, the subject may wish Darren Jones MP to hold data but not share it with any third party. Subjects must request right to restrict processing by writing to or emailing Darren Jones MP. Subjects must be specific about the data they wish to be restricted.

Darren Jones MP may need to establish identity before restricting data.

### **Right to data portability;**

The right to data portability is new under GDPR. It **only** applies to personal data a subject has provided to a controller; where the processing is based on the subject's consent or for the performance of a contract; and when processing is carried out by automated means. Data must be transferred in a way that is portable to the new data controller or data subject.

Subjects must request right to data portability by writing to or emailing Darren Jones MP. Subjects must be specific about the data they wish to port. Darren Jones MP will need to establish identity before porting data.

### **Right to object;**

All subjects have the right to object to processing of personal data the Data Controller holds about them. For example, the subject may wish Darren Jones MP to stop sending e-newsletter and therefore the lawful basis of processing (consent) has been withdrawn.

Subjects must request right to object by writing to or emailing Darren Jones MP. Subjects must be specific about the data processing they are objecting to. Darren Jones MP may need to establish identity before restricting data.

### **Right not to be subject to automated decision-making including profiling.**

Automated decision making is not undertaken by the office of Darren Jones MP.

## **9. Policy Management**

This policy will be reviewed by the designated Data Protection Officer at least once per year to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the GDPR.

For 'right to/of' requests or any questions in relation to this policy, please contact Darren Jones MP:

**Email:** [Darren.jones.mp@parliament.uk](mailto:Darren.jones.mp@parliament.uk) Please mark your email: 'FAO Data Protection Officer'

### **Write to:**

Darren Jones MP  
FAO Data Protection Officer  
House of Commons

London  
SW1A 0AA

## Glossary of Terms

**Data Controller** –the natural or legal person, public authority, agency or any other body which, alone or jointly with others, **determines the purposes and means of the processing.**

**Data processor** - a natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller. **This does not include employees.**

**Data Protection Officer** – The person responsible for ensuring that Darren Jones MP (as the organisation) follows this Policy, 'right to/of' procedures, reports breaches and complies with the GDPR.

**Explicit consent** – is a freely given, specific, unambiguous expression of wishes and informed agreement by a subject in the processing of personal information about themselves. Explicit consent is always needed for processing special data.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998 and the GDPR.

**Natural Person/Data Subject/Subject** is a natural person who can be identified, directly or indirectly, in particular, by reference to an identifier such as a name, an identification number, location data, an online identifier or by one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

**Personal data** - any information relating to an identified or identifiable **natural person** ('data subject').

**Personal Data Audit** - documents what personal data the Data Controller holds, where it came from, who it is shared with and any retention schedule.

**Processing** - any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction.

**Special data** – refers to data regarding:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetic data;
- biometric data (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

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