

# Your data rights

## Your rights under data protection legislation

Under data protection legislation, you have a number of rights when we process your personal data. We follow guidance on this available from the Information Commissioner's Office.

### The right to be informed

We need to clearly tell you how we are processing your personal data, Privacy notices are available on the individual web pages and forms for our services, and gathered in one place at: [https://www.herefordshire.gov.uk/info/200148/your\\_council/15/access\\_to\\_information/9](https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information/9)

### The right of access

You have a right to request your information. Further information is available from [https://www.herefordshire.gov.uk/info/200148/your\\_council/15/access\\_to\\_information/5](https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information/5)

### The right to rectification

You are entitled to have any inaccurate personal data about you rectified.

Where the personal data in question has been disclosed by us to third parties, we must inform them of the rectification wherever possible as well.

Requests for rectification can be made verbally or in writing, explaining to us what the information is and why you believe it is inaccurate. We may ask for you to prove your identity if we are not sure who claim to be. The Data Protection Act 2018 states that personal data is inaccurate if it is incorrect or misleading as to any matter of fact. If you have evidence to support you, it would be useful for this to be provided. The request should be made in the first instance to the service area holding the data in question to see if it can be easily rectified, though if you are not sure where this is, contact the council's data protection officer with your request so that they can pass it on – their email address is [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk)

We will respond to your request within one month, extended by two months where the request for rectification is complex or we have received a number of requests from you.

Where no action is being taken in response to your request for rectification, we must explain the reason for this to you. You have a right to then complain to the Information Commissioner's Office if you are not satisfied by this.

## The right to erasure

You can request the deletion or removal of your personal data verbally or in writing in the following circumstances:

- the personal data is no longer necessary for the purpose for which it was originally collected or processed for
- consent was the lawful basis for us to hold the data, and you withdraw your consent;
- we are relying on legitimate interests as the legal basis for processing, and there is no overriding legitimate interest to continue this processing;
- we are processing the personal data for direct marketing purposes and you object to that processing;
- the personal data was unlawfully processed;
- the personal data is required to be erased in order to comply with a legal obligation.

We have the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- to comply with a legal obligation or for the performance of a public interest task or exercise of official authority;
- for public health purposes in the public interest;
- for archiving purposes in the public interest, scientific research, historical research or statistical purposes;
- for the exercise or defence of legal claims;
- if the processing is necessary for public health purposes in the public interest;
- if the processing is necessary for the purposes of preventative or occupational medicine; for the working capacity of an employee; for medical diagnosis; for the provision of health or social care; or for the management of health or social care systems or services.

Where personal data has been disclosed to third parties, we will inform them about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

Where personal data has been made public within an online environment, we will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

The request should be made in the first instance to the service area holding the data in question, though if you are not sure where this is, contact the council's data protection officer with your request instead via [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk). We may need to see proof of your identity for you to do this. We will respond to your request within one month, extended by two months where the request is complex or we have received a number of requests from you.

## The right to restrict processing

You have the right to request to limit the council's processing of your personal data. We may need to see proof of your identity for you to do this.

In the event that processing is restricted, we must store the personal data, but not further process it, guaranteeing that just enough information about you has been retained to ensure that the restriction is respected in future.

The council will restrict the processing of personal data in the following circumstances:

- Where you contest the accuracy of the personal data, processing will be restricted until the council has verified the accuracy of the data;
- Where processing is unlawful and you oppose erasure and request restriction instead;
- Where you object to processing and the council is considering if its legitimate interests override this;
- Where the council no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim.

If the personal data in question has been disclosed to third parties, we must inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

We will inform you when a restriction on processing needs to be lifted.

The request should be made in the first instance to the service area holding the data in question, though if you are not sure where this is, contact the council's data protection officer with your request instead via [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk)

## The right to data portability

You have the right to obtain and reuse your personal data for your own purposes across different services in some circumstances. We will move your personal data from one IT environment to another in a safe and secure manner, without hindrance to usability.

The right to data portability only applies however in the following cases:

- To personal data that you have provided to us
- Where the processing is based on the conditions of your consent or for the performance of a contract
- When processing is carried out by automated means

Personal data will be provided in a structured, commonly used and machine-readable form. We will provide the information free of charge to you or where feasible, data will be transmitted directly to another organisation at your request.

The council is not required to adopt or maintain processing systems which are technically compatible with other organisations.

In the event that the personal data concerns more than one individual, we need to consider whether providing the information would prejudice the rights of any other individual. We will respond to any requests for portability within one month. Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that you are informed of the extension and the reasoning behind it within one month of the receipt of your request.

Where no action is being taken in response to a request, we must explain to you the reason for this. You have a right to then complain to the Information Commissioner's Office if you are not satisfied by this.

Requests for portability can be made verbally or in writing, explaining to us what the information is. We may need to check your identity. The request should be made in the first instance to the service area holding the data in question, though if you are not sure where this is, contact the council's data protection officer with your request instead via [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk)

## The right to object

You have the right to object to the following:

- Processing based on the performance of a task in the public interest
- Direct marketing
- Processing for purposes of scientific or historical research and statistics.

Where personal data is processed for the performance of a legal task:

- your grounds for objecting must relate to his or her particular situation.
- We must stop processing your personal data unless the processing is for the establishment, exercise or defence of legal claims

Where personal data is processed for direct marketing purposes:

- We must stop processing personal data for direct marketing purposes as soon as an objection is received.
- We cannot refuse your objection regarding data that is being processed for direct marketing purposes. Where personal data is processed for research purposes:
- You must have grounds relating to your particular situation in order to exercise your right to object.
- Where the processing of personal data is necessary for the performance of a public interest task, we are not required to comply with an objection to the processing of the data.

Where the processing activity is outlined above, but is carried out online, we must offer a method for you to object online.

Objections should be made in the first instance to the service area holding the data in question, though if you are not sure where this is, contact the council's data protection officer with your request instead via [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk) We may need to see proof of your identity for you to do this.

## Automated decision making and profiling

You have the right not to be subject to a decision when:

- It is based on automated processing, e.g. profiling.
- It produces a legal effect or a similarly significant effect on you.

We must take steps to ensure that you are able to obtain human intervention, express your point of view, and obtain an explanation of the decision and challenge it if we use automated processing.

When automatically processing personal data for profiling purposes, we must ensure that the appropriate safeguards are in place, including:

- Ensuring processing is fair and transparent by providing meaningful information about the logic involved, as well as the significance and the predicted impact.
- Using appropriate mathematical or statistical procedures.
- Implementing appropriate technical and organisational measures to enable inaccuracies to be corrected and minimise the risk of errors.
- Securing personal data in a way that is proportionate to the risk to the interests and rights of the individual and prevents discriminatory effects.

Automated decisions must not concern a child or be based on the processing of sensitive data, unless:

- We have your explicit consent.
- The processing is necessary for reasons of substantial public interest on the basis of UK law.

For further information regarding your data protection rights, contact the council's data protection officer with your request instead via [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk)