

## Derbyshire Dales District Council – Personal Data Processing Conditions

### Personal Data Processing Conditions

Derbyshire Dales District Council processes large quantities of personal data as part of its day to day business. This document sets out the legal basis for the processing of personal data across the Council. Additional information on data protection and privacy can be found on our website.

Principle 1 of the **Data Protection Act 2018** (Article 5) requires that personal data shall be:

- (a) Processed lawfully, fairly and in a transparent manner in relation to the data subject. This will commonly be known as – **lawfulness, fairness and transparency**.

Processing shall be lawful only if and to the extent that at **least one** of the following applies:

- (a) the data subject has given **consent** to the processing of their personal data for one or more specific purposes;
- (b) processing is necessary for the performance of a **contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (c) processing is necessary for compliance with a **legal obligation** to which the controller is subject;
- (d) processing is necessary in order to protect the **vital interests** of the data subject or of another natural person;
- (e) processing is necessary for the performance of a **task** carried out in the public interest or in the exercise of official authority vested in the controller;
- (f) processing is necessary for the purposes of legitimate interests pursued by the controller or by a third party, except where such interest are overridden by the interest or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.\*

Within the Act is a further condition of legitimate interests also exists however this does not apply to public authorities.

In general terms the Council will rely on (c) **legal obligation** and (e) **public task** for the basis for processing personal data where the provision is statutory or regulatory. There will however be circumstances where personal data is highly sensitive and **consent** may form an additional legal basis for processing. The **contract** basis will only be used in areas of discretionary services. Within the Act is a further condition as follows:

Additional conditions apply to the processing of **Special Category** data that would reveal:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs

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- trade union membership

and the processing of:

- genetic data
- biometric data for the purpose of uniquely identifying a natural person
- data concerning health
- data concerning a natural person's sex life or sexual orientation.

Processing of the above are prohibited unless one of the following applies:

- (a) the data subject has given **explicit consent** to the processing for one or more specified purposes;
- (b) processing is necessary for the purpose of carrying out an obligation such as employment and social security and social protection law;
- (c) processing is necessary to protect the vital interests of the data subject and the natural person is physically or legally incapable of giving consent;
- (d) processing is carried out in the course of its legitimate activities of a foundation, association or not-for-profit organisation
- (e) processing relates to personal data which are manifestly made public by the data subject;
- (f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- (g) processing is necessary for reasons of substantial public interest;
- (h) processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment of the management of health or social care systems and services;
- (i) processing is necessary for reasons of public interest in the area of public health, such as cross border threats to health;
- (j) processing is necessary for archiving purposes in the public interest, scientific or historical research.

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<b><i>Data Sets</i></b>	<b><i>Department</i></b>	<b><i>Statute or Common Law* (See footnote)</i></b>	<b><i>Processing Condition</i></b>	<b><i>Special Category Data</i></b>	<b><i>Condition for Processing Special Category Data</i></b>	<b><i>Comments</i></b>
Licensing Provision	Regulatory Services	Licensing Act 2003 Gambling Act 2005 Town and Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 & 1982 Scrap Metal Dealers Act 2013 Breeding of Dogs Act 1973 Animal Boarding Establishments Act 1963 Riding Establishments Act 1964 Dangerous Wild Animals Act 1976 Caravan Site and Control of Development Act 1960 Pet Shops Act 1951 Zoo Licensing Act 1981	6(1)(c) Legal Obligation	Ethnic Origin Health	9(2)(g) Substantial Public Interest	Separate Criminal Offence Data (Article 10)

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Homelessness Provision	Housing	Housing Act 2004 <i>Homelessness Reduction Act 2018</i>	6(1)(c) Legal Obligation	Racial or ethnic origin Religion Health Sexual life and orientation	9(2)(a) Explicit Consent	
Housing Register	Housing	Localism Act 2011	6(1)(e) Public Task	Racial or ethnic origin Health	9 (2)(a) Explicit Consent	Personal data is held in the 'Home-Options' system which is controlled through a partnership. Separate Criminal Offence Data (Article 10)
Council Tax	Resources	Local Government Finance Act 1992	6(1)(c) Legal Obligation	Religious belief Sex life or sexual orientation Health	9 (2)(g) Substantial Public Interest	Separate Criminal Offence Data (Article 10)
NNDR	Resources	Local Government Finance Act 1992	6(1)(c) Legal Obligation	None	Not applicable	

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Housing Benefits	Resources	Local Government Finance Act 1992 Social Security Administration Act 1992	6(1)(e) Public Task	Health	9 (2)(g) Substantial Public Interest	
Council Tax Support	Resources	Local Government Finance Act 1992	6(1)(e) Public Task	Health	9 (2)(g) Substantial Public Interest	
Accounts Receivable	Resources	Local Government Finance Act 1992	6(1)(b) Contract	None	Not applicable	
Accounts Payable	Resources	Local Government Finance Act 1992	6(1)(b) Contract	None	Not applicable	
Clean and Green services	Community Development & Environmental Services	Environmental Protection Act 1990	6(1)(e) Public Task	None	Not applicable	
Waste and Recycling services	Community Development & Environmental Services	Environmental Protection Act 1990	6(1)(e) Public Task	Health	9 (2)(a) Explicit Consent (Assisted bin collection only)	Assisted bin collection service requires health data Delivery partner Serco does not have direct access

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						to personal data just property data
Recruitment & Selection of Employees	Human Resources	Employment Rights Act 1996	6(1)(c) Legal Obligation	Health Trade Union Ethnicity Race Religious & Philosophical views.	9(2)(b) Employment Obligation	Separate Criminal Offence Data (Article 10)
Provision of Allotments	Resources	Allotments Act 1950	6(1)(e) Public Task	None	Not applicable	
Land Transactions	Resources	Local Government Act 1972	6(1)(c) Legal Obligation	None	Not applicable	
Pest Control	Community Development & Environmental Services	None	6(1)(b) Contract	None	Not applicable	
Car Parking Contraventions and Enforcement	Community Development & Environmental Services	Road Traffic Act 1991	6(1)(e) Public Task	None	Not applicable	

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Car Parking Permits	Community Development & Environmental Services	Road Traffic Act 1991	6(1)(b) Contract	None	Not applicable	
Business Support and Advice	Regeneration & Policy	None	6(1)(a) Consent	Race Ethnic Origin Health	Not applicable	Only applicable to sole trader or pre-starts personal data
Administration of Burials	Community Development & Environmental Services	Local Government Act 1974 Burials Act 1857	6(1)(e) Public Task	None	Not applicable	Next of kin data is covered by the Act
Land Charges Application	Corporate Services	Local Land Charges Act 1975	6(1)(e) Public Task	None	Not applicable	
Community Development Events	Community Development & Environmental Services	None	6(1)(a) Consent	None	Not applicable	
Provision of Market Stalls	Community Development & Environmental	None	6(1)(b) Contract	None	Not applicable	

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	Services					
On-line ticket sale system	Community Development & Environmental Services	None	6(1)(b) Contract	None	Not applicable	
Anti-Social Behaviour Reporting	Community Development & Environmental Services	Crime and Disorder Act 1998 Anti-Social Behaviour Act 2002 Anti-Social Behaviour Crime and Policing 2014	6(1)(e) Public Task	Racial or ethnic origin Religion Health Sex life or sexual orientation	9 (2)(g) Substantial Public Interest	Separate Criminal Offence Data (Article 10)
Planning Applications, Enforcement and Development Control Management	Regulatory Services	Town and Country Planning Act 1990	6(1)(c) Legal Obligation	None	Not applicable	
Local Plan Consultation database	Regulatory Services	Town and Country Planning Act 1990	6(1)(c) Legal Obligation	None	Not applicable	
Leisure Centre Provision	Community Development & Environmental	None	6(1)(b) Contract	Racial or ethnic origin Health	9(2)(a) Explicit Consent	



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	Services					
Disabled Facilities Grants	Regulatory Services	Housing Grants, Construction and Regeneration Act 1996	6(1)(e) Public Task	Health Racial or ethnic origin	9(2)(g) Substantial Public Interest	
Environmental Health	Regulatory Services	Environmental Protection Act 1990 Environmental Health and Safety Regulation Environmental Regulations Food Safety Act 1990 Housing Act 2004 Private Water Supplies Regulations 2009 Public Health Act 1936 and 1961 Clean Air Act 1993 Health and Safety at Work etc Act 1974 Building Act 1984 Public Health (Control of Disease) Act 1984 Etc.	6(1)(c) Legal Obligation	Health	9(2)(g) Substantial Public Interest	

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Walking for Health scheme	Community Development & Environmental Services	None	6(1)(a) Consent	Health Racial or ethnic origin	9(2)(a) Explicit Consent	Data held and managed in an external database
'Boditrax' fitness analysis system	Community Development & Environmental Services	None	6(1)(a) Consent	Health	9(2)(a) Explicit Consent	Data held and managed in an external database
'Views' Street Games scheme	Community Development & Environmental Services	None	6(1)(a) Consent	Ethnic Origin	9 (2)(a) Explicit Consent	Involves the collection of data from young people aged 14-19 years Data held and managed in an external database
Supply of RADAR keys		Local Government (Miscellaneous Provisions) Act 1976	6(1)(e) Public Task	None	Not applicable	Evidence shown of disability but no copy retained
Gold Card	Corporate Services	Transport Act 2008 National Concessionary Card Scheme	6(1)(e) Public Task	Health	9 (2)(a) Explicit Consent	Application form is the responsibility of DCC
First Contact	Corporate Services	None	6(1)(a) Consent	Ethnic Origin Health	9(2)(a) Explicit Consent	Application form is the responsibility

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						of DCC
Freedom of Information (FOI) requests	Corporate Services	Freedom of Information Act 2000	6(1)(c) Legal Obligation	None	Not applicable	
Corporate Complaints	Corporate Services	Local Government 1974	6(1)(c) Legal Obligation	None	Not applicable	
Complaints against Elected Members	Corporate Services	Localism 2011	6(1)(c) Legal Obligation	None	Not applicable	
Register of Elected Member's Pecuniary Interests	Corporate Services	Localism 2011	6(1)(e) Public Task	None	Not applicable	
Subject Access Requests	Resources	Data Protection Act 2018	6(1)(c) Legal Obligation	None	Not applicable	
Proof of Life for Foreign Pensions	Corporate Services	None	6(1)(b) Contract	None	Not applicable	
On-Line Consultation Panel	Regeneration & Policy	None	6(1)(a) Consent	Ethnic Origin Health Sexual orientation	9 (2)(a) Explicit Consent	'Survey Monkey' data is held in the USA
Public Consultation	Various	None	6(1)(a) Consent			'Survey Monkey' data is held in the USA

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General on-line surveys and public consultation	Corporate Services	None	6(1)(a) Consent	None	Not applicable	'Survey Monkey' data is held in the USA
E-newsletter subscriptions	Corporate Services	None	6(1)(a) Consent	None	Not applicable	'Mail Chimp' data is held in the USA
Website enquiry form	Various	None	6(1)(a) Consent	None	Not applicable	Personal data is captured through a 'Joomla' on-line form and transferred to internal databases
Business/Tourism Newsletter	Regeneration & Policy	None	6(1)(a) Consent	None	Not applicable	'Mail Chimp' data is held in the USA
Derbyshire Dales Commercial Property search (Tractivity)	Regeneration & Policy	None	6(1)(a) Consent	None		
Assets of Community Value application	Regulatory Services	Localism Act 2011	6(1)(e) Public Task	None	Not applicable	
Insurance Claims	Resources	Various legislation depending on type of claim	6(1)(c) Legal Obligation	Health	9(2)(f) Legal claims	
Provision of House Naming	Corporate Services	Public Health Act 1925	6(1)(e) Public Task	None	Not applicable	

\*Including any law, statute, subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of section 2 of the European Communities Act 1972, regulation, order, mandatory guidance or code of practice, judgment of

## Derbyshire Dales District Council – Personal Data Processing Conditions

a relevant court of law, or directives or requirements of any regulatory body with which the Council is bound to comply in respect of the legislation associated with the Council's functions relating to each data set.

If you have any queries in relation to this document please e-mail [dataprotection@derbyshiredales.gov.uk](mailto:dataprotection@derbyshiredales.gov.uk) or call 01629 761245.

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