



City of London Corporation (“the City of London”)

Data Protection Policy

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1. Introduction

The City of London, PO Box 270, Guildhall, London EC2P 2EJ, is a Data Controller for the purposes of the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018 (“DPA 2018”). The Data Protection Officer at the City of London is the Comptroller and City Solicitor, Michael Cogher, and can be contacted at the same address or otherwise by email at michael.cogher@cityoflondon.gov.uk or information.officer@cityoflondon.gov.uk.

This policy outlines how the City of London will comply with its responsibilities under the GDPR and DPA 2018.

2. Statement

The City of London is committed to ensuring that it protects the rights and freedoms of all individuals with respect to the personal data it holds about them, whether in their personal or family life, or in a business or professional capacity.

3. Scope

This Policy applies to all users who handle information and personal data held by the City of London, including personal data of our service users, from children and young people, to vulnerable adults and the elderly as well as those who provide care for them.

This Policy applies to all employees, Members, contractors, third party employees, agency workers, temporary staff and any third party organisation who has legitimate agreed access to personal data held by City of London. (Please refer to the full Employee Data Protection Policy for full guidance for employees).

4. Definitions

Personal Data - data/information that relates to a living individual who can be identified from the data or from any other information that is in the possession of, or likely to come into the possession of the data controller. It includes any expression of opinion and any indication of the intentions of the data controller (or any other person) in respect of the individual.

Data Controller - the person or organisation who determines the purposes for which and the manner in which any personal data are, or are to be, processed. The City of London is the data controller in respect of all personal information that relates to City of London business. Elected Members are data controllers in their own right where they process personal data in their capacity as ward representatives.

Data Subject - is the identified or identifiable person to whom the personal data relates.

Processing - is defined very broadly and encompasses collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by

transmission, dissemination or otherwise making available, alignment or combination, restriction (that is, the marking of stored data with the aim of limiting its processing in the future, erasure and destruction. In effect, any activity involving personal data falls within the scope of the GDPR.

Data Processor - the person or organisation who processes personal data on behalf of a data controller.

5. Six Data Protection Principles

The City of London has an obligation to comply with the six Data Protection principles when processing personal data. These principles require that personal data:

1. Shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.
2. Shall be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.
3. Shall be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.
4. Shall be accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that data which is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay.
5. Shall not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed. Personal data may be stored for longer periods provided it is processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. This is subject to the implementation of appropriate data security measures designed to safeguard the rights and freedoms of data subjects.
6. Shall be processed in a manner that ensures its appropriate security. This includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

The City of London will ensure that it is able to demonstrate compliance with all of the above six principles by:

- Following best practice in all personal data processing;
- adhering to the relevant processing conditions for the fair and lawful processing of personal data and special categories of personal data (set out on page 4);
- telling people why we are processing their personal data and who we will share their personal data with, through our clear and effective privacy notices;
- ensuring that if relying on consent from the data subject, it is freely given, specific, informed and unambiguous;
- implementing "privacy by default" measures to ensure that, by default, we only process the personal data necessary for each specific business purpose;

- ensuring all staff and people working for the City of London complete the mandatory Data Protection e-learning course as part of their induction and any subsequent refresher training;
- ensuring the Records of Processing Activities (“ROPA”) is reviewed annually and kept up to date;
- ensuring a robust personal data breach detection, investigation and internal reporting procedure is in place;
- ensuring transfer of personal data outside of the EEA is only carried out with a valid adequacy mechanism legitimising such a transfer;
- ensuring personal data is only kept for as long as necessary in accordance with the retention schedules.

6. Data Processing Conditions

The City of London will ensure that it processes personal data lawfully. Processing is lawful under Article 6 of the GDPR if one of the following applies:

- a) The data subject consents to the processing;
- b) the processing is necessary for performing a contract with the data subject;
- c) the processing is necessary for complying with a legal obligation;
- d) the processing is necessary for protecting the vital interests of the data subject;
- e) the processing is necessary for performing a task carried out in the public interest; or
- f) the processing is necessary for pursuing the legitimate interests of the data controller or a third party, except where the data subject's interests or fundamental rights and freedoms override the data controller's interests.

7. Data Subject Rights

The GDPR provides data subjects with several rights, including, but not limited to the right to:

- Be provided with a privacy notice containing certain information about the processing activities;
- Confirm whether the data controller processes personal data about the data subject and the right to access the personal data processed and obtain certain information about the processing activities (**Subject Access**);
- Correct inaccurate personal data (**Rectification**);
- Have personal data erased under certain circumstances (**Erasure**);
- Restrict the processing of personal data under certain circumstances (**Restriction**);
- Receive a copy of the personal data the data controller holds under certain circumstances and transfer the personal data to another data controller (**Data Portability**);

- Object to processing of personal data (**Right to Object**);
- Not be subject to a decision based solely on automated processing, including profiling (**Automated Decisions**).

Data subjects can exercise these rights by contacting the Information Compliance Team at information.officer@cityoflondon.gov.uk or the Data Protection Officer. Please refer to the full Data Subject Rights' Policy for further details.

8. Related Policies / Other Resources

- Employee Data Protection Policy
- Data Subject Rights
- Retention Policy/Schedules
- Employee Code of Conduct
- Communications and Information Systems Use Policy
- Pupil and Parent Data Protection Policy
- Information Commissioner's Office
- General Data Protection Regulation
- Data Protection Act 2018

9. Review

This policy will be reviewed at least annually or whenever legal or statutory changes demand, by the City of London's Data Protection Officer.

Draft: 1 February 2018