



## **Information Security Document**

# **Corporate Exercise of Individual's Rights Procedures**

## **Procedure and Application Form for exercise of individual rights under GDPR**

### **1. Background:**

- 1.1. Under the General Data Protection Regulation data subjects (people who the Council hold personal data about) have a number of rights in relation to their personal data.
- 1.2. Please note however that many of these are qualified rights, i.e. there will be cases where Derbyshire County Council will receive a request but will decide it cannot do what is asked for by the data subject for the reasons listed in section 4 of this procedure.
- 1.3. The rights include
  - the right to rectification ( correction ) of data,
  - the right to erasure ( the right to be forgotten) ,
  - the right to restrict processing (the right to restrict who can use your data)
  - the right to object to processing (the right to object to your data being used)
- 1.4. Requests in relation to personal data, and decisions based around that, are therefore governed by a number of principles. The purpose of the form attached is to clarify what the request being made is for and so enable Council employees to ensure that requests relating to personal data are processed in accordance with legal principles and with the time limits that apply.
- 1.5. Data subjects should note that their personal data will ordinarily be disposed of in accordance with the Council's records retention schedules. Please visit [www.derbyshire.gov.uk/retentionschedules](http://www.derbyshire.gov.uk/retentionschedules) for further information.
- 1.6. The right to access the files we hold about your, known a 'Subject Access Requests (SAR's) are dealt with under a different procedure. Please visit [www.derbyshire.gov.uk/gdpr](http://www.derbyshire.gov.uk/gdpr) for further information on your rights to access your files and our Subject Access Request and Review procedures.
- 1.7. There are other rights which are unlikely to be applicable to those receiving Council services which are:
  - The right to data portability ( that is to move your information to another services provider, this will not apply to most services you receive from the Council
  - The rights relating to automated decision making including profiling (currently the we do not use computers to make decisions without human intervention about the services you receive from the Council)

2. How long Derbyshire County Council will retain your data for:

- 2.1. Derbyshire County Council does not, ordinarily, retain personal data indefinitely.
- 2.2. Personal data is normally only retained for as long as is necessary for the purposes of collection. The length of time that personal data is held will vary based on the reason it was collected. Please visit [www.derbyshire.gov.uk/retentionschedules](http://www.derbyshire.gov.uk/retentionschedules) for further information.

3. When can you make a request:

- 3.1. If you believe that your personal data is being kept for longer than is necessary for the purposes of collection.
- 3.2. You are withdrawing your consent to the processing of your data.
- 3.3. You object to the processing of your data.
- 3.4. You feel that the processing of your data is unlawful i.e. not for a lawful reason and your consent has not been sought.
- 3.5. You feel that the data being kept is incorrect or inaccurate.
- 3.6. If you gave consent to your data being processed when you were a child.
- 3.7. You want your data to have additional restrictions on its use.

4. Why Derbyshire County Council might refuse a request :

This depends on the action you request the Council to take but may include;

- 4.1. If the processing of the personal data is supporting the rights of freedom of expression and freedom of information.
- 4.2. If the personal data is processed for compliance with a legal requirement which the council is responsible for in the public interest (therefore not requiring consent).
- 4.3. If the processing is in the interests of public health.
- 4.4. If the processing is necessary for historical archiving purposes in the public interest, scientific or historical research or statistical purposes.
- 4.5. If the processing is necessary for the exercise or defence of legal claims.

5. How to make a request to exercise your rights under GDPR and the Data Protection Act 2018 :

- 5.1. Completing the 'Request to exercise individual rights under GDPR and Data Protection Act 2018 form' (Form A) and returning it to our Data Protection Officer at the address below, may ensure we can respond more quickly to your request.

Data Protection Officer  
Room B209  
Legal Services  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

However, if you wish, you can just contact the above officer or your contact at the Council involved in delivering a service to you and make your request.

- 5.2. The Council will normally inform you of our decision on whether we can action your request within one month of it being received and your identity being verified.
- 5.3. The Council will also normally confirm it has actioned your request within one month of it being made and your identity being verified, subject to the decision on whether we are able to.

## Form A

# Request to exercise individual rights under the General Data Protection Regulation and Data Protection Act 2018

Subject to certain exemptions, you have certain rights where the Council holds any information about you (your 'personal data') about you

These rights include

- the right to rectification ( correction ) of your data,
- the right to erasure ( the right to be forgotten ) ,
- the right to restrict processing and
- the right to object to processing

Where you have given consent for us to use personal information about for a specific service you can also use this form to notify us of your withdrawal of consent. *(Please note we may not be able to provide some Council services to you without your consent)*

If you wish to exercise any of these rights please complete this form carefully and return it to the County Council. If you wish to exercise your right to access your information go to [www.derbyshire.gov.uk/gdpr](http://www.derbyshire.gov.uk/gdpr) for further information.

The General Data Protection Regulation and the Data Protection Act 2018 means that, in certain circumstances, the Council may decide not to provide you with some personal data. For example, we will not provide personal data if we feel releasing it to you would be likely to prejudice safeguarding purposes and we may not provide you with information that identifies other individuals.

### **Proof of Identity**

The Council needs to be satisfied that you are who you say you are. Consequently, we may ask you, on receipt of your application, to provide evidence of your identity (See Section 3 of form).

If you are making this request on behalf of someone else you must provide evidence you have the right to do so (See Section 3 of form).

**Section 1**

About yourself or person you are making this request on behalf of (Please use block capitals and black ink) – this information will help us to identify the personal data that we may hold about you.

Title (Mr, Mrs, Miss, Ms, Dr, Rev. etc.)	
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Surname/Family Name	
First Name(s)	
Maiden/Former Name(s) (if applicable)	

Date of Birth (dd/mm/yyyy)	
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Home Address (Include Postcode)	
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Home Address (Include Postcode)	
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This is the address to which all replies will be sent, unless you specify otherwise.

<b>Name of person making request on behalf of data subject (if applicable)</b>	
Surname/Family Name	
First Name(s)	
Relationship to data subject	

Preferred alternative address for correspondence (if applicable)	
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Contact telephone number	
Contact e mail address	

Can you let us know which Council services you have been in contact with in relation to this request, for example Adult Care, and any other information relating to request

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\* Not mandatory but these will assist us if we need to get back in touch with you to discuss and to determine your application.

## Section 2- Right(s) you wish to exercise

I wish to apply to exercise the following right(s)  
(Tick the request or requests that you wish to make)

Rectification ( correction ) of my data	
Erasure of my data ( the right to be forgotten)	
Restriction of processing of my data	
the right to object to processing	

Description of what specific action you wish in us to take in relation to your data rights

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If you are withdrawing the consent you gave the Council to use personal information about you for a specific purpose(s) in relation to services delivered by the Council please enter details here

*(Please note we may not be able to provide some Council services to you without your consent)*

I wish to withdraw the consent I have previously given in relation to using my personal data for a specific purpose (please indicate the specific purposes for which you are withdrawing your consent or state you are withdrawing your consent for all purposes where you gave consent)

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### **Section 3 - Proof of identity**

#### Establishing Proof of Identity

If we have a verified current address for you on our systems we will contact you at that address and ask you to confirm that the request has come from yourself.

If this is not possible, we will ask for documentary evidence to verify you are who you say you are.

To help establish your identity we may ask you to provide at least two different official documents which, between them, provide sufficient information to prove your name, date of birth, current address and signature. For example, a combination of driving licence, medical card, birth/adoption certificate, passport and any other official documents e.g. utility bills, which show those details.

If you are making this request on behalf of someone else you must provide evidence you have the right to do so, e.g. letter of consent, birth certificate evidencing you have parental responsibility for a child or any other relevant legal documentation, unless you have supplied this information to us already for other purposes.

On receipt of completed form we will contact you to arrange verification of these documents.

**Section 4 - Declaration**

(To be signed by the Applicant)

The information, which I have supplied in this application, is correct, and I am the person to whom it relates/I have the right to make this request on their behalf (*delete as appropriate*).

Signature	
Date	

Warning – A person who impersonates another or attempts to impersonate another may be guilty of an offence.

Should any advice or guidance be required in completing this application, please contact:-

Data Protection Officer, Room B209, Legal Services; Matlock, Derbyshire, DE4 3AG

General advice on the GDPR and Data Protection Act 2018 can be obtained from:-  
The Office of the Information Commissioner, Wycliffe House, Water Lane, Wimslow, Cheshire, SK9 5AF, Tel No. 01625 545700. [www.ico.org.uk](http://www.ico.org.uk)

The information on this form will only be used to support you in exercising your rights under the Data Protection Act 2018 and will be destroyed one year after a decision on your request has been made. For further information on how Derbyshire County Council may use your personal information visit:  
[www.derbyshire.gov.uk/privacynotices](http://www.derbyshire.gov.uk/privacynotices)

**Please return this form once completed to:**

Data Protection Officer, Derbyshire County Council, Room B209, Legal Services;  
Matlock, Derbyshire, DE4 3AG

**Form B**

# Request to exercise individual rights under the General Data Protection Regulation and Data Protection Act 2018

## Section 5 - Decision- how the Council will consider your request (Council Use only)

To be completed by Council officer considering the request	
Officer's Name	
Post	
Service/Team	
Department	

Actions required are listed below-

<b>Checklist for Request</b>	
Date request received (dd/mm/yyyy)	
Date request form reviewed and any issues clarified with requester (dd/mm/yyyy)	
Date identity of requester verified (dd/mm/yyyy)	
Exceptions to right considered? Yes/No (If you are uncertain as to whether the request should be agreed or not than you should take advice from Access to Information Officer, Legal Services)	

Referred for further advice – date and details (if applicable)
Receipt of further advice and nature of advice given – date and details (if applicable)

Decision on request; accepted/declined/accepted in part ( specify), with reasons and date

Date data subject notified of decision (and appeal rights if appropriate) (dd/mm/yyyy)	
Date of request being complied with (dd/mm/yyyy)	

**Additional Guidance:**

- If a data subject is dissatisfied with a decision made they should be notified of the Council's Complaint procedures [www.derbyshire.gov.uk/complaints](http://www.derbyshire.gov.uk/complaints)
- Strict time limits apply to responding to these request so you must not delay in considering an application.
- Normally a response must be made within one month of the request being made.
- If it is going to take longer than this to take a decision, or to action the request, then the data subject must be informed accordingly.