

Elected Member Privacy Notice

Overview

To serve the interests of my constituents and allow me to fulfil my role as an elected member, I need to collect, store, use, share and dispose of personal data. This is called data processing. When I process personal data, I need to comply with the UK General Data Protection Regulation and the Data Protection Act 2018. This is known as “data protection legislation”. When Elected Members collect personal data they must tell you why they need it, and what they are going to do with it. This information is called a privacy notice. This privacy notice explains how I will use your personal data as an Elected Member of the City of Edinburgh Council.

Data Controller

Organisations or individuals that determine how your personal data will be used are known as data controllers. By law, data controllers must register with the [UK Information Commissioner](#) who is the data protection regulator within the UK.

Data collection

The personal data I hold about you may be collected in several ways: in person, on a paper or online form, by telephone, email, CCTV, or by a member of City of Edinburgh Council staff. In collecting and using this data, I am committed to the principles set out in data protection legislation. These principles are there to protect you and make sure that:

- I tell you why I need your information and what I will do with it.
- I don't use your information for a different reason than the one I have told you about (the exception to this is if I must do so by law e.g. to prevent and detect crime).
- I only collect information that I need to help you.
- I collect accurate information and, where necessary, keep it up to date
- I don't keep your information for longer than I need to.
- I keep your personal information secure at all times.

Categories of personal data

As an Elected Member, I will process personal data and, on more limited occasions, special category data. Personal data is information which can be used to identify you such as your name, address, date of birth, or a unique identifier such as your National Insurance number. Special category data is information that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, and data concerning health or sex life.

Processing Personal Data

I will only use personal data to support my role as an elected member, for example, to allow me to undertake case work on behalf of individual constituents, to represent the interests of my constituency, and to further the interests of the ward in which I serve.

I will only process your personal data when it is lawful to do so. As an Elected Member, the most common reason, under law, is the performance of a task carried out in the public interest. In relation to special category data (sensitive data), the lawful condition is that of substantial public interest. While I do not need your consent to act on your behalf, I may ask you to sign a mandate form to help me clarify your concerns or interests and ensure we both understand how your personal data will be treated.

On occasions when I do need your consent, for example, to ask you to subscribe to my mailing list, I will ask you for it. You can withdraw your consent at any time, at which point I will stop using your personal data.

The City of Edinburgh Council's Record of Processing contains an Elected Member entry which sets out in more detail the conditions which allow me to process personal data.

Information sharing

I may need to share your personal data with Council officers and other Elected Members to address constituent concerns. I will not share any personal data which is not connected with a constituent's case.

By law, I may be required to share personal data for the prevention or detection of crime. These requests will generally come from the police, or another law enforcement agency.

Details of transfers to third country and safeguards

Your personal data will be stored and processed on City of Edinburgh Council equipment. This means it will normally be stored on servers based within the European Economic Area. While it may sometimes be necessary to transfer personal data overseas, any transfers will be in full compliance with data protection legislation.

Retention Periods

I will only keep your personal information for the duration of the Council term – this normally means for a maximum of five years. Thereafter, I will ensure that your personal information (paper and electronic) is disposed of in a secure way.

Personal information which is required to process 'live' cases or longstanding issues may be retained beyond the Council term. In such instances, I will notify you and seek your permission to retain your personal data for a longer.

Your rights

Under data protection legislation you have certain rights which are set out below.

- **The right to be informed** about how I collect and use your personal data through privacy notices such as this.
- **The right to request information I hold about you.** This is known as a subject access request and is free of charge. I must respond within one month, although this can be extended to three months if the information is complex.
- **The right to rectification.** You are entitled to have your personal data rectified if it is factually inaccurate or incomplete. I must respond to your request within one month. If I decide to take no action, I will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- **The right to erasure.** You have the right to ask us to delete your personal data or stop using it. It will not always be possible for me to comply with your request, for example if we have a legal obligation to keep the information. If I decide to take no action, I will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- **The right to restrict processing.** You have the right to restrict how your personal data is processed in certain circumstances, for example if the data is not accurate. If a restriction is applied, I can retain just enough data to ensure that the restriction is respected in future. If I decide to lift a restriction on processing I must tell you.
- **The right to data portability.** If I process your personal data with your consent, and it is held in a structured, commonly used, machine readable form, you have a right to ask me to transmit it to

another data controller so they can use it. This right does not apply if I process your personal data as part of the public task.

- **The right to object.** You can object to your personal data being used for profiling, direct marketing or research purposes.
- You have rights in relation to **automated decision making and profiling**, to reduce the risk that a potentially damaging decision is taken without human intervention.

To make a subject access request, or to exercise any of your rights, please contact me directly at: max.mitchell@edinburgh.gov.uk or 0131 529 4409

Complaints and comments

If you are concerned about what I do with your personal information or think something has gone wrong, please contact me and I will address your concerns.

If you are still unhappy with how the council have handled your complaint, you may contact the UK Information Commissioner's Office.

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 08456 30 60 60 | Website: www.ico.gov.uk

Changes

If this privacy notice changes in any way, I will place an updated version on this page.