Privacy Notice
Data Breaches and Cyber Incidents

When processing personal data, the council is required under Articles 13 and 14 of the UK General Data Protection Regulation (UKGDPR) to provide individuals with the information contained in this document.

Data Ownership

Name	Cumbria County Council
Address	Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Registration Number	Z5623112

This information is also available via the Information Commissioner's Register of Fee Payers at: https://ico.org.uk/about-the-ico/what-we-do/register-of-fee-payers/

Data Protection Officer

The council's Data Protection Officer is Claire Owen and can be contacted by:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: Contact Form

Purpose

Cumbria County Council ("the Council") obtains, holds and uses personal data (such tasks are referred to as processing) about employees, customers, clients, residents and visitors. Data is an important asset for the Council as it forms the information necessary to provide a wide range of services. Therefore properly protected data is essential to the successful operation of the Council.

The Council is legally required under the UK General Data Protection Regulation ("UKGDPR") to ensure the security and confidentiality of the data it holds. The UKGDPR provides a regulatory framework for the processing of personal data and Article 5 requires that: "personal data is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures"

As the use of data and technology becomes more embedded in our daily lives, the likelihood of security incidents and/or data breaches ("incidents") increases if adequate controls are not in place. Incidents will vary in impact and risk depending on the content, the quantity of data and number of individuals involved, therefore prompt action is required in all instances.

The Council is required to have an effective Data Breach Reporting Procedure ("DBRP") in place to not only identify, log, manage and respond to incidents, but also meet its wider obligations as a Data Controller

Data Collection

In the course of investigating data breaches and cyber incidents we collect data in the following ways:

- Online Data Breach Reporting Form
- By email
- By Telephone
- In person

Data Types

During the data breach/cyber incident investigation process the council may need to process either your personal, special category/sensitive or criminal/law enforcement data to meet legal obligations and make robust recommendations and decisions.

The **Personal Data** requirements are:

- Name
- Email Address
- Telephone Number - Mobile
- Location

The **Special Category Data** requirements are:

- Incident Description
- Health/Social Care
- Education
- Family Circumstances
- Finance

The **Criminal/Law Enforcement Data** requirements are:

- Legal Proceedings
- Allegations
- Offences

Legal Basis for Processing Data

Where the council is required to process personal, special category/sensitive or criminal/law enforcement data, depending on the specific data being shared, it must have at least one of the following:

- for personal data, a legal basis under **UKGDPR Article 6**,
- for special category/sensitive data, a condition under **UKGDPR Article 9**
- for criminal/law enforcement data, a purpose under **UKGDPR Schedule 8**

The following **legal bases** apply to the processing of your personal data:

- **UKGDPR Article 6(1) (c) Legal Obligation**
- **UKGDPR Article 6(1) (e) Public Task/Public Interest/Official Authority**

Where the council is relying on UKGDPR Article 6(1)(c) all Relevant Legislation should be listed below.

The following **conditions** apply to the processing of your special category/sensitive data:

- **UKGDPR Article 9(2) (f) Necessary for the establishment, exercise or defence of legal claims**

The following **purposes** apply to the processing of your criminal/law enforcement data:

- **UKGDPR Schedule 8(6) Legal Claims**

Relevant Legislation

These legal bases above are underpinned by acts of legislation that dictate what actions can and should be taken by local authorities, including:

- UK General Data Protection Regulation (UKGDPR) - Article 33

Automated Decision-Making/Profiling

Automated individual decision-making is a decision made by automated means without any human involvement. Automated individual decision-making does not have to involve profiling, although in some cases it might.

A definition of Profiling can be found in: UK GDPR - Article 4(4) and further information can be found at: ICO - Automated Decision Making and Profiling

We **do not** use your information for automated decision-making or profiling purposes.

Data Transfers

Your personal data **is not** transferred to a third country or international organisation.

Redaction

We operate a policy where we routinely redact the following details before making forms and documents available online:

- contact details e.g. telephone numbers, email addresses
- signatures
- personal or special category data
- information agreed to be confidential or commercially sensitive

Occasionally it may be considered necessary, justified and lawful to disclose data that appears in the list above. In these circumstances the council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

Data Sharing

We may share your information with the following organisations:

- Information Commissioner's Office
- National Cyber Security Centre
- Local Authorities
- Contractors i.e., ICT
- NHS
- Police

While responding to your enquiries or complaints it may be necessary to share your personal data with other parts of the council or other public bodies or organisations. The council will make all reasonable efforts to contact you if this processing is going to have an impact on your rights or privacy.

Data Security and Retention

All of the information you give us will be kept safe and secure whether it is written or on a computer system. We will treat any personal information confidentially and will comply with the Data Protection Act 2018. This means that, if we keep any of your personal data we must:

- tell you what information we need to collect from you
- only use the information for the reason we have agreed with you
- not ask for more information than we need to provide the services
- let you see any information we have collected about you, on request
- keep the information safe, secure and confidential

- personal information will be deleted in accordance with council policy

The information you supply will be kept on a secure council system and can only be accessed by authorised employees.

Cumbria County Council will only store your information for as long as is legally required in accordance with the council's Retention and Disposal Schedule (EXCEL 267KB) or in situations where there is no legal retention period established best practice will be followed.

To help you understand the Schedule the council has published a Retention Schedule - Quick User Guide (PDF 787KB).

If you have any questions about the Schedule or the Quick User Guide, please contact: record.centre@cumbria.gov.uk.

Please note: Privacy Notices cannot be finalised and published without identifying the correct retention period.

Your Rights - Data Subject Access

The UKGDPR provides you with the right to access information the council, as a public authority holds about you. Upon receipt of a valid request the council will:

- provide you with a response within one month
- let you know if your request is subject to an extension
- make reasonable efforts to comply with the format of your request
- inform you if your request is going to be refused or a charge is payable.

You can make a Data Subject Access Request (DSAR) by contacting:

Email: information.governance@cumbria.gov.uk
Post: Cumbria County Council, Information Governance Team
Parkhouse, Baron Way, Carlisle CA6 4SJ
Telephone: (01228) 221234
Online: Contact Form

Your Rights - Other

In addition to your right of access the UKGDPR also gives you the following rights:

- the right to be informed via the council's Privacy Notice
- the right to withdraw your consent. If we are relying on your consent to process your data then you can remove this at any point
- the right of rectification, we must correct inaccurate or incomplete data within one month
- the right to erasure. You have the right to have your personal data erased and to prevent processing unless we have a legal obligation to process your personal information

- the right to restrict processing. You have the right to suppress processing. We can retain just enough information about you to ensure that the restriction is respected in future
- the right to data portability. We can provide you with your personal data in a structured, commonly used, machine readable form when asked
- 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.

Where our processing of your personal data is based on your consent, you have the right to withdraw your consent at any time. If you do decide to withdraw your consent we will stop processing your personal data for that purpose, unless there is another lawful basis we can rely on – in which case, we will let you know. Your withdrawal of your consent won't impact any of our processing up to that point.

Where our processing of your personal data is necessary for our legitimate interests, you can object to this processing at any time. If you do this, we will need to show either a compelling reason why our processing should continue, which overrides your interests, rights and freedoms or that the processing is necessary for us to establish, exercise or defend a legal claim.

Unless otherwise stated above you can exercise any of these rights by contacting:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: Contact Form

Verifying Your Identity

When exercising the rights mentioned above please be aware that under UKGDPR Article 12(6) additional information can be requested to verify that you are the data subject if your identity is unconfirmed. Please note that:

- additonal documentation is only required when the council cannot verifiy your identity using internal council systems that relate to the service you are requesting information about
- the council will contact you for this documentation prior to processing your request
- the statutory deadline for responding to your request will start when you have provided the additional documentation
- failure to provide additional documentation may lead to the council rejecting your request.

Complaints

If you have any concerns about the information contained in this Privacy Notice please contact: dataprotection@cumbria.gov.uk.

If you have concerns about the way the council has processed your data, please contact the council's Data Protection Officer via:

Email: dataprotection@cumbria.gov.uk
Post: Cumbria County Council, Legal and Democratic Services, 1st Floor, Cumbria House, 117 Botchergate, Carlisle, Cumbria CA1 1RD
Online: Contact Form

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law you can complain to the Information Commissioner's Office (ICO): https://ico.org.uk/make-a-complaint/your-personal-information-concerns/

Reviews and Updates

In accordance with UK GDPR Article 13(3) where either, the extent of the data being collected or the purpose for collecting it changes this notice should be updated and republished, to ensure that data subjects are properly informed