

DATA PROTECTION AND DOCUMENT RETENTION POLICY

Changes

Date	Version	Change
January 2020	V2	Second draft of Data Protection & Document Retention combined policy

Note

This policy has been drafted with reference to:

- the data protection terms described in section 18 of the Oceansgate Phase 2 Grant Funding Agreement between Plymouth City Council and the Ministry for Housing Communities and Local Government (MHCLG);
- the [European Regional Development Fund: privacy notice](#) (published 27/07/2018); and
- the UK Information Commissioner's [Guide to Data Protection](#)

Related policies

- [Data Protection Policy](#)
- [Retention and Disposal PCC MA03](#)

Contacts

If you have any questions regarding this policy, please contact the Oceansgate Phase 2 Business Relationship Manager at emily.collacott@plymouth.gov.uk.

INTRODUCTION

The new General Data Protection Regulation (GDPR) legislation came into force in the UK on 25 May 2018. The new laws update current data protection legislation including the Data Protection Act 1998, increase the privacy protection of all UK and EU citizens and reduce the risk of data breaches. It applies to all public and private organisations processing personal data.

The EU Common Provisions Regulations (CPR), and Article 6 of the European Regional Development Fund (ERDF) Regulation require the Ministry for Housing Communities and Local Government (MHCLG), as the managing authority for the Oceansgate Business Support programme, to monitor and evaluate ERDF-funded activities. In order to conduct monitoring and evaluation (including the summative assessment¹) and to ensure compliance, the collection of personal data is required.

What is personal data?

Any information relating to an identified or identifiable living person (a 'data subject') who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Information about companies or public authorities is not personal data.

However, information about individuals acting as sole traders, employees, partners and company directors where they are individually identifiable and the information relates to them as an individual may constitute personal data.

In more detail – ICO guidance on key data protection [definitions](#) as well as on [determining what is personal data](#).

1. Who is the data controller for ERDF personal data?

The MHCLG ERDF Managing Authority is the controller for all personal data required to help deliver the ERDF Oceansgate Phase 2 project under the terms of its ERDF Funding Agreement. The ERDF Funding Agreement that MHCLG issued to Plymouth City Council (PCC) sets out the Council's obligations in relation to the ERDF Oceansgate Phase 2 funding it has received.

The MHCLG ERDF Managing Authority will be processing personal data in the ERDF programme according to the following lawful basis:

Article 6(1)(e) of the EU General Data Protection Regulation (GDPR):

'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'.

The lawful basis for controlling or processing 'special category data under ERDF is:

Article 9(2)(g) GDPR

"processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide suitable and

specific measures to safeguard the fundamental rights and the interests of the data subject;”

2. What personal data will be collected?

Depending on the nature of activities of the ERDF-funded project and the indicators listed under each activity, the following information for each direct or indirect beneficiary where these are individuals may be collected:

- name of contact point within a business (in some cases property owner) engaged with or individual engaged with
- address
- postcode
- phone number
- ethnicity
- disability
- email address
- duration of support
- intensity of support

MHCLG may collect special category data on ethnicity and disability.

Special category data in relation to Oceansgate

Effective monitoring of diversity characteristics is a legal requirement under the [2010 Equality Act](#), which sets out public sector equality duty in relation to the protected characteristics of: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race and ethnicity; religion and belief; sex; sexual orientation².

In addition, the Oceansgate Phase 2 Business Support Team is required by the ERDF funder to ask for equality and diversity data on the business receiving support through the Oceansgate project. This is to ensure that there is no inherent bias in the provision of help through the funding and that it is accessible by all groups.

The data collected includes age band; disability; gender; and Lesbian, Gay, Bisexual and Transgender (LGBT) characteristics - some of which are 'special category data' as defined by the GDPR. This data collection asks for the characteristics of the majority of the management team/workforce – it does not seek to identify the special category data for each individual management team/workforce member.

ERDF reporting rules also require the collection of this information for each new employee taken on by the business if that employee's job was created as a direct result of the Oceansgate Business Support service. However, the new employee(s) name is not associated with the collection and reporting of this data.

3. Who will my personal data be shared with and how will it be used?

Your details will be stored securely and retained in compliance with GDPR and the Data Protection Act 2018. This information will be used to evaluate the Oceansgate Phase 2 project and to report to the European Regional Development Fund for monitoring and evaluation purposes.

² [Equality Act 2010 - Protected Characteristics \(Equality & Human Rights Commission, June 2018\)](#)



Your details will be used to support the ERDF programme research and evaluation activities. MHCLG will need to share all or some of your personal data with the national evaluator of the ERDF programme. In some cases, the national evaluator, i.e. independent external contractors commissioned by MHCLG, may use the contact details to contact a sample of direct or indirect beneficiaries for the purpose of the National Evaluation of the programme. It is likely that the survey methodology will need to incorporate a variety of approaches in order to maximise the survey response rate (for example, telephone survey, written survey, and e-mail survey) – hence the need for a variety of contact details required for each participant. MHCLG may also need to share with other government departments and the European Commission where this is necessary to test the robustness of the data gathered or to inform the National Evaluation.

MHCLG will not give any personal data to any other organisation unless needed for the purpose of the evaluation and will instruct them not to use it to contact individuals for any reasons not connected with the purpose of the National Evaluation of the ERDF programme 2014-2020 or other matters directly relating to the evaluation. If MHCLG has to pass on the data, it will only provide what is needed, and if possible will remove the details that might identify individuals personally. MHCLG will not transfer personal data outside the European Union, to third countries or international organisations.

MHCLG will not keep your personal data for longer than it needs but as a minimum, will retain data for two years after the closure of the 2014-2020 ERDF programme in line with the European Regional Development Fund document retention guidance to ensure MHCLG meets reporting obligations and to demonstrate compliance with EU Requirements.

Summative Assessment

The ERDF grant funding agreement Plymouth City Council has with MHCLG places a contractual requirement on the Council to undertake a summative assessment of the Oceansgate Phase 2 programme.

Summative assessments are intended to provide PCC with reliable evidence of the efficiency, effectiveness and value for money of the Oceansgate Phase 2 project, as well as insights into what and why interventions work (or not). This analysis can assist during the implementation of the project and provide lessons for future interventions. The Oceansgate summative assessments will be carried out by a reputable, independent research organisation commissioned by PCC through a formal tender process for that purpose in accordance with ERDF procurement rules. Personal data shared with the successful research organisation will only be used for the purpose of conducting the summative assessment and will be destroyed by the research organisation following delivery of the summative assessment to PCC.

4. What are individual's rights?

ERDF participants cannot claim the following rights in terms of ERDF personal data:

- right to erasure prior to the end of the document retention period
- right to portability of their data

The data collected is your personal data, and you have the right, subject to lawful data requirements:

- to see what data PCC and MHCLG have about you
- to ask us to stop using your data

- to ask us to delete your data, or to correct your data if there is no longer a justification to process it
- to lodge a complaint with the Independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law

5. Automated decision making

Your personal data will not be subjected to automated decision making.

6. Document retention and disposal

1 Introduction

Data is a strategic asset of Plymouth City Council and the Oceansgate Business Support Programme that must be managed as a valuable Information Technology resource. Thus, this Policy is established to achieve the following:

- 1.1.1 To ensure compliance with applicable statutes, regulations, and mandates regarding the retention and disposal of data.
- 1.1.2 To establish prudent and acceptable practices regarding the retention and disposal of data
- 1.1.3 To educate individuals who may use data with respect to their responsibilities associated with such use.
- 1.2 Anyone found to be in breach of this policy will be subject to disciplinary actions.

2 Scope

- 2.1 This policy applies to all Committees, Departments, Partners, Employees and contractual third parties and agents of Plymouth City Council and the Oceansgate Business Support Programme.
- 2.2 It is the responsibility of managers within departments to exercise appropriate controls to minimise the risk of breach of this policy.

3 Disposal

- 3.1 The procedure for disposing of data and equipment is located on the intranet.
- 3.2 Information classified as OFFICIAL: SENSITIVE and higher must be disposed of using a hard disk shredder, and secure shredders provided for paper documents.
- 3.3 IT equipment must be disposed of using an accredited supplier, who will provide a destruction certificate.
- 3.4 All hard discs must be disposed of using a hard disc shredder.
- 3.5 If a hard drive fails, it must be disposed of using a hard disc shredder.
- 3.6 All data that is stored on redundant equipment must be cleared using government approved data wiping standards.
- 3.7 All redundant equipment and data stored on any media format must be located in an area secured to only authorised personnel before disposal.

4 Disposal responsibilities

- 4.1 The responsibility of disposing of all ICT equipment is the remit of approved ICT suppliers.



4.2 The responsibility of disposing of all peripherals, mobile devices and storage is the remit of approved ICT suppliers.

4.3 All third party suppliers that provide disposal services must be audited by an approved auditor.

4.4 All third party suppliers that provide disposal services must be audited every 12 Months.

5 Retention

5.1 All data relating to the Oceansgate Business Support Programme will be retained until 31.12.33.

- Electronic data will be stored on a shared drive until December 2021, at this point Plymouth City Council will request their IT provider to supply a portable storage device and archive. Plymouth City Council will inform MHCLG of the location of the device.
- Paper documents will be retained until the completion of the Summative Assessment. Documents will then be archived until December 2033. Plymouth City Council will inform MHCLG of the location of the archive.

5.2 Email will only be retained for in line with the business requirement listed in the retention schedule.

5.3 Emails must be moved in line with the data management procedure before the retention period expires.

7. Contact details

For further information about how data protection relates to you and the Oceansgate Phase 2 project, please contact: DataProtectionOfficer@plymouth.gov.uk

The UK Information Commissioner's Office may also be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Email: casework@ico.org.uk

If you would like further information about the ERDF programme and your personal information please contact the ERDF Programme at: esif@communities.gsi.gov.uk