



Personal Information: Your Rights

**In this leaflet we explain your rights, as a user
of Council Services, in respect of your
personal data**

Why is personal information held by the Council?

The Council holds personal information about you so that it can provide you with services. For further information about how the Council uses your personal information please go to the following Council website page: www.cheltenham.gov.uk/your-data

What rights do I have over my personal information?

You have rights over the information we hold about you. These rights are:

- The right to be informed about the collection and use of your personal data
- The right of access to your personal data
- The right to rectification of your personal data- You have the right to tell us where we are processing information about you that is not correct and ask us to put it right
- The right to be forgotten/erasure of your personal data-you can ask for your personal data to be erased if:
 - the personal data is no longer necessary for the purpose which we originally collected or processed it for;
 - we are relying on consent as our lawful basis for holding the personal data, and you withdraw your consent;
 - we are relying on the legitimate interest grounds as our basis for processing and you object to the processing of your data, and there is no overriding legitimate interest to continue this processing;
 - we are processing the personal data for direct marketing purposes and you object to that processing;
 - we have processed the personal data unlawfully; or
 - we have to do it to comply with a legal obligation.
- The right to restrict your personal data- you have the right to restrict the processing of your personal data in the following circumstances:
 - you asked us to put incorrect personal data about you right and we are verifying the accuracy of the data;
 - the data has been unlawfully processed and you don't want us to delete it and requests restriction instead;

- we no longer need the personal data but you need us to keep it in order for you to establish, exercise or defend a legal claim;
 - you have objected to us processing your data under the legitimate interest processing condition, and we are considering whether our legitimate grounds override yours; or
 - we are relying on your consent to process the personal data and you withdraw your consent to process it.
- The right to data portability of your personal data- The right to data portability only applies:
 - to personal data you have provided to us;
 - where the processing is based on your consent or for the performance of a contract you have entered into with us; and
 - when processing is carried out by automated means.
 - The right to object to direct marketing of your personal data- you may object to this at any time and we must stop using your personal data for that purpose.
 - Rights in relation to automated decision making and profiling- we can only carry out this type of decision-making where the decision is:
 - necessary for the entry into or performance of a contract; or
 - authorised by UK law applicable to the controller; or
 - based on the individual's explicit consent.

Requesting information held about you.

You can make a data subject access request by asking us for copies of the information we hold about you. We can ask you to give us details of the services you use to help us to find the information we hold about you.

We will need to use your personal data to manage your request and may need to share your information with relevant service areas within the Council and partner organisations who provide services on behalf of the Council to enable us to do this.

You are entitled to see your personal data (with some specific exceptions). For example, you will not be allowed to see personal information that contains details about someone else - even a member of your own family - unless that person has given permission.

In certain cases, the most practicable means for you to access your personal data will be for you to come in to view it; if this is the case then we will let you know.

How can I action my rights?

You can action your rights either verbally or in writing.

We will need you to provide us with enough information to confirm your identity so we can be satisfied that we are giving the personal data to the right person and any other details which you think may help us to find your information. We may also ask you for identification. You may wish for assistance and support from outside the Council; the Citizen's Advice Bureau may be able to help you.

You may authorise someone else (your Agent) to make the application on your behalf. They will fill in and sign the application form but you must confirm that you agree that they can act on your behalf by completing Section 3 of the form.

Any written request or application form should be emailed, posted or delivered to the Council at the address below or call the customer relations team on 01242 264350 to make a verbal request.

The information given will be a printout of the information from the computer system or be photocopies or scanned copies of manual records.

The Council is obliged to respond as soon as possible and at the latest within one month of receiving all the information we need to be able to action your request.

What should I do when I receive copies of the information you hold about me?

You should check it to ensure that you have received all the information which you are entitled to and to make sure it is correct. If you think that we hold information which is wrong you may ask for it to be changed and we will consider your request.

Address to which requests should be sent:

Customer relations team
Municipal Offices,
Promenade,
Cheltenham,
Gloucestershire,
GL50 9SA

Phone number: 01242 264350

Email: customerrelations@cheltenham.gov.uk

Queries: If you have any query about making a request, please contact [the customer relations team](#).

The Council has also appointed a data protection officer to oversee the council's compliance with data protection legislation. [Contact the data protection officer](#).

Further information on data protection can be obtained from:

The Office of the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF. Tel. 01625 545 745. Web Site: www.ico.gov.uk



Data Protection Request

Application for rights over your Personal Information

Name of Applicant:.....

Address of Applicant:

.....
.....
.....

Date of Birth:

Telephone No:

Email address:

Applicant Information

- All applicants must complete Sections 1, 2 and 5.
- If you are applying on behalf of someone else, then they must complete Section 4 and you will also need to complete Section 5.
- If you are under 13 years, then your parent, guardian or social services care manager should complete Section 4 and you will also need to complete Section 5.
- If you are a parent applying for access to your child's personal data, please complete Section 4 and you will also need to complete Section 5.

1. **To help us locate any personal information about you which we hold, please tick the relevant service area box and complete the following:**

All

Council Tax

☐

Benefit/universal credit

☐

Business Rates

☐

Private Sector Housing

☐

Planning

☐

Building Control

☐

Licensing

☐

Environmental Health

☐

- Waste and Recycling ☐
- Cemetery & Crematorium ☐
- Cheltenham Borough Homes ☐
- Elections/Electoral Registration ☐
- Other: ☐

When did you use the services?

.....

Please tell us any other information which you think might help us to locate your personal information

.....

.....

.....

.....

.....

2. Rights.

Please tick the relevant boxes regarding the rights you are requesting about your information:

☐ **Subject Access Request** - Requesting information held about you.

I require the following information:

.....

.....

.....

.....

.....

I would like the reply to this request to be-

- Sent to my home address (as above) ☐
- Collected from your offices (you must bring evidence to confirm your identity) ☐

☐ **Correction of personal data** – state what information you considered to be incorrect and provide the correct information

.....

.....

- ☐ **Restriction of procession** – please state your reason for wanting the restriction
- ☐ the accuracy of the personal data being processed
 - ☐ the data has been unlawfully processed and you don't want us to delete it.
 - ☐ we no longer need the personal data but you need us to keep it in order for you to establish, exercise or defend a legal claim.
 - ☐ you have objected to us processing your data under the legitimate interest processing condition, and we are considering whether our legitimate grounds override yours.
 - ☐ We are relying on your consent to process the personal data and you withdraw your consent to process it.

- ☐ **The right to be forgotten/erasure** – please state what personal data you want to be erased
-
-
-

- ☐ **Data portability** – please state what personal data you want sent and to whom
-
-
-

- ☐ **Object to direct marketing** – please what direct marketing you are receiving from which department
-
-
-

- ☐ **Challenge an automated decision and profiling** – please state what automated decision was made about you by which dept. Please provide details of the information you want us to take into account when making the decision.
-
-
-

SIGNATURE AND DECLARATIONS

3. Please complete this Section if you are authorised to act on behalf of the applicant

I have been authorised to act on behalf of the Applicant
(Name of Applicant).

I declare that I will not disclose any information that I am supplied with anyone other than the person on whose behalf I am acting, unless they give me their express permission.

Signed (Agent):

Name of Agent:

Address of Agent:

Date

If an Agent is acting on your behalf, then please complete the following:

I, (Name of Applicant)

authorise(Name of Agent)

to obtain personal information about me held by you on my behalf. I declare that this authorisation was freely given.

Signed (Applicant):

Date

- 4. If you are under 13 years, a parent, guardian or Social Services Care Manager should certify that you fully understand the nature of this application and your application will then be considered.**

I

.....

...

(Name of Parent, Guardian, Social Worker, etc)

Address;

.....

.....

Certify that the Applicant: (Name of Applicant) who is under 13 years, understands the nature of this application to access to his/her personal information

Signed

Name:

Address if different from Applicant:

.....

.....

.....

(Parent, Guardian, Social Worker, etc.)

Date

If you are a parent or guardian applying for access to your child's personal data please complete the following and tick the relevant box

Please note that a parent can only be granted access to their child's records if this is considered in the child's interests

Name of Child:

Date of Birth

Address of Child: (if different from Applicant)

.....

.....

...

.....

....

I (name) am making a request for access to personal data held about the child named above, and

The child is incapable of understanding the request and I am making the request on his/her behalf

☐

The child has consented to my making this request on his/her behalf, and this consent was freely given

☐

Signed (Child) where consent is given:

Date:

Signed (parent or guardian):

Date:

5. All applicants must sign and date the following:

I understand that it may be necessary for the Council to obtain further information to confirm my identity and to locate the information sought. I can be contacted:

☐

By phone

☐

By email

☐

In writing to my home address

Signed

Date