

Data Protection Act 1998

The Data Protection Act 1998 seeks to strike a balance between the rights of individuals and the competing but legitimate interests of those using personal information. As such the Act bestows a duty on all bodies, when processing personal data to protect it from unauthorised use. It further poses restrictions on matters such as the length of time information can be retained for and limits how the information can be used. Under this Act Southampton City Council is obliged to provide information requested by the subject of the information within 40 working days of the request.

REQUESTING INFORMATION ABOUT YOURSELF

Frequently Asked Questions:

- **What information is available?**
- **How can you gain access to the Information?**
- **How can you make a request?**
- **How much will it cost you to get the information?**
- **What if you refuse to pay?**
- **How will you receive the information you requested?**
- **When will you receive the information?**
- **So what information will not be disclosed?**
- **What can you do if the information you requested was not disclosed and you are unhappy about it?**
- **What if you are still unhappy?**
- **Further Useful Information:**

What information is available?

The Data Protection Act 1998 solely concerns personal data.

What is personal data?

Personal data is any information including facts and opinions, and any indication of intentions, which relates to a living individual who can be identified from that information. For example name, address, date of birth, National Insurance number, bank account details.

Certain types of personal data are deemed to be sensitive information. This is information about your racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health or condition, sexual life, criminal offences, proceedings and convictions.

We can only collect and hold this information for specific purposes (for example equal opportunities monitoring).

Can your personal information be disclosed to anyone else?

Usually, no it cannot! Not without your consent or knowledge. However there are certain circumstances when a third party (specifically a government or law enforcement agency) can request information about you and we would be obliged to give it. For example:

- when the disclosure is for the purposes of preventing or detecting crime and to obtain your consent first would be likely to prejudice those purposes
- where the disclosure is required by law or by a court order

How does Southampton City Council know you are who you say you are?

We will ask for identification from you at the time you make your request. This will be either a passport or a driving licence together with a recent utility bill.

Can you have information about other people?

Generally No! However, requests for information about another person can be made in the following circumstances:

- Parents can request information about their children if the children concerned are under 12
- The person you are asking about has given their written consent (a letter of authority) to disclose information to you
- You are legally allowed to act on their behalf (Power of Attorney)
- A letter of authority has been provided

How can you make a request?

Requests must be made in writing by letter, email, fax, or complete our requests form to be found online.

When making a request for the information ensure that you;

- State your name
- State the address you would like any correspondence sent to
- Provide identification

[Link to FORM](#)

Any requests should be sent through to:
Information Compliance Officer

Corporate Legal Team
Southampton City Council
Civic Centre
Southampton
SO14 7LY

Telephone: (023) 8083 2676
Fax: (023) 8083 2308
Email: foi.requests@southampton.gov.uk (hyperlink)

How much will it cost you to get the information?

Any request for personal data will cost £10

When will you receive the information?

Southampton City Council must respond within 40 working days of the date of request (eight weeks).

How will you receive the information you requested?

A copy of anything we can locate in whatever format we hold it in; for example, screen prints of databases, copies of documents held in manual filing, CCTV footage

So what information will not be disclosed?

There are some exemptions to disclosing information and the main ones are listed below:

- Crime and taxation - (if the release of information would prejudice the prevention/detection of crime, the prosecution of offenders, or the assessment/collection of any tax or duty).
- Personal Information (if the release of documents containing your information would disclose the identity of someone else).
- Examination marks and examiners comments.
- Information given in confidence (e.g. references).
- National Security (if National Security would be compromised by the release of the information).
- Prevent prejudice to negotiations

Note: You may find that some information that this provided in blacked out. If this is so it is because the document you have been given contains information relating to other individuals, or is included in an exemption. If this is the case, you will be told why.

What can you do if the information you requested was not disclosed and you are unhappy about it?

If you are told that the information will not be supplied then you will be given a reason why. The letter will also have details of how this decision can be reconsidered. This will be reviewed by our Corporate Complaints Department.

Corporate Complaints Officer
Corporate Policy & Performance
Civic Centre
Southampton
SO14 7LY

Telephone: 023 8083 3050
Fax: 023 8083 4008
Email: complaints@southampton.gov.uk

For further information on Southampton City Council's complaints policy click on the link below:

<http://www.southampton.gov.uk/council-partners/accesstoinfo/foi/complaints.aspx>

What if you are still unhappy?

If, following the review you are still not satisfied then you can raise your concerns to the Information Commissioner at:

Case work and Advice Division
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Email: mail@ico.gsi.gov.uk

Further information can be found on the Information Commissioner's Website
www.informationcommissioner.gov.uk

Further Useful Information:

The Freedom of Information Act 2000

<http://www.opsi.gov.uk/acts/acts2000/20000036.htm>

The above link will take you straight to the Act.

Information Compliance Officer -Southampton City Council

foi.requests@southampton.gov.uk

If you have any further queries that have not been answered by the above, contact our Information Compliance Officer.

The Information Commissioner

www.informationcommissioner.gov.uk

The Information Commissioner deals with most enforcement issues arising out of all aspects of information management. The above link will take you to its website. This will provide information on how you can exercise your rights under information legislation.

Campaign for Freedom of Information

www.cfoi.org.uk

The Campaign for Freedom of Information campaigns against unnecessary official

secrecy. It monitors existing access rights and provides practical guides to help people use them.