

## **South Ayrshire Council Elected Members - Privacy Notice**

This is the privacy statement for Councillor Derek McCabe an elected member of South Ayrshire Council (“the council”).

### **Who I am**

I am Derek McCabe, elected member for Ward 5 – Ayr West, and a member of the Scottish Conservative Party. Details of my appointments within the council, outside appointment, surgery details and my register of interests can be seen on the council website at <https://www.south-ayrshire.gov.uk/councillors/derek-mccabe.aspx>

### **Your personal data – what is it?**

Personal data is information relating to a living person who can be identified from that data. Identification can be based on the information alone, or in conjunction with any other information. The processing of personal data is governed by the General Data Protection Regulation 2016 (GDPR) and supplement by the Data Protection Act 2018.

### **What information will I collect from you?**

I will only collect the personal information I need to provide you with relevant information, services and support.

### **How I will use the information about you**

As an elected member, I will only be able to look into concerns which you raise if I can use your personal information, for example so I can contact you with the result of my inquiries. If your query relates to your own involvement with the council then I will need details of this involvement in order to be able to assist you.

I also receive information about individuals from third parties such as where constituents raise queries or complaints about other people, and I receive information from the council relating to individuals where the matter in question is being reported to a council committee.

### **The legal basis for processing (using) your personal data**

The legal basis that I rely on for processing your data will depend upon the circumstances in which it is being collected and used, but I will normally process all enquiries:

- Where it is in the performance of a task carried out in the public interest and is necessary for an activity that supports or promotes democratic engagement.

In instances where this lawful basis is not sufficient, for example where there is uncertainty over your wishes, I will seek your consent to process your personal information. You are free to withdraw your consent at any time but if you do so then I will be unable to continue assisting you.

Where I have been given information about other people then I use this information because it is necessary for me to carry out my functions as an elected member:

- Where it is in legitimate interests pursued by myself or on behalf of a third party.

For some activities, I also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for me to process this more sensitive information to enable me to respond to requests. In these circumstances, I may seek your explicit consent.

### **Who I share your information with**

As an elected member of South Ayrshire Council I would normally pass your personal details and the circumstances of your query/complaint to Council Officers in order to allow the council to look into the issue. I do not generally pass personal details of constituents who contact me to anyone else unless I am required to do so by law or where this is in connection with a criminal investigation.

### **How long do I keep hold of your information?**

I will keep your personal data for no longer than reasonably necessary. However, some casework and policy queries will be retained and revisited to provide the best service and representation for constituents, and I may continue to receive correspondence on these matters.

Notwithstanding, I will only keep your personal information for the duration of the council term, which means for a maximum of five years.

### **Your rights**

You have the following rights depending on what lawful basis I am using to process your personal data – these include:

- access to your information – you have the right to request a copy of the personal information that I hold about you.
- correcting your information – I want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask me to correct any personal information about you that you believe does not meet these standards.
- Deletion of your information – you have the right to ask me to delete personal information about you where:
  - I. you think that I no longer need to hold the information for the purposes for which it was originally obtained;
  - II. I am using that information with your consent and you have withdrawn your consent – see [Withdrawing consent to using your information](#) below;
  - III. you have a genuine objection to my use of your personal information – see [Objecting to how I may use your information](#) below

IV. my use of your personal information is contrary to law or other legal obligations.

Objecting to how I may use your information – You have the right at any time to tell me to stop using your personal information for direct marketing purposes. I will only use your information to provide you with general updates on my activity as a councillor, and on events within the ward, with your consent.

Restricting how I may use your information – in some cases, you may ask me to restrict how I use your personal information. This right might apply, for example, where I am checking the accuracy of personal information that I hold about you. This right might also apply if I no longer have a basis for using your personal information but you don't want me to delete the data. Where this right is realistically applied will mean that I may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Withdrawing consent to use your information – Where I use your personal information with your consent you may withdraw that consent at any time and I will stop using your personal information for the purpose(s) for which consent was given.

**Please contact me as stated above if you wish to exercise any of these rights.**

### **Information I hold about other people**

Most of the personal information I hold relates to people who have approached me in connection with a particular issue. However I also hold information about other people as well, where this has been given to me in connection with such an issue. In some cases I will contact these other people directly to inform them that I have been provided with information about them (and also to tell them about their rights under data protection law and advise them about the terms of this privacy statement) but in many cases this is impractical. I will normally hold third party information in connection with attempts to get the council to take some sort of enforcement action and it would not be appropriate for me to contact third parties in these sorts of circumstances.

### **Profiling or automated decision-making processes**

I do not make use of automated decision-making processes or profiling.

### **Getting in touch**

If you wish to request a copy of the personal information that I hold about you or if you have any general data protection queries, my contact details are as follows:

Address:

County Buildings  
Wellington Square  
Ayr  
KA7 1DR

Phone: 01292 612486  
Mobile Phone: 07583 036748  
E-Mail: derek.mccabe@south-ayrshire.gov.uk

**If you have a complaint**

If you are unhappy with the way I have dealt with your personal information, please contact me in the first instance and I will try to resolve the issue. However, if you remain dissatisfied you can complain to the Information Commissioner (<https://ico.org.uk/for-the-public/>).

Information Commissioner's Office – Scotland  
45 Melville Street  
Edinburgh  
EH3 7HL

**Email:** [Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)

**Telephone:** 0303 123 1115