

Wortwell Parish Council

Data Protection Policy

Adopted: February 2018
Reviewed: June 2023
Next Review Due: June 2025

Objective: Wortwell Parish Council recognises its responsibility to comply with the Data Protection Act 1998 and the General Data Protection Regulation. Data Protection legislation requires that everyone within the council understands the implications and that roles duties are assigned. The Council is the data controller, and the clerk is the data processor. Data protection legislation requires continued care by everyone within the council, councillors and staff, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.

Personal Data – What is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other local legislation relating to personal data and rights such as the Human Rights Act.

Policy

1.1 Procedures: Wortwell Parish Council needs to collect and use certain types of information about people in order to effectively carry out its day-to-day operations, many of which are statutory duties; maintain our accounts and records; manage and support our employees.

Wortwell Parish Council is careful to ensure that it complies with Data Protection legislation when holding personal information. When dealing with personal data, Wortwell Parish Council must ensure that:

- Data is processed lawfully, fairly and transparently: meaning that personal information should only be collected from individuals in an open and honest manner
- That data is processed for specified, explicit and legitimate purposes only and is adequate, relevant and limited to what it is needed for with unnecessary data being securely destroyed
- Data is accurate and kept up to date
- Data is kept only for as long as is necessary for processing and be processed in accordance in a manner that ensures its security;
- Data is kept securely and in a manner such that it cannot be accessed by the public.

1.2 Storing Data: The Parish Council may hold some personal information about individuals such as their addresses, email address and telephone numbers. This information will be kept in a secure location at the office of the Council and is not available for public access. All electronic data stored by the Parish Council is password protected. We will keep data only for as long as we need it, which means we will delete or dispose of it securely when it is no longer needed.

1.3 Individuals Rights: Data Protection legislation gives individuals rights to:

- Be informed
- Access
- Rectification
- Erasure
- Restrict processing
- Data Portability
- Object
- Not to be subject to automated decision-making including profiling

If a request is received to access or delete information, then the Clerk must respond to this request within a month. The Clerk has the delegated authority from the Council to deal with such requests. If a request is considered to be manifestly unfounded then the request could be refused, or a charge may apply. The Council will be informed of such requests and will determine the charge.

1.4 Disclosure of personal information: If a Councillor needs to access personal information to help carry out their duties, this is acceptable. They are only able to access as much personal information as necessary and it should only be used for that specific purpose. However, before they access any sensitive personal information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

1.5 Data Breaches: The Clerk will investigate data breaches. Investigations will be undertaken within one month of the report of a breach and the details and findings will be reported to the full council. Procedures are in place to detect, report and investigate a personal data breach. The ICO will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the clerk will also notify those concerned directly.

1.6 Privacy Statement and Privacy Notices: Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection legislation. The most common way to provide this information is in a privacy statement. This statement informs individuals about what the council does with their personal information, how it will be circulated to and between councillors and their legal rights.

Privacy notices will be used from time-to-time when data is collected for specific purposes e.g., allotment holders. The notice will contain the name and contact details of the data controller, the purpose for which the data is to be used and the length of time it will be retained. It will be written clearly and will advise the individual that they can, at any time, withdraw their agreement for the use of this data (if applicable). The council will adopt a privacy notice to use, although some changes could be needed depending on the situation, for example where children are involved. Where consent is being relied on as the lawful basis for processing the data, privacy notices must contain a positive opt-in and be verifiable.

Complaints

Complaints made under this policy should be referred to the Clerk as identified under the Council's Complaints Policy.