

Slaley Parish Council - Data Protection Policy and Procedures

Adopted: May 2023

Introduction

We are committed to a policy of protecting the rights and privacy of individuals. We need to collect and use certain types of Data to carry on our work as a Parish Council. This personal information must be collected and handled securely.

The Data Protection Act 1998 (DPA) and General Data Protection Regulations (GDPR) govern the use of information about people (personal data). Personal data can be held on computers, laptops and mobile devices, or in a manual file, and includes email, minutes of meetings, and photographs.

The Parish Council remains the data controller for the information held. The Councillors, staff and committee members are personally responsible for processing and using personal information in accordance with the Data Protection Act and GDPR. Councillors, staff, and committee members who have access to personal information will therefore be expected to read and comply with this policy.

Purpose

The purpose of this policy is to set out the Slaley Parish Council commitment and procedures for protecting personal data. Councillors regard the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal with. We recognise the risks to individuals of identity theft and financial loss if personal data is lost or stolen.

The following are definitions of the terms used:

Data Controller - the Councillors collectively decide what personal information Slaley Parish Council will hold and how it will be held or used.

Act - means the Data Protection Act 1998 and General Data Protection

Regulations - the legislation that requires responsible behaviour by those using personal information.

Data Protection Officer – the person responsible for ensuring that Slaley Parish Council follows its data protection policy and complies with the Act.

Data Subject – the individual whose personal information is being held or processed by Slaley Parish Council.

‘Explicit’ consent – is a freely given, specific agreement by a Data Subject to the processing of personal information about her/him. Explicit consent is needed for processing “sensitive data”, which includes:

- Racial or ethnic origin of the data subject
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Trade union membership

- Physical or mental health or condition
- Sexual orientation
- Criminal record - Proceedings for any offence committed or alleged to have been committed.

Information Commissioner's Office (ICO) - the ICO is responsible for implementing and overseeing the Data Protection Act 1998.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – information about living individuals that enables them to be identified – e.g., names, addresses, telephone numbers and email addresses. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers.

The Data Protection Act

This contains 8 principles for processing personal data with which we must comply.

Personal data:

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met,
2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
3. Shall be adequate, relevant and not excessive in relation to those purpose(s).
4. Shall be accurate and, where necessary, kept up to date,
5. Shall not be kept for longer than is necessary,
6. Shall be processed in accordance with the rights of data subjects under the Act,
7. Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
8. Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal information.

Applying the Data Protection Act within the Parish Council

We will let people know why we are collecting their data, which is for the purpose of managing the Parish Council, its undertakings, and finances. It is our responsibility to ensure the data is only used for this purpose. Access to personal information will be limited to Councillors, staff and committee members.

Correcting data

Individuals have a right to make a Subject Access Request (SAR) to find out whether the council holds their personal data, where, what it is used for and to have data corrected if it is wrong, to prevent use which is causing them damage or distress, or to stop marketing information being sent to them. Any SAR must be dealt with within 30 days. Steps must first be taken to confirm the identity of the individual before providing information, requiring both photo identification e.g., passport and confirmation of address e.g. recent utility bill, bank or credit card statement.

Responsibilities

Slaley Parish Council is the Data Controller under the Act, and is legally responsible for complying with Act, which means that it determines what purposes personal information held will be used for.

The Councillors will take into account legal requirements and ensure that it is properly implemented, and will through appropriate management, strict application of criteria and controls:

1. Collection and use information fairly.
2. Specify the purposes for which information is used.
3. Collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements.
4. Ensure the quality of information used.
5. Ensure the rights of people about whom information is held, can be exercised under the Act. These include:
 - a. The right to be informed that processing is undertaken.
 - b. The right of access to one's personal information.
 - c. The right to prevent processing in certain circumstances, and
 - d. the right to correct, rectify, block or erase information which is regarded as wrong information.
6. Take appropriate technical and organisational security measures to safeguard personal information,
7. Ensure that personal information is not transferred abroad without suitable safeguards,
8. Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
9. Set out clear procedures for responding to requests for information.

All Councillors, staff and committee members are aware that a breach of the rules and procedures identified in this policy may lead to action being taken against them.

The Data Protection Officer on the management committee is:

Name: Clare Loughlin

Contact Details: see website.

The Data Protection Officer will be responsible for ensuring that the policy is implemented and will have overall responsibility for:

- a) Everyone processing personal information understands that they are contractually responsible for following good data protection practice.
- b) Everyone processing personal information is appropriately trained to do so.
- c) Everyone processing personal information is appropriately supervised.
- d) Anybody wanting to make enquiries about handling personal information knows what to do.
- e) Dealing promptly and courteously with any enquiries about handling personal information.
- f) Describe clearly how the council handles personal information.
- g) Will regularly review and audit the ways it holds, manages and uses personal information.

- h) Will regularly assess and evaluate its methods and performance in relation to handling personal information.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact the Data Protection Officer.

Procedures for Handling Data & Data Security

Slaley Parish Council has a duty to ensure that appropriate technical and organisational measures and training are taken to prevent:

- Unauthorised or unlawful processing of personal data
- Unauthorised disclosure of personal data
- Accidental loss of personal data

All Councillors, staff and committee members must therefore ensure that personal data is dealt with properly no matter how it is collected, recorded, or used. This applies whether the information is held on paper, in a computer or recorded by some other means e.g., tablet or mobile phone.

Personal data relates to data of living individuals who can be identified from that data and use of that data could cause an individual damage or distress. This does not mean that mentioning someone's name in a document comprises personal data; however, combining various data elements such as a person's name and salary or religious beliefs etc. would be classed as personal data, and falls within the scope of the DPA. It is therefore important that all staff consider any information (which is not otherwise in the public domain) that can be used to identify an individual as personal data and observe the guidance given below.

Privacy Notice and Consent Policy

The private notice and consent policy are as follows: Consent forms will be stored by the Clerk in a securely held electronic or paper file.