

Slaley Parish Council Data Protection Policy August 2020

Introduction

Slaley Parish Council from time to time needs to collect and use certain types of information about the Data Subjects who come into contact with it in order to carry on our work. This personal information must be collected and dealt with appropriately whether on paper, in a computer, or recorded on other material - and there are safeguards to ensure this under the new General Data Protection Regulations 2018.

Data Controller – The person who (either alone or with others) decides what personal information Slaley Parish Council will hold and how it will be held or used.

Data Protection Officer (DPO) – The person who (either alone or with others) decides what personal information Slaley Parish Council will hold and how it will be held or used.

GDPR – the new legislation covering data protection from May 2018.

Data Subject/Service User – The individual whose personal information is being held or processed by Slaley Parish Council (for example: a client, an employee, a supporter)

'Explicit' consent – is a freely given, specific and informed agreement by a Data Subject to the processing* of personal information* about her/him. Explicit consent is needed for processing sensitive* data.

Notification – Notifying the Information Commissioner (IC) about the data processing activities of Slaley Parish Council, as certain activities may be exempt from notification.

Information Commissioner (IC) – The UK Information Commissioner 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 (name and address). It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers or employees within Slaley Parish Council.

Sensitive data – means data about:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal records
- Criminal proceedings relating to a data subject's offences

Data Controller

Slaley Parish Council is the Data Controller, which means that it determines what purposes personal information held will be used for. It is also responsible in certain circumstances for

notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Disclosure

Slaley Parish Council may share data with other agencies such as the local authority, funding bodies and other voluntary agencies only if we are required to do so by law.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Slaley Parish Council to disclose data (including sensitive data) without the data subject's consent.

These are:

1. Carrying out a legal duty or as authorised by the Secretary of State.
2. Protecting vital interests of a Data Subject or other person.
3. The Data Subject has already made the information public.
4. Conducting any legal proceedings, obtaining legal advice or defending any legal rights.
5. Monitoring for equal opportunities purposes – ie race, disability or religion
6. Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

General policy guidelines for Slaley Parish Council

- 1 All decision makers and key people in the Parish Council (PC) are aware that General Data Protection Regulations (GDPR 2018) exist, and what is required under the legislation.
- 2 All personal data the PC holds is documented as to where it came from and with whom it is shared.
- 3 Current practices were reviewed in March 2018 to meet new legislative requirements and will be reviewed should legislation require.
- 4 All data is deleted securely (deleted online or shredded in paper form), or held securely online on the website or on the Clerk's PC (not a shared PC and protected by password). Passwords will be changed on a regular basis.
- 5 The PC has no need to provide personal data to the general public. All details of the Councillors, minutes and activities of the PC are free to view online.
- 6 The website does not collect data from browsers.
- 7 The PC does not gather data in its general day-to-day work. Any surveys of Parishioners are for the sole use, private use of the PC and its activities. Any data collected is stored securely online, analysed, used to inform and deleted securely. Data are never sold or passed on to third parties.
- 8 If there is a breach of security, the Clerk will inform the Chair. Passwords will be reset. If the breach is likely to risk the rights and freedoms of others the ICO will be informed.
- 9 The Clerk is the Data Protection Officer (DPO). The DPO will take responsibility for secure storage of any data and regular changes of passwords to ensure security.
- 10 As a Not-For-Profit organisation, the PC **does not** need to pay a data processing fee.

Slaley Parish Council regards 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.

Slaley Parish Council intends to ensure that personal information is treated lawfully and correctly at all times in the operation of his business and duties under GDPR legislation.

Specifically, personal information:

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 GDPR, 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 GDPR
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

Slaley Parish Council will, through appropriate management, apply strict criteria and controls:

- Observe fully, conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the GDPR. These include:
 - Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
 - o The right to be informed that processing is being undertaken
 - o The right of access to one's personal information
 - o The right to prevent processing in certain circumstances
 - o The right to correct, rectify, block or erase incorrect information
 - Take appropriate technical and organisational security measures to safeguard personal information
 - Ensure that personal information is not transferred abroad without suitable safeguards
 - Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information,
 - Set out clear procedures for responding to requests for information

Data collection

Informed consent

Informed consent is when

- A Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data,
- and then gives their consent.

Slaley Parish Council will ensure that data is collected within the boundaries defined in this policy. This applies to data that are collected in person, or by completing a form.

When collecting data, Slaley Parish Council will ensure that the Data Subject:

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

Data storage

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as is needed and will be disposed of appropriately.

It is Slaley Parish Council's responsibility to ensure all personal and organisational data are non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data access and accuracy

All Data Subjects have the right to access the information Slaley Parish Council holds about them. Slaley Parish Council will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, Slaley Parish Council will ensure that:

- It has a DPO with specific responsibility for ensuring compliance
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do,
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information,
- It will review and audit the ways it holds, manages and use personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action

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 GDPR 2018.

In case of any queries or questions in relation to this policy please contact the Slaley Parish Council Data Protection Officer:

- Mrs Patricia Wilson e-mail : Pat.Wilson28@outlook.com

The points made in this Policy were agreed at the Annual Parish Council meeting on.....

Signed Chairman of the meeting