

# GOSFIELD PARISH COUNCIL

## DATA PROTECTION POLICY



### 1. Introduction

This policy has been compiled to act as a guidance note for the Parish Council, its members and officers. It represents the policy of the Parish Council in respect of the use, protection and management of 'Personal Data'. The policy has been prepared to ensure consistency in the Parish Council's approach to Data Protection in line with the regulations set out for the use of personal data in the General Data Protection Regulations as part of the Data Protection Act 2018.

The Parish Council regards the lawful and proper treatment of personal information as vital to service delivery, successful working and to maintaining the confidence of those with whom it deals. The Parish Council holds personal data about a range of people including current and former councillors and employees, volunteers, residents, contractors, suppliers, representatives of organisations and councils, job applicants and other stakeholders and individuals for a variety of purposes related to the council.

### 2. Personal Data

Definition: any information, including opinions and intentions, which relates to an identified or identifiable natural living person. Identification can be by the personal data alone or in conjunction with any other personal data.

Examples of Personal Data collected may include:

- Names, titles and photographs
- Personnel details, e.g. staff start/leaving dates, education and work histories, academic and professional qualifications, pension references
- Contact/client/customer/resident details, e.g. telephone numbers, addresses, email addresses and electoral role numbers
- Where relevant to the Parish Council's legal obligations or service delivery, demographic information, e.g. gender, age, marital status, nationality, family composition, and dependants
- Financial information and identifiers in the context of contracts, purchasing and service agreements, e.g. bank account numbers, payment and transaction identifiers, policy numbers, VAT numbers, claim numbers, National Insurance numbers, pay and pay records, tax codes, tax and benefits contributions, expenses claimed
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out Council activities, including but not limited to, website visit histories, meeting attendees, logs of visitors, and logs of accidents, injuries and insurance claims
- Next of kin and emergency contact information
- Recruitment information including copies of right to work documentation, references and other information included in a CV or related documents
- Other staff data including level, performance management information, information relating to disciplinary or grievance proceedings and personal biographies
- Councillor information, e.g. eligibility criteria and register of interests

### **3. Data Control Arrangements**

This policy sets out how the Parish Council seeks to manage and protect personal data and to ensure that councillors and officers understand the rules governing the use of such information to which they have access in the course of managing, administering and delivering the work of the council. In doing so, it covers the behaviours expected in relation to the collection, use, retention, transfer, disclosure and destruction of any personal data belonging to individuals.

The Parish Council will take all necessary measures to ensure that the personal data it collects and processes is complete and accurate in the first instance and is updated subsequently to reflect the correct and current situation of any individual at any given time.

- i) The Parish Council is required to understand the nature, scope, content and purpose of the processing activities and associated risks of data protection
- ii) The Parish Council is required to be involved with decisions and activities which have data protection law implications
- iii) The Parish Council must inform, advise and make recommendations in respect of data protection law compliance
- iv) The Parish Council is required to monitor and audit their compliance with data protection law
- v) Councillors and officers must be aware of data protection law including any updates or changes
- vi) The Parish Council must carry out privacy impact assessments when they are necessary
- vii) The Parish Council may process personal data by relying on the 'legitimate interests' of one of its councillors, officers or third parties in addition to the following five existing conditions:
  - a. Consent
  - b. Contract
  - c. Legal Obligation
  - d. Vital interest
  - e. Public task
- viii) The Parish Council will ensure that all data management will have adequate physical or electronic security

### **4. Personal Data and Information Audits**

The Parish Council must undertake an information audit which details:

- The type of personal data held
- Where it came from and how it was collected
- The purpose for holding that information
- With whom the Parish Council has or will share that information

This will include all information held electronically or as a hard copy.

The Personal Data and Information Audit will be reviewed annually or when the Parish Council undertakes a new activity.

### **5. The Rights of Individuals**

All individuals (Parish Council members, officers, members of the public, contractors etc.) have the following:

- The right to be informed
- The right of access
- The right of rectification
- The right to erasure (aka the right to be forgotten)
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to automated decision-making including profiling

If a request is received to delete information, then the Parish Council must respond to this request within one month. The request will be an agenda item at the next full Parish Council meeting following the receipt of the request. The request will be discussed in private without members of the public in attendance. The outcome of the request will be minuted by the Parish Clerk.

## **6. Sharing Information**

It is likely that the Parish Council will need to share personal data with some or all of the following, but only where absolutely necessary:

- Parish Council suppliers and contractors, e.g. where a commercial provider is asked to publish or distribute newsletters on behalf of the Parish Council, to maintain database software or host council information on a website
- Other local authorities or not-for-profit bodies with which the Parish Council is engaged

The Parish Council will only transfer personal data to, or allow access to third parties when it is assured that the information will be processed legitimately and protected appropriately by the recipient.

## **7. 'Sensitive' Personal Data**

Under no circumstances, the Parish Council will seek or hold 'Sensitive' personal data such as:

- Racial or ethnic origin
- Political opinions or views
- Religious beliefs or other beliefs of a similar nature
- Membership of a trade union
- Physical or mental health or conditions
- Sexual life
- Genetic data
- Biometric data
- Sexual orientation

## **8. Data Security and Storage**

The Parish Council will adopt physical, technical, and organisational measures to provide for the security of personal data. This includes the prevention of loss or damage, unauthorised alteration, access or processing, and other risks to which it may be exposed by virtue of, in particular, human action or the physical, technical or natural environment. Measures will include the following:

- When data is stored on printed paper, it will be kept in a secure place where it can not be accessed by unauthorised personnel
- Printed personal data will, as necessary, be shredded when it is no longer needed
- Personal data stored on a computer will be protected by strong passwords that are changed regularly
- Personal data will not be stored on portable media, e.g. CDs or memory sticks
- Personal data will be regularly backed-up on external hard drives

Where other organisations process personal data in the context of services being delivered to or provided on behalf of the Parish Council, additional specific data security arrangements will be established and implemented in contracts or agreements with those third party organisations.

## **9. Children**

If the Parish Council requires information from children under the age of 13 years, the Parish Council must obtain a parent or guardians consent in order to process the personal data lawfully.

Consent forms for children over the age of 13 years must be written in language that can be understood.

#### **10. Data Breaches**

A breach of the General Data Protection Regulations could result in the Parish Council being fined by the Information Commissioners Office and to compensate the individual who was adversely affected.

Any breach in security, storage or sharing policy must be reported to the Parish Clerk as soon as practicably possible.

Advice on conduction of any investigation will be sort immediately from the Essex Association of Local Councils.

#### **11. Complaints**

If there is a complaint regarding the way personal data had been acquired, used, stored, processed or shared, the Parish Council should in the first instance refer the complainant to the Information Commissioners Office:

casework@ico.org.uk, telephone: 0303 123 1113

Re-Adopted

Date 20<sup>th</sup> May 2024

Minute reference 24/088 Item F

Signed .....Chairman

Review Date: May 2025