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Wakes Colne Parish Council

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GENERAL DATA PROTECTION REGULATION POLICY

One of the Council's roles is to encourage community involvement and participation; publication of some personal information is integral to this aim. The General Data Protection Regulation Policy 2018 (GDPR) came into force on the 25th May 2018 and updates any previous data protection policy and procedures.

The GDPR provides the statutory framework for the use of computerised information (including audio and visual systems) and certain manual records about living identifiable individuals in the UK. Data Protection legislation does not prohibit disclosers of such information to third parties but it regulates the circumstances in which they can be made and gives enhances subject access rights.

Data Protection Roles

The Government revoked the need for the Parish Council to appoint a Data Protection Officer. The Parish Council must put into place provision for the governance of control 9 of the General Data Protection Regulation. (Control of data).

The National Association of Local Councils guidance (21/2/2017)L07-18 confirms that a Parish Council does not have to appoint a Data Protection Officer guidance L10-17 outlines data control arrangements.

Further information is available via the NALC web page: www.nalc.gov.uk

Data Control Arrangements

1. The Parish Council are required to understand the nature, scope, content and purpose of the processing activities and associated risks of data protection.
2. The Parish Council require to be involved with decisions and activities which have data protection law implications.
3. The Parish Council must inform, advise and make recommendations in respect of data protection law compliance.
4. The Parish Council is required to monitor and audit their compliance with data protection law.
5. Councillors and the Parish Clerk must be aware of data protection law.
6. The Parish Council must carry out privacy impact assessments when they are necessary.
7. The Parish Council may process personal data by relying on the 'legitimate interests' in addition to the 5 existing conditions.

Information Audits

The Parish Council must undertake an information audit which details: -

- Personal data held
- Where it came from
- The purpose for holding that information
- With whom the Council will share that information

This will include information held electronically or as a hard copy. The Information Audit will be reviewed annually or when the Parish Council undertakes a new activity.

Individual Rights

The GDPR give individuals rights with some enhancements to those rights already in place:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- 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

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometimes known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between computers.

If a request is received to delete information, then the Parish Council must respond to this request within a month.

The request will be on agenda item at the next Parish Council meeting following 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.

Children

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the council requires consent from young people under 13, the council must obtain a parent or guardians consent in order to process the personal data lawfully. Consent forms for children age 13 plus must be written in language that they will understand.

Data Breaches

The GDPR requires continued care by Parish Councillors and the Parish Clerk, in the sharing of information about individuals, whether as hard copy or electronically. A breach of the regulations could result in the Parish Council being fined by the Information Commissioners Office and to compensate the individual who was adversely affected.

Personal data breaches should be reported to the Parish Clerk.
Advice on conducting any investigation will be sought immediately from the Essex Association of Local Councils.

Summary

The Policy document will be reviewed at least annually.

Adopted

Date 6th May 2020

Minute reference 20/079 Item 18

SignedChairman

Review Date: May 2021