

Introduction

The Data Protection Act 1998 was updated in 2018 to cover the General Data Protection Regulation. The Act is concerned with personal data, that is information about living, identifiable individuals. This need not have to be sensitive data; it can be as little as a name and address. The Act gives individuals (data subjects) certain rights. It also requires those who record and use personal information (data controllers) to be open about their use of that information and to follow sound and proper practices (the Data Protection Principles). Data controllers are those who control the purpose and manner in which personal data is processed. Data subjects are the individuals to whom the personal data relate.

The Information Commissioner is responsible for administering and enforcing the Data Protection Act. They maintain a record of data controllers. As the Parish Council holds personal information about living individuals on paper and computer eg details of planning applications, grant applications etc we have notified our registration with the ICO under the Data Protection Act.

Hopton Wafers Parish Council, as Data Controller, recognises its responsibility to comply with the Data Protection Act. The Parish Council will follow procedures that aim to ensure that all employees, elected members and working partners who have access to any personal data held by or on behalf of the Council are fully aware of and abide by their duties under the Act following the Data Protection Principles. The Parish Council has to collect and use information about people with whom it works. This may include members of the public, current, past and prospective employees, councillors, suppliers and working partners. This information must be handled and dealt with properly, however it is collected, recorded and used.

Privacy Notices

Being transparent and providing accessible information to individuals about how the parish council uses personal data is a key element of the Data Protection Act and GDPR. The most common way to provide this information is in privacy notices, which inform individuals about what a parish council does with their personal information. The Parish Council has produced appropriate privacy notices and these contain the details of the Data Controller and Data Processor/Compliance Officer, the purpose for which the information is used and the length of time for its use. The privacy notices advise individuals of their rights relating to data (See website for full details).

Data Protection Principles

The Parish Council regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the council and those with whom it carries out business. The Parish Council will ensure that it treats personal information lawfully and correctly and to this end fully endorses and adheres to the Principles of Data Protection as set out in the General Data Protection Regulations which regulates how personal information can be collected, handled and used:

1. Data shall be processed fairly and lawfully - this means that personal information should only be collected from individuals if employees and Councillors have been open and honest about why they want the personal information. Processing covers retaining, recording or holding information.
2. Data shall be obtained and held only for specific and lawful purposes and not processed in any matter incompatible with those purposes.

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3. Data shall be relevant, adequate and not excessive for those purposes. Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
4. Data shall be accurate and kept up to date - personal data should be accurate, if it is not it should be corrected.
5. Data shall not be kept longer than it is needed – only in exceptional circumstances would data be kept indefinitely. In order to comply with this principle, we have a system for the removal of different categories of data after certain periods ie when information is no longer required for audit purposes. (See Data Retention and Management of Documents Policy.)
6. Data shall be processed in a manner that ensures appropriate security and protection - this means that only employees and Councillors can access data. Only data that is relevant will be provided to external sources such as our auditor. Council will take adequate security measures to prevent unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Rights of Data Subjects

GDPR gives individuals rights (See Subject Access Requests below) with some enhancements to those rights already in place:

- The right to access personal data the parish council holds on you
- The right to correct and update the personal data the parish council holds on you
- The right to have your personal data erased
- The right to object to the processing of your personal data or to restrict it to certain purposes only
- The right to request that the parish council transfers some of your data to another data controller
- The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained
- The right to lodge a complaint with the Information Commissioner's Office.

Subject Access Requests

The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data that is being held about them, they must be sent all of the personal information that is being held about them. The data subject is also entitled to request and receive an explanation for why their information is processed, anyone it may be disclosed to and the source of the data. The request will be dealt with within one month. There is no fee for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee. If the data subject feels that the processing of their personal data causes unwarranted and substantial damage or distress they are entitled to send a notice to the Council requiring the Council cease such processing.

Parish Council Compliance

The Parish Council may hold personal information about individuals such as their addresses and telephone numbers. The Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that councillors and employees will be clear about why they want a particular piece of personal information. If, for example, a member of the public gives their phone number to an employee or a member of Hopton Wafers Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else. If an elected

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member of the council, for example 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. If, for instance, someone has made a complaint about over hanging bushes in a garden, a Councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry providing they represent the area that the subject lives in.

Personal information will be kept in a secure location (a locked cabinet) at the office of the Parish Clerk and is not available for public access. All such data stored on the Parish Council computer is password protected. Once personal data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer. Except in exceptional circumstances and as agreed by the Parish Council personal data will be kept for no longer than three years. There are exemptions for specific circumstances ie staff administration including payroll, accounts and public records ie Register of Members interests and Council Minutes.

Hopton Wafers Parish Council has a legal obligation to publish documents as directed by legislation ie Accounts and Audit Regulations and the Transparency Code. Whilst it is common practice for Council documents to show signatures to prove authenticity, the signatures will be obliterated if the signatory so requests in writing, prior to publication.

Parish Councillors and employees must be aware that when queries, requests, complaints are made regarding personal data, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

Hopton Wafers Parish Council will ensure that this Policy is implemented and monitored through compliance checks as part of our Risk Assessments and subject to review at least annually and more often if a change in legislation dictates.

Further information about the Data Protection Act can be obtained from the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 0303 123 1113. Website: www.ico.org.uk

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