



## **Oliver's Battery Parish Council**

# **DATA PROTECTION POLICY**

### **Introduction**

In order to conduct its business, services and duties, Oliver's Battery Parish Council ('the Council') processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

The Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Council has the appropriate mechanisms for detecting, reporting and investigating personal data breaches including security breaches. It is aware of its duty to report significant breaches that cause significant harm to the affected individuals to the Information Commissioners Office and is aware of the possible consequences.

The Council will maintain privacy impact assessments (an audit of potential data protection risks with major new projects.)

The Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office. The Council has notified the Information Commissioner that it holds personal data about individuals.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the parish's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

This policy should be read in conjunction with the Council's Privacy Notices and Consent Form.

All councillors, volunteers and staff are expected to comply with this policy at all times.

Training will be offered to existing councillors and staff at least annually and to new councillors as part of their induction.

### **Protecting Confidential or Sensitive Information**

The Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) became law on 25 May 2018 and is supplemented by the Data Protection Act 2018, seeking to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Council with legitimate reasons for using personal information.

### **The Policy is based on the premise that Personal Data must be:**

- Processed fairly, lawfully and in a transparent manner in relation to the data subject
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Accurate and, where necessary, kept up to date
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

### **Data Protection Terminology**

**Data subject** - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of the Council or someone transacting with it in some way, or an employee, member or volunteer

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. City Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

**Data processor** - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

The Council processes **personal data** in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council
- undertake research, audit and quality improvement work to fulfil its objects and purposes
- carry out Council administration

Where appropriate and governed by necessary safeguards the Council will carry out the above processing jointly with other appropriate bodies from time to time

**The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:**

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary to pursue the legitimate interests of the data controller or third parties

Particular attention is paid to the processing of any **sensitive personal information** and the Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

### **Who is responsible for protecting a person's personal data?**

The Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Clerk.

### **Information provided to the Council**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Council is able to keep their personal data accurate and up to date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided, and only for as long as necessary, after which it will be deleted.

The Council recognises the importance of seeking individuals' consent for obtaining, recording, using, sharing, storing and retaining their personal data, and understands that consent must be freely given, specific, informed and unambiguous. The Council will seek consent on a specific and individual basis where appropriate. Full information will be given regarding the activities about which consent is sought. Relevant individuals have the absolute and unimpeded right to withdraw that consent at any time.

### **The Council's Right to Process Information**

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation

Processing is necessary for the legitimate interests of the Council

The Council will maintain a written record of its processing activities.

### **Information Security**

The Council ensures the security of personal data. It makes sure that information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures.

### **Children**

The Council will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

### **Information Audit**

The Council must undertake a data audit which details the personal data held, where it came from, the purpose for holding that information and with whom the Council will share that information. This will include information held electronically and hard copy. Information held could change from year to year with different activities, and so the audit will be reviewed at least annually or when the Council undertakes a new activity.

## **Rights of a Data Subject**

**Access to Information:** an individual has the right to request access to the information the Council has on them. They can do this by contacting the Clerk

**Information Correction:** If they believe that the information the Council has about them is incorrect, they may contact the Council so that it can update it and keep their data accurate. Please contact the Clerk.

**Information Deletion:** If the individual wishes the Council to delete the information about them, they can do so by contacting the Clerk.

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Clerk or the Information Commissioners Office, [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Council does not use automated decision making or profiling of individual personal data.

## **Managing individuals' rights**

Relevant individuals have a right to be informed whether the Council processes personal data relating to them and to access the data the Council holds about them. To request access to this data (a Subject Access Request) contact the Clerk at Oliver's Battery Parish Council, 252 Calmore Road, Calmore SO40 2RB. The Council will not charge for the supply of data unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the individual making the request. Access to data will be provided subject to legally permitted exemptions, within one month. This may be extended by a further two months where requests are complex or numerous.

If a person requests to see any data that is being held on them, the subject access request response must detail:

- How and for what purpose the personal data is processed
- The period the Council intends to process it for
- Anyone who has access to the personal data

If a subject access request includes personal data of other individuals, the Council must not disclose this. That individual's personal data may be redacted or the individual may be contacted to give permission for their information to be shared with the subject.

When an individual exercises their data rights their identity confirmation will be requested to avoid data breaches.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

## **Bring Your Own Device Policy**

Ideally councillors will not use their own devices.

The use of personal devices and email accounts could raise the risk that personal data is processed for different purposes from which it was originally collected. All councillors should ensure they know their responsibilities in terms of only using personal data for the purposes which the Council obtained it.

Data on personal email accounts must be accurate and retained no longer than necessary.

As the data controller, the Council must ensure all processing of personal data under its control remains compliant, regardless of the ownership of the device used to carry out the processing.

Councillors' devices must be password-protected and protected from malware, and if lost or stolen capable of remotely locating it and wiping the data.

Councillors using their own devices must be trained, to ensure the risks are suitably managed.

Councillors should not store emails in personal email accounts or forward emails containing personal data.

In order to respond on time to a subject access request, reduce the risk of not responding on time by searching multiple devices can be minimised by councillors only using their councillor emails, and allowing no one else to access their personal email account.

## **Data Breaches**

The Council will keep a record of all personal data breaches comprising facts, effects and remedial action taken, in a breach register.

Where a data breach is likely to result in a risk to the rights and freedoms of individuals eg it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage, it will be reported to the ICO within 72 hours of the Council becoming aware of it and may be reported in more than one instalment. Individuals will be informed directly in the event that the breach is likely to result in risk to the rights and freedoms of that individual. If the breach is sufficient to warrant notification to the public, the Council will do so without undue delay. The Council must complete the register, including correctional actions (if any).

It is unacceptable for councillors, volunteers and employees to use IT in any way that may cause problems for the Council eg the discussion of internal Council matters on social media sites could result in reputational damage for the Council and to individuals.

Adopted by: Oliver's Battery Parish Council

Review Date: