

Beckermet with Thornhill Parish Council Data Protection Policy and Procedure..Rev1

1. INTRODUCTION

1.1 Beckermet with Thornhill Parish Council needs to collect and use certain types of information about the people who represent it and come into contact with it in order to carry out its work. This personal information must be managed in accordance with the UK Data Protection Act 1998.

2. DEFINITIONS

2.1 Data Controller – The person(s) who decides what personal information Beckermet with Thornhill Parish Council will hold and how it will be held or used. In this case Beckermet with Thornhill Parish Council is the Data Controller. The Data Controller must notify the UK Information Commissioner of the data it holds or is likely to hold and the purpose behind holding the data.

2.2 Data Protection Officer (DPO)– The person(s) responsible for ensuring that the data protection policy is being adhered to. CALC have advised Parish Councils that it is not necessary to appoint a DPO. The Parish Council Clerk and Financial Officer will ensure that the Parish Council policy is being adhered to.

2.3 Data Subject– The individual people whose personal information is being held or processed by Beckermet with Thornhill Parish Council (for example Councillors, an employee, a contractor, a volunteer or a resident of the Parish)

2.4 Processing – Means obtaining, recording, storing, updating, using, sharing and disposing of personal Information

2.5 Personal Information – Information about living individuals that can be used on its own or with other information to identify them. e.g. name and address, email address, telephone numbers etc. It does not include information about organisations, companies and agencies but applies to named persons.

2.6 Consent – Informed 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. Sensitive data includes:

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

2.7 Information Commissioner – The UK Information Commissioner is responsible for implementation and overseeing of the Data Protection Act.

3. THE POLICY

3.1 Beckermeth with Thornhill 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 it deals. The Parish Council carries out work remotely using personal electronic computer systems; the Councillors normal place of work is their home. Note however that the Clerk uses a computer owned by the Parish Council. Beckermeth with Thornhill Parish Council intends to ensure that information is treated lawfully and correctly. Specifically, the Policy requires that personal information:

1. Shall be processed fairly and lawfully and in a transparent manner.
2. Shall be processed only for specific, explicit and legitimate purpose(s) and for a valid reason. Data shall not be processed in any manner incompatible with the purpose(s) and shall not be used for unrelated purposes.
3. Shall be adequate, relevant and limited to what is necessary in relation to the purpose(s)
4. Shall be accurate and, where necessary, kept up to date. Inaccurate data should be erased or rectified as soon as it is identified,
5. Shall not be kept for longer than is necessary.
6. Shall be processed in accordance with the rights of data subjects identified under the Act,
7. Shall be kept secure under the control of, the Parish Clerk who will take appropriate measures to prevent unauthorised or unlawful processing or accidental loss, destruction of, or damage to, personal information,
8. Shall not be transferred to another country or territory outside the European Economic Area.

3.2 Beckermeth with Thornhill Parish Council will apply the following controls to ensure compliance with the above policy:

- The Council will specify the purposes for which the information is used.
- The Council will collect and process information, only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements.
- The Council will ensure the quality of information is fit for purpose.
- The Council will ensure that the rights of Data Subjects about whom information is held are properly exercised in accordance with the Act. These include the Data Subjects rights to the following:
 - Access their data within 30 days of making a request to the Clerk
 - Erase their information,
 - Rectify their information
 - Object/prevent its use,
 - Be informed of its use and limit its use (e.g. not allow electronic use)
 - Request information is removed and forgotten
- The Council will take appropriate measures to safeguard personal information and report any breaches of data protection.
- The Council will ensure that personal information is not transferred outside the United Kingdom.
- The Policy will be displayed on the Parish Council's web site, <http://www.beckermethwiththornhillpc@org.uk>

4. PROCEDURE TO BE APPLIED

The following procedure will be adopted to ensure compliance with the above policy.

4.1 Data collection

4.1.1 Informed consent is when a Data Subject provides their consent to use the data after clearly understanding why their information is needed, who it will be shared with and the possible consequences of them agreeing or refusing the proposed use of the data. Beckermet with Thornhill Parish Council will ensure that the Data Subject is provided with sufficient information for them to provide Informed consent. The Data Subject will be requested to authorise its use by the Council either electronically or on paper using the form given in Attachment 1.

4.1.2 Data Subjects can access their information, request rectifying information, register objections to their data stored, request deletions to their data by contacting the Clerk of the Parish Council.

4.1.3 Data will only be used for legitimate, lawful purposes. Inappropriate or superfluous data will not be held.

4.1.4 The Clerk will retain a list of all information that has been collected and will review its accuracy with the Data Subjects at least every two years.

4.1.5 The Clerk will report the results of an internal audit of the data to the Annual Parish Council meeting held in April/May of each year.

4.1.6 The Clerk will report any breaches of compliance to the Parish Council meeting immediately following the detection. It is required that the Information Commissioner be informed.

4.2 Disclosure

4.2.1 Beckermet with Thornhill Parish Council may need to share data with Parish Councillors, other individuals, agencies such as the local authorities, funding bodies and other voluntary agencies. The Data Subject will be made aware how and with whom their information will be shared.

4.2.2 There are circumstances however where the law allows the Data Controller 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 – i.e. 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 the Data Controller would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

4.3 Data storage

4.3.1 Personal Information and records will be stored securely either on the password protected computer operated by the Clerk, or responsible Councillor or in Paper form and will only be accessible to Councillors and the Clerk. This will generally be at the homes of the Clerk and/or Councillors.

4.3.2 Personal Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately. Unless otherwise agreed Personal Information will be stored by the Parish Council for no longer than 4 years.

4.3.3 It is the Parish Councillors and Clerks responsibility to ensure that all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

4.4 Data access and security

4.4.1 All Data Subjects have the rights identified under the Policy in Section 3 to the information that Beckermet with Thornhill Parish Council holds about them. To implement these rights they should contact the Clerk.

4.4.2 The Clerk will manage the storage of data and ensure that it is kept secure. The Clerk will review and audit the way the Council holds, manages and uses personal information and after informing the Parish Council will make any changes to procedures to fulfil the requirements of the Data Protection Act.

4.4.3 Beckermet with Thornhill Parish Council will ensure that the Clerk and the Parish Councillors are fully aware and if necessary trained to comply with the policy.

4.5 Risk

4.5.1 The Parish Council will compile a register of risk and ensure that they have been appropriately considered.

Attachment 1

Data Subjects Consent Form

In order to comply with the Beckermert with Thornhill Parish Council Data protection policy required under the General Data Protection Regulations which came in to effect on 25th May 2018 we are required to secure your consent to store your personal information and to use the information for the purpose(s) defined below.

Personal Details (To be completed by Data Subject)

Name.....

Date of Birth.....

Address.....

.....

Post Code.....

Telephone Numbers Home..... Mobile.....

E mail address.....

How the Information about you will be used (To be completed by DPO)

.....
.....
.....
.....
.....

The Parish Council may need to contact you regarding the use of this information. Please indicate below how you would like us to contact you. Please tick appropriate boxes.

Home phone Mobile phone E mail Post

Beckermert with Thornhill Parish Council hereby agrees to use the personal information above only for the purpose(s) defined and to store the information securely at all times. The Council will review the accuracy of the data with the Data Subject and will ensure that the rights of the Data Subject are exercised in accordance with the Data Protection Act (1998) at all times. These include the rights to erase information, prevent its use, the right to be informed of its use and the Data Subjects right to access the information.

Data Subjects Name.....Signature.....

Date.....

For Parish Council

Name.....Signature.....Date.....