

# **Buckland Parish Council**

## **Data Protection Policy**

### **Introduction**

In order to conduct its business, services and duties, Buckland Parish Council ("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.

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.

Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

Council will be as transparent as possible about its operations and will work closely with the 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 parishioners. Details of information which is routinely available is contained in the Council's Freedom of Information Publication Scheme which is based on the statutory model publication scheme for local councils.

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

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) which became law on 25<sup>th</sup> May 2018, like the Data Protection Act 1998 before it, seeks to strike a balance between the rights of individuals and the sometimes competing interests of those, such as 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, a prospective employee, an associate or prospective associate of Council or someone transacting with Council in some way such as a volunteer or parishioner.

**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) 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.

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, to sign up to the village email group (through which input to consultations is sought) or make a complaint.
- consult with the local community, consultation that includes undertaking surveys, censuses and issuing 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 Council will carry out the above processing jointly with other appropriate bodies from time to time.

**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 in order 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 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?**

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

Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

**Information provided to 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 transactions requested by the individual. By transacting with Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that Council can keep their personal data accurate and up-to-date. The personal information will not be shared or provided to any other third party or be used for any purpose other than that for which it was provided.

**The Councils 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.

**Information Security**

Council takes cares to ensure the security of personal data. Council makes sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

Council will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

**Children**

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

## **Rights of a Data Subject**

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

**Information Correction:** If an individual believes information Council has about them is incorrect, they may contact Council and ask for the information to be updated to keep it accurate. They can do this by contacting the Clerk.

**Information Deletion:** If an individual wishes Council to delete 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.

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

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

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.

### **Sheena Boyce**

Clerk to Buckland Parish Council

Telephone: 01737 448023

Email: [parishcouncil@bucklandsurrey.net](mailto:parishcouncil@bucklandsurrey.net)

**Adopted: Monday 22<sup>nd</sup> May 2023**

**Next Review date:**

**May 2024**

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