

# Data Protection Policy

## 1.1. Introduction

1.1.1 The Council holds and processes information about employees, Councillors, residents and customers, and other data subjects for administrative and commercial purposes.

1.1.2 When handling such information, the Council, and all staff or others who process or use the information, must comply with the data protection principles as set out in the General Data Protection Regulation (GDPR).

## 1.2. Data Protection Principles

1.2.1 There are six principles set out in the GDPR which in summary state that data shall:

- i. be processed fairly, lawfully and transparently.
- ii. be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose.
- iii. be adequate, relevant and not excessive for the purpose.
- iv. be accurate and up to date.
- v. is not kept for longer than necessary for the purpose.
- vi. be kept safe from unauthorised processing, and accidental loss, damage or destruction.

## 1.3. Definitions

1.3.1 "Employees, Councillors, residents and customers, and other data subjects" may include past, present and potential members of those groups.

1.3.2 "Other data subjects" and "third parties" may include contractors, suppliers, contacts, referees, friends or family members.

1.3.3 "Processing" refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

1.3.4 "Personal data" is information about an identifiable, living individual.

1.3.5 "Sensitive personal data" is personal data consisting of information relating to racial or ethnic origin, political opinion, religious or other beliefs, trade union membership, physical or mental health or condition, sexual orientation or criminal proceedings or convictions.

1.3.6 "Data Controller" is a 'person' who determines the purposes for which and the manner in which any personal data are, or are to be, processed. A 'person' as recognised in law may be an individual, organisation or body of persons.

1.3.7 "Data Protection Officer" is an individual working on behalf of the Data Controller with responsibility for the data protection within that organisation.

## 1.4. Responsibilities

1.4.1 The Council is the Data Controller and must ensure that any processing of personal data for which they are responsible complies with the Act.

**1.4.2** The Data Protection Officer is the Town Clerk, who acts on behalf of the Council, and is responsible for:

- i. fully observing conditions regarding the fair collection and use of information.
- ii. meeting the Council's legal obligations to specify the purposes for which information is used.
- iii. collecting and processing relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements.
- vi. ensuring the quality of information used.
- iv. applying strict checks to determine the length of time that information is held.
- v. ensuring that the rights of the people whom information is held are able to be fully exercised under the Act.
- vi. taking appropriate technical and organisational security measures to safeguard personal information.
- vii. ensuring that personal information is not transferred abroad without suitable safeguards.
- viii. ensuring that everyone managing and handling personal information.
  - fully understands that they are contractually responsible for following good practice in terms of protection.
  - is adequately trained to do so.
  - are appropriately supervised.

**1.4.3** Appendix A of this policy sets out guidelines for employees, volunteers and Councillors that process or may have access to personal data.

## **1.5. Storage and Retention**

**1.5.1** Personal data is kept in paper-based systems and/or on a password-protected computer system.

**1.5.2** The Council will keep different types of information for differing lengths of time, depending on legal and operational requirements.

## **1.6. Data Subject Access to Information**

**1.6.1** Any employee, councilor, resident, customer or other data subjects have a right to:

- i. ask what personal information the Council holds.
- ii. ask what this information is used for.
- iii. be provided with a copy of the information.
- iv. be given details of the purposes for which the Council uses the information and any other persons or organisations to whom it is disclosed.
- v. ask that any incorrect data held is corrected.

**1.6.2** If it is felt by the data subject that any personal information held is incorrect the individual may request that it be amended or removed

## **1.7. Breach of Policy**

**1.7.1** Compliance with the GDPR is the responsibility of all Councillors and members of staff. Any deliberate or reckless breach of the policy by employees may lead to disciplinary action, appropriate action being taken against Councillors, and where appropriate, legal proceedings.

**1.7.2** Any individual who believes that the Council has breached any of the requirements of the GDPR should raise the matter with the Town Clerk or the Chairperson of the Council. Alternatively, a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

## **1.8 Guidelines for Staff, Volunteers and Councillors**

**1.8.1** During the course of your duties with the Council, you will be dealing with information such as names/addresses/phone numbers/email addresses of members of the public. You may be told or overhear sensitive information while working for the Council.

**1.8.2** The Data Protection Act 1998 (and the subsequent General Data Protection Regulations (GDPR) 2018) gives specific guidance on how this information should be dealt with by organisations such as the Council. To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

**1.8.3** To help you meet the terms of the Data Protection Act (and GDPR 2018) while working for the Council, the following guidelines are issued. Please read them carefully and ask the Data Protection Officer (Town Clerk) if you are in any doubt about any of them.

### **1.8.4** Sharing of personal information

"Personal information" includes details such as addresses/phone numbers email addresses and health details supplied by members of the public.

Such information may be shared between staff and Councillors of the Council for work purposes on the common law basis of 'Need to know' but should not be given to anyone outside the Council without explicit consent from the person concerned or where the data subject has made a specific request for the personal data not to be shared.

If such a situation arises, please ask the Town Clerk for advice.

### **1.8.5** Unlawful disclosure of personal information

Under the Data Protection Act you are committing a criminal offence if you disclose personal information 'knowingly or recklessly' to anyone you are not supposed to, so please be careful.

Give consideration to any conversations you are having containing personal or sensitive information that could possibly be overheard by people who should not have access to such information.

### **1.8.6** Use of files, books and other paper records

In order to prevent unauthorised access and accidental loss or damage to personal information held on paper, please take good care of the files, books and other paper records you use, and ensure that they are stored safely before you leave the building.

### **1.8.7** Use of email

Please ensure that before sending emails that they contain no personal or sensitive information that the recipients should not have access to. This is a particular risk when forwarding emails or adding in new recipients to an email chain.