



SEDGWICK PARISH COUNCIL

DATA PROTECTION POLICY

Adopted by Full Council 10th November 2021 Review date 11/ 2023

Introduction

Sedgwick Parish Council recognises its responsibility to comply with the Data Protection Act 1998 and the General Data Protection Regulation 2018. The act and regulation regulate the use of personal data; this does not have to be sensitive data, it can be as little as a name and address.

THE DATA PROTECTION ACT: The Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used. The Data Protection Act applies to anyone holding information about people electronically or on paper.

THE GENERAL DATA PROTECTION REGULATION: The General Data Protection Regulation 2018 says that the information provided to people about how we process their personal data must be concise, transparent, intelligible and easily accessible, written in clear and plain language, particularly if addressed to a child and free of charge.

As a local authority Sedgwick Parish Council is obliged to ensure that it complies with The Data Protection Act 1998 and the General Data Protection Regulation 2018 when holding personal information. The Council has a number of policies and procedures in place to support this:

- Data Register
- Privacy Policies
- Consent Form
- Website Policies and Cookie Policies
- Subject Request Procedure
- Breach Procedure
- Data Impact Assessment Guidelines
- Document Retention Policy

The council will follow these procedures to ensure that the Clerk, elected members, contractors, agents, consultants, partners or other servants of the council who have access to any personal data held by or on behalf of the council, are fully aware of and abide by their duties and responsibilities under the Act.



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Statement of Policy

In order to operate efficiently, The Parish Council has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means.

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 council will ensure that it treats personal information lawfully and correctly. To this end the council fully endorses and adheres to the Principles of Data Protection.

The Principles of Data Protection

When dealing with personal data, Council staff and Councillors must ensure that:

IT IS PROCESSED FAIRLY AND LAWFULLY This means that information should only be collected from individuals if staff and Councillors have been open and honest about why they want the information.

IT IS PROCESSED FOR SPECIFIED PURPOSES ONLY

IT IS RELEVANT TO WHAT IT IS NEEDED FOR Data will be monitored so that too much or too little is not kept; only data that is needed should be held.

IT IS ACCURATE AND KEPT UP TO DATE Personal data should be accurate, if it is not should be corrected.

IT IS NOT KEPT LONGER THAN IT IS NEEDED

IT IS PROCESSED IN ACCORDANCE WITH THE RIGHTS OF INDIVIDUALS This means that individuals must be informed, upon request, of all the information held about them.

IT IS KEPT SECURELY This means that only staff and Councillors can access the data, it should be stored securely so it cannot be accessed by members of the public.

Collecting Data

Sedgwick Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number to staff or a member of Sedgwick Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else. Data may be collected via the Parish Council's website – the 'Contact Us' form. The website contains policy statements about how the data will be stored and used. The Council Consent will be used when appropriate



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Types of Data

The Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and “sensitive” personal data.

PERSONAL DATA is defined as, data relating to a living individual who can be identified from either that data or that data combined with other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

SENSITIVE PERSONAL DATA is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

Storing and Accessing Data

Sedgwick Parish Council may hold information about individuals such as their addresses and telephone numbers. These are kept in a secure location at the Parish Clerk’s place of residence and are not available for the public to access. All data stored on a computer is password protected. Once 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. Procedures are outlined in the Council’s Data Retention Policy.

The Parish Council is aware that people have the right to access any information that is held about them. If a person requests to see any data that is being held about them they may make a SUBJECT REQUEST APPLICATION (SRA) which will be dealt with according to the Council’s SAR procedure which describes how applicants

- must be sent all of the information that is being held about them
- must be given an explanation for why it has been stored
- must be given a list of who has seen it

Requests that are manifestly unfounded or excessive may be refused or a charge made. If a request is refused, a reason must be given. If an individual requests that their data is rectified or erased, this will be carried out.



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Disclosure of Information

If an elected member of the council, for example a councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much 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. They can only do this providing they represent the area that the subject lives in. However, before they access any sensitive information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

Confidentiality

Sedgwick Parish Council staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential. If a data breach is identified the ICO must be informed and an investigation will be conducted. This policy will be reviewed annually, as well as an annual review of the compliance and effectiveness of the policy.

Notification to the Information Commissioner

The Data Protection Act 1998 requires every data controller to be registered with the Information Commissioner's Office (ICO). Failure to do so is a criminal offence. The Parish Council is registered. (Renewal due March 2019)

Any changes to the register must be notified to the Information Commissioner, within 28 days.

Implementation

The Clerk of Sedgwick Parish Council is responsible for ensuring adherence with the Data Protection Act. This includes the maintenance of the Council's Data Register and administration required by compliance.

This Policy is based on advice from CALC and NALC