

Deanshanger Parish Council

Data Protection Policy



Deanshanger Parish Council
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1. INTRODUCTION

- 1.1 The EU General Data Protection Regulation (2016/17) came into effect on the 25th May 2018 and this updates the Data Protection Act 1998.
The Act regulates the use of personal data relating to living data subjects. The purpose of The Act is to regulate the way that personal information about living individuals, (no matter how that information is held) is obtained, stored, used and disclosed. These provisions amount to a right of privacy for the individual.
- 1.2 The purpose of this Policy Statement is to formalise the position of the Parish Council and to state its commitment to maintaining the strictest level of confidentiality of personal data in accordance with the provisions of the Act.

2. SCOPE

- 2.1 The obligations contained in this policy apply equally to councillors and employees of the Parish Council.
- 2.2 The clerk to the parish council is the Data Protection Officer appointed by the Parish Council and has the responsibility to administer the Parish Council's day to day compliance with the Act. Overall responsibility to ensure the Data Protection Policy is understood and enforced remains with the Parish Council.
- 2.3 Disclosure of personal data within Deanshanger Parish Council to councillors or officers will be on the basis of a need to know.
- 2.4 To set out parameters for any breach of data protections regulations
- 2.5 To set out parameters for any access or right to be forgotten requests

3. DEFINITIONS

- 3.1 **Personal Data** is any data that relates to a living individual who can be identified from that data.
- 3.2 **Processing**, in relation to information or data, means obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data, including retrieval or disclosure of that information or data.
- 3.3 **Data Subject** is an individual who is the subject of Personal data.

- 3.4 **Sensitive Personal Data** is defined in the Act by eight categories of information about the Data Subject relating to;
1. racial or ethnic origins
 2. political opinions
 3. religious or similar beliefs
 4. membership of a trade union
 5. physical or mental health
 6. sexual life or orientation
 7. criminal or alleged criminal activities
 8. criminal proceedings, convictions or any sentence imposed by the court.
- 3.5 **Data Protection Officer** is a person who, either alone or jointly with others, determines the purposes for which, and the manner in which, personal data is, or will be, processed. The Data Protection Officer for Deanshanger Parish Council is Northants Calc.
- 3.6 **Person** relates to a legal person and thus includes a corporate body such as the Parish Council.
- 3.7 **Information Commissioners Office (ICO)** is the organisation responsible for administering and enforcing the Data Protection Act 1998 and GDPR nationally.
- 3.8 The **six principles of data protection** are as follows;
1. **Fair Process:** Processed fairly, lawfully and in a transparent manner in relation to the data subject
 2. **Collected for specific, explicit, legitimate purposes** and not processed further for purposes incompatible with those purposes
 3. **Adequate, relevant** and limited to what is **necessary**
 4. **Accurate** and where necessary, **up to date**
 5. **Kept** in a form that permits identification of data subjects for **no longer than is necessary** for the purposes for which the personal data is processed
 6. Processed to ensure **appropriate security** including protection against **unauthorised or unlawful processing** and against **accidental loss, destruction or damage.**
- 3.9 **Consent:** Silence/apathy/pre-ticked boxes are not acceptable. Explicit, informed consent must be obtained. Consent is not freely given if there is no real choice. Consents will be reviewed every 2 years in line with the ICO advice.

4. DATA PROTECTION POLICY

- 4.1 Deanshanger Parish Council will hold the minimum personal data necessary to enable it to perform its functions. Every effort will be made to ensure that data is accurate and up to date, and that inaccuracies are corrected quickly.
- 4.2 The Council ensures that personal data is treated as confidential, ensuring that access to personal data can be restricted to identifiable system users.
- 4.3 Deanshanger Parish Council is committed in its aim that all appropriate staff will be properly trained, fully informed of their obligations under the Act, and made aware of their personal liabilities. The Council expects all of its staff and members to comply fully with this Policy and the Data Protection Principles

5. REPORTING BREACH IN DATA PROTECTION

- 5.1 Any breach of Data Protection **by councillors**, i.e., unauthorised access, accidental loss, destruction or damage, must be notified to the Data Protection Officer within 12 hours of becoming aware of the breach.
The Data protection officer must then report a breach to the ICO within 72 hours after the councillor became aware of the breach.
- 5.2 Any breach of Data Protection by the **clerk** should be reported to the Chairman of the council, Chairman of Highways and Planning and the Chairman of Finance and General Purposes within 12 hours of becoming aware of the breach.
The Data protection officer must then report a breach to the ICO within 72 hours after becoming aware of the breach, ensuring the 3 chairman are copied into all correspondence with the ICO.
- 5.3 The Data Protection Officer must keep and maintain a log of all breaches.

6. ACCESS & RIGHT TO BE FORGOTTEN REQUESTS

- 6.1 Full details on what personal information Deanshanger Parish Council store, use and collect is held in the Privacy Notice attached to this policy.
- 6.2 A written request must be made to the clerk by the individual with name, address and contact details. (Third party requests will be accepted from parents on under 18's and doctors for incapacitated patients & those with Power of Attorney)
- 6.3 DPC will acknowledge receipt of request within 3 working days of receipt
- 6.4 A full response will be issued within 28 working days of receipt

- 6.5 All requests will be in line with the Information Commissioners Office “Subject Access Request Code of Practice”
- 6.6 There will be no charge for this information
- 6.7 Exemptions will remain in place and covers the following:
- References given by DPC
 - Publicly available information
 - Information on taxation
 - Negotiations with the requestor
 - Regulatory activities – e.g. planning enforcement, noise nuisance
 - Legal advice and proceedings
 - Personal data of third parties – other people mentioned in the documents – DPC can’t disclose third party personal data just because it is in the document, any such information will be redacted.
 - Right to be forgotten is not an absolute right and does not apply if there is a lawful reason for the continued processing of personal data.
- 6.8 A record of all requests will be kept by the Data Protection Officer and a report made to Full Council each quarter of all requests made.
- 6.9 If an individual is dissatisfied with the information given under an Access Request a complaint should be made in writing to the Clerk at Deanshanger Parish Council, 3 Hayes Road, Deanshanger, MK19 6HP. The complaint will be reviewed by the complaints team at Deanshanger Parish Council
- 6.10 If an individual is dissatisfied with the handling of the complaint, they have the right to appeal to the Information Commissioner (see Privacy Notice for more details)

7. PRIVACY NOTICE

A privacy notice approved by Deanshanger Parish Council is attached to this policy and will be included on the website as well as being available on request.

A privacy notice will be sent out with the following polices and applications:

- Allotment rules, regulations & renewals
- Burial ground regulations and exclusive right of burial purchases
- Grant procedure & application form

Deanshanger Parish Council Privacy Notice

This sets out the type of information we collect (or are supplied with). It tells you how the information is held, who we share it with and how it is used. All personal data collected (or supplied) will be treated in accordance with current data protection laws in the UK.

What information do we collect and what information are we supplied with?

When you contact Deanshanger Parish Council, we create a record in your name. To that record we add information that you give us. We keep records when you contact us. We collect and use information about councillors and employees. We are supplied with a copy of the register of electors by the district council. We do not sell personal information to other organisations.

The data controller for your personal data is ***Teresa Floyd Clerk to Deanshanger Parish Council.***

How do we use your information?

We use your personal information in the following ways:

- To process enquiries and applications (for example grants or allotments)
- To provide services to residents including sending you information about current and future policies and services. This includes current allotment holders and waiting lists for allotments. It includes mailing lists for newsletter contributors.
- To provide certain online facilities and/or services as referred to in the terms and conditions when you sign up to those facilities or services.
- To carry out market research to help us plan and improve our services. We may contact you ourselves or ask outside research agencies to do so, on our behalf.
- To collect or process payments.

Who might we share the information with?

We might share the information with the District/County Council or emergency services where we consider this would be necessary or helpful. We would seek your explicit consent to this other than where such sharing was considered necessary in an emergency, for health & safety reasons or where we have a legal obligation to share information.

If you write to us your letter will be in the public domain unless you make it clear you do not wish it to be and we are able to justify confidentiality under the relevant legislation (this is very unlikely to be the case in planning matters).

Your information may be used to detect and prevent fraud in respect of public funding and we may release information to the police and other law enforcement agencies for crime prevention and detection purposes if required to do so.

How long do we keep data?

For full details refer to Deanshanger Parish Council's Document retention policy. We will publish on our website any changes we make to our data protection/information management policies and notify you by other communication channels where appropriate.

Where you exercise your right to removal of your personal data, we will continue to maintain a core set of personal data to ensure we do not contact you inadvertently in the future (e.g. anti-fraud and accounting matters). The "right to be forgotten" is a qualified right and the public interest test will always be applied when a request for deletion of personal data is made.

How can I access the information you hold about me?

You are entitled to know what personal information the council holds about you and how that information is processed. You are entitled to ask for your personal data to be corrected where you believe it is inaccurate. You are entitled to withdraw your consent to the processing of your personal data by the council.

However, if the processing is necessary to provide you with the service (or information) you have requested then withdrawal may mean you will not receive that service or information. We will make it clear if this is the case and discuss your concerns directly with you before we stop processing your data.

Please make requests or complaints to:

The Data Protection Officer, Northants CALC, 6 Litchborough Business Park, Northampton Road, Litchborough, Northants NN12 8JB
Email: dpo@northantscalc.com

If you are dissatisfied with the handling of your request or complaint, you have the right to appeal to the Information Commissioner. There is no charge for making an appeal. Contact details are:

The Information Commissioners Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 01625 545745 or 0303 123 1113 (local rate) or email: casework@ico.gov.uk