

CHARVIL PARISH COUNCIL
PRIVACY AND DATA
PROTECTION POLICY JULY
2018
REVIEW MAY 2019

Information & Data Protection Policy July 2018

1. Introduction

To conduct its business, services and duties, Charvil Parish Council (CPC) 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:

- i) 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.
- ii) Confidential information and data not yet in the public arena such as ideas or policies that are being developed.
- iii) Commercially sensitive information about other organisations.
- iv) Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- v) Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

CPC 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.

This Policy is linked to our E-mail and Social Media Policies which will ensure information considerations are central to the ethos of the organisation.

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

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

2. Protecting Confidential or Sensitive Information

CPC recognises that 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 Regulations (GDPR) became law on 25th May 2018 and like the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as CPC with legitimate reasons for using personal information.

3. This policy is based on the premise that Personal Data must be:

- i) Processed fairly, lawfully and in a transparent manner in relation to the data subject;
- ii) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

- iii) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- iv) Accurate and, where necessary, kept up to date;
- v) 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;
- vi) 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, prospective employee, associate or prospective associate of the Council or someone transacting with it in some way, or an employee, Councillor or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

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) (e.g. Parish Council, employer) 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.

CPC processes **personal data** to:

- i) fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law;

- ii) 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;
- iii) monitor its activities including the equality and diversity of its activities;
- iv) fulfil its duties in operating the business premises including security;
- v) assist regulatory and law enforcement agencies;
- vi) process information including the recording and updating details about its Councillors, employees, partners and volunteers;
- vii) process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint;
- viii) undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council;
- ix) undertake research, audit and quality improvement work to fulfil its objects and purposes;
- x) carry out Council administration.

Where appropriate and governed by necessary safeguards CPC will carry out the above processing jointly with other appropriate bodies from time to time.

CPC will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- i) The individual has consented to the processing;
- ii) Processing is necessary for the performance of a contract or agreement with the individual;
- iii) Processing is required under a legal obligation;
- iv) Processing is necessary to protect the vital interests of the individual;
- v) Processing is necessary to carry out public functions;
- vi) Processing is necessary to pursue the legitimate interests of the data controller or third parties.

Attention is paid to the processing of any sensitive personal information and CPC will ensure that at least one of the following conditions is met:

- i) CPC has explicit consent of the individual;
- ii) CPC is required by law to process the data for employment purposes;
- iii) There is a requirement to protect the vital interests of the individual or another person

Who is responsible for protecting a person's personal data?

CPC as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation

CPC has delegated this responsibility day to day to the Parish Clerk.

- Email: clerk@charvil.com
- Phone: 0118 9017719
- Correspondence: The Parish Clerk, 30 Park View Drive South, Charvil, Reading, Berks RG10 9QX
- CPC has also appointed an external Data Protection Officer to ensure compliance with Data Protection legislation. Contact details are available from the Parish Clerk as above.

CPC 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 will 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.

4. Information provided to CPC

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

5. The Councils Right to Process Information

Under 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; or processing is necessary for the legitimate interests of CPC.

6. Information Security

CPC takes care to ensure the security of personal data and ensures that personal information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is achieved through appropriate technical measures and appropriate policies. CPC will only keep personal data for the purpose for which it was collected and only for as long as is necessary, after which it will be deleted.

7. Children

CPC will not process any data relating to a child.

8. Rights of a Data Subject

8.1 Access to Information:

An individual has the right to request access to the information which CPC holds on them. They can do this by contacting the Parish Clerk.

8.2 Information Correction:

If an individual believes that the information which CPC holds about them is incorrect, they may contact CPC via the Parish Clerk so that the information can be updated and kept accurate.

8.3 Information Deletion:

If the individual wishes CPC to delete the information about them, they can do so by contacting the Parish Clerk.

8.4 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 Parish Clerk. CPC does not use automated decision making or profiling of individual personal data.

8.5 Complaints:

If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk, Data Protection Officer or the Information Commissioners Office casework@ico.org.uk. Tel: 0303 123 1113.

CPC will always give guidance on personnel data to employees through appropriate documentation.

CPC will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

9. Making Information Available

The Publication Scheme is a means by which CPC can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of CPC and its role within the community. In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which CPC publishes or intends to publish.

All formal meetings of CPC and its committees are subject to statutory notice being given on notice boards and the website. The Council publishes an annual programme each year. All formal meetings are open to the public and press and reports of those meetings and relevant background papers are available for the public to see. CPC welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the CPC's Standing Orders, which are available on its website or on request from the Clerk.

Occasionally, CPC or its committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by CPC but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of a CPC

meeting. In short, decisions which would have been made by CPC or a committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of CPC and committee meetings normally open to the public. CPC will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

CPC will endeavour to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

10. Disclosure Information

CPC will as necessary undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

11. Data Transparency

CPC has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. The Code will therefore underpin the CPC’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to CPC’s engagement with residents so that it drives accountability to them.

Timely: data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance which is compulsory for parish councils with turnover (gross income or gross expenditure) of less than £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017.

CPC exceeds this turnover but will never the less ensure the following information is published on its Website for ease of access:

- i) All transactions above £100.
- ii) End of year accounts
- iii) Annual Governance Statements
- iv) Internal Audit Reports
- v) List of Councillor or Member responsibilities

- vi) Details of Council run land and building assets
- vii) Minutes of Council and committees after approval
- viii) Agendas no later than three clear days before the meeting.