

## **General Data Protection Policy**

### **Introduction**

This Policy is adopted by the Parish Council pursuant to its statutory duty to comply with the General Data Protection Regulations 2018, (GDPR), and the Data Protection Act (DPA) 2018.

It will be made available to Councillors, employee(s), resident representatives and, where appropriate, volunteers to ensure that they are aware of the Parish Council requirements for data protection. It will be periodically reviewed in light of experience and relevant or new guidance.

Information which is not Personal Data and is not confidential will be made available to other parties, primarily partner organisations and residents of the Parish. Details of information which is routinely available is contained in the Woudham Parish Council's Publication Scheme.

### **Data Protection and the Parish Council**

The GDPR and the DPA 2018 place controls on the processing of Personal Data.

Personal Data is any data which concerns a living and identifiable individual, who can be identified directly from that data or indirectly by reference to other data held. Such Personal Data can be a name, photo, address, email address, bank details, or other information which uniquely identifies an individual.

### **Processing includes obtaining, recording, holding or using information.**

The Parish Council processes Personal Data to enable it to carry out its statutory duties, represent the community of the Parish, provide and promote its services, undertake fundraising, maintain its accounts and records and manage its employee(s) and contractors.

The Parish Council will comply with the GDPR and the DPA 2018 by ensuring that Personal Data:

- is processed lawfully, fairly and in a transparent manner
- is for specified, explicit and legitimate purposes
- is adequate, relevant and limited to those purposes
- is accurate, kept up to date and only held for as long as necessary
- is secure

The Parish Council Code of Conduct obliges members/co-opted members to address the following when representing the Parish Council:

- Restricting access to information when the wider public interest, the Parish Council's Constitution, or the law requires it;.
- Behaving in accordance with all the Parish Council's legal obligations, the Parish Council's policies, protocols and procedures.
- Not knowingly doing anything which might cause the Parish Council to breach any legislation.
- Always treating all people and organisations with respect and propriety.

These four obligations from the Parish Council Code of Conduct and the requirements under this Data Protection Policy will apply to Councillors as well as employee(s) and resident representatives.

### **General Provisions**

1. The Parish Council will be the registered Data Controller with the Information Commissioner's Office, ICO, and so has ultimate responsibility for ensuring compliance with data protection legislation. The Clerk will be registered as the main contact for the Parish Council with the ICO.

2. Woudham Parish Council is not required to appoint a Data Protection Officer. Implementation of the procedural requirements of the policy will be effected and monitored by the Clerk as part of the Clerk job description's specified responsibility to ensure that statutory and other provisions governing or affecting the running of the Council are observed.

If, in future, small Parish Councils are confirmed as public authorities for the purposes of the GDPR, the appointment of a Data Protection Officer will be made.

3. The Parish Council processes Personal Data in the following ways:

- pursuing the legitimate interests of its duties as a public body and maintaining the information required by law
- recording and updating details about its Councillors, employee(s), partners and volunteers
- recording details concerning individuals who contact it for information, to access its services or facilities or to make a complaint;
- recording details of individuals who have made donations to the Parish Council;
- maintaining records on its current, past and potential employees
- maintaining records on participants of funded activities for the purpose of monitoring and evaluation

4. The Parish Council's right to process Personal Data is defined under the GDPR Article 6 (1) (a), (b) and (e):

- (a) processing is with consent of the individual.
- (b) processing is necessary for the individual to enter into, or for the performance of, a legal contract
- (e) processing is necessary for the legitimate interests of the Parish Council.

5. Standard Parish Council documents including agendas, minutes, governance documents and all Parish Council text and documents published on the Village website will not contain Personal Data unless this is unavoidable and the inclusion has been deemed lawful for the purpose or the data subject has given consent. The lawful basis will be documented alongside the reference to the Personal Data. Where possible records should use generic references such as resident of the Village, Planning Officer, Managing Director etc.

6. In the circulation of planning documents, other consultation documents, regulatory notices etc provided by other authorities, the lawful processing requirement of any Personal Data will be considered to be satisfied because a statutory right of inspection applies and because the supplying authority will be assumed to have stated in its literature that letters of representation may be seen by others.

7. Where it is necessary to obtain consent to hold Personal Data this will:

- be obtained by the Clerk
- use the standard Parish Council consent form which will include reference to an individual's data rights as per the Privacy Statement;
- be filed so as to facilitate retention/update/deletion under the specified timescales.

8. Documents which include Personal Data processed under lawful purposes not requiring a time limited consent will be retained for the minimum retention period for the relevant classes of document/record as advised by the SLCC.

9. The Parish Council will provide guidance on individual rights regarding Personal Data through a Parish Council Privacy Statement which will be published on the Parish Website.

10. Reference to the Parish Council Privacy Statement will be made in all communications, for example where the Parish Council collects Personal Data in the procurement of contracted services, for a survey or questionnaire,

11. The Privacy Notice on the Parish website specifies the controls on the processing of the Personal Data of users of the website.

12. On receipt of emails to personal email accounts regarding Parish Council business, the email must be forwarded to the Clerk to review if Personal Data is included, so that the Clerk can confirm any necessary additional action to ensure lawful processing.

13. Personal Data 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.

14. Personal Data will not be transferred outside the United Kingdom.

15. It is the duty of all Councillors and resident representatives to report any actual or suspected breaches in information security to the Clerk

16. The Clerk will report any data breach to the ICO as soon as reasonably practicable.

17. Complaints regarding the processing of Personal Data should be made to the Clerk or the ICO on email [casework@ico.org.uk](mailto:caserwork@ico.org.uk), or Tel: 0303 123 1113.

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