



RUDGWICK PARISH COUNCIL

INFORMATION AND DATA PROTECTION

POLICY

Date Adopted	Minute Number	Review Date
10 September 2018	124/18	February 2019
May 2019	FC209-19/20	May 2020
10 August 2020	FC106-19/20	May 2021
5 th May 2021	FC026-21/22	May 2022

Information & Data Protection Policy

1 Introduction

1.1 In order to conduct its business, services and duties, Rudgwick Parish Council (the data controller) 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:

- Data shared in the public arena about the duties it undertakes, its activities, decisions and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of sensitivity issues.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

1.2 Rudgwick Parish Council 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.

1.3 The Council will regularly review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

1.4 The Council 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 Parish's communities. Details of information which is routinely available is 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

2.1 The Council 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 Parish's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils. Protecting Confidential or Sensitive Information Rudgwick Parish Council recognises 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.

2.2 The General Data Protection Regulations (GDPR) which became law on 25th May 2018 and like the Data Protection Act 1998 before them, aims to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Parish Council with legitimate reasons for using personal information.

2.3 The policy is based on the eight Data Protection principles that Personal Data must be:

- processed fairly and lawfully
- be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose

- be adequate, relevant and not excessive for the purpose
- be accurate and up-to-date
- not be kept for longer than necessary for the purpose
- be processed in accordance with the Data Subject's rights
- be kept safe from unauthorised processing, and accidental loss, damage or destruction
- not be transferred to a country outside the European Economic Area, unless that country has the equivalent levels of protection for personal data, except in specified circumstances

3 Data Protection Terminology

3.1 **Data subject** - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of BTC or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

3.2 **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.

3.3 **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.

3.4 **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.

4 Processing Personal Data

4.1 Rudgwick Parish Council processes personal data in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- 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.
- monitor its activities - including the equality and diversity of its activities.
- fulfil its duties in operating the any business premises - including security.

- assist regulatory and law enforcement agencies.
- process information - including the recording and updating details about its Councillors, employees, partners and volunteers.
- process information - including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

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

4.3 The Council will ensure that at least one of the following conditions is met when processing personal information:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out a task in the public interest or for an official function
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

4.4 The Council will ensure that at least one of the following conditions is met when processing sensitive personal information:

- Explicit consent of the individual
- There is a legal requirement to process the data for employment purposes
- There is a requirement in to protect the vital interests of the individual or another person.

5 Storage and retention

5.1 The council stores personal data in a paper-based system, securely locked and/or on password-protected computer system.

5.2 Data will be kept for different lengths of time, depending on legal and operational requirements. (For further information – please see Document Retention policy.)

6 Responsibility of protecting a person's personal data

6.1 The Council, as a corporate body, has ultimate responsibility for ensuring compliance with data protection legislation.

6.2 The Council has delegated this day-to-day responsibility to the Parish Clerk (the Data Information Officer):

- **Email:** clerk@rudgwickpc.co.uk
- **Phone:** 01403 822678
- **Correspondence:** Parish Clerk, Rudgwick Parish Council, Parish Office, Rudgwick hall, Bucks Green, Rudgwick RH12 3JJ
- Appointed external Data Protection Officer (DPO) to ensure compliance with data protection legislation who may be contacted as follows: Satswana Ltd,

7 Access to Personal Data

7.1 Any employees, councillors, residents, customers and other data subjects have a right to:

- ask what personal information the council holds
- ask what this information is used for
- be provided with a copy of the information
- be given details of the purposes for which the council uses the information and any other persons, organisations to whom it is disclosed
- ask that any incorrect data held is corrected

7.2 If an individual is in the belief that any personal information held is incorrect the person may request that it be amended. The council must advise the individual within 21 days whether or not the amendment has been made.

7.3 The Council's Privacy Notice ensures that individuals on whom personal information is kept are aware of their rights and have access that information on request.

7.4 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.

7.5 Personal data shall 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.

1 Information provided to us

7.6 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.

7.7 By transacting with Rudgwick Parish Council individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy. It is the responsibility of those individuals to ensure that the Council is able to keep their personal data accurate and up-to-date.

7.8 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.

8 The Council's Right to Process Information

8.1 General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

8.2 Processing is with consent of the data subject

8.3 Processing is necessary for compliance with a legal obligation.

8.4 Processing is necessary for the legitimate interests of the Council.

9 Information Security

9.1 The Council endeavours to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

9.2 We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

9.3 We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

9.4 The Council does not use automated decision making or profiling of individual personal data.

10 Rights of a Data Subject

10.1 Access to Information:

- An individual has the right to **request access to the information** we have on them. They can do this by contacting the Parish Clerk.
- **Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. They can do this by contacting the Parish Clerk.
- **Information Deletion:** If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Parish Clerk.

10.2 **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 or Data Protection Officer.

11 Complaints

11.1 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, contact details: email casework@ico.org.uk tel. 0303 123 1113.