

# HOLBETON PARISH COUNCIL

## DATA PROTECTION AND PRIVACY POLICY

### **Introduction**

In order to conduct its business, services and duties, Holbeton Parish Council 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 services it offers, its mode of operations 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 commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

### **Background and relevance**

The General Data Protection Regulation Act (GDPR) came into force on 25 May 2018.

This Act replaces the Data Protection Act 1998.

The GDPR increases the rights of individuals over their personal data and tighten the obligations of all organisations to comply with new rules concerning the management of personal information.

An important change is the increased fines for those organisations that fail to comply with GDPR or permit data breaches. For serious breaches organisations can be fined up to €20million. For less serious breaches or for failing to keep records the fine can be up to €10million.

The Act applies to 'personal data', that is data relating to a living person who can be identified from that data. Identification can be by the personal data alone or in conjunction with any other personal data.

The Parish Council does have data that relates to individuals and does process data.

The Parish Council is responsible for ensuring its compliance with the General Data Protection legislation. The Council has delegated this responsibility day to day to the Parish Clerk.

## Data Protection Terminology

**Data subject** - means the person whose personal data is being processed.

That may be an employee, prospective employee, Councillor or someone transacting with it in some way e.g. parish surveys, hire of Reading Rooms or contractors. This list is not exhaustive.

**Personal data** - means any information relating to a 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 any social media.

**Sensitive personal data** - includes such information as racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, etc.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. Parish Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed. The Data Controller for Holbeton Parish Council is the Parish Clerk, contactable by email: [Holbetonparishclerk@gmail.com](mailto:Holbetonparishclerk@gmail.com)

**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.

The processing of personal data is governed by the GDPR and other local legislation relating to personal data and rights such as the Human Rights Act.

## What personal data is collected?

The type of information the Council holds tends to be limited to name, address, telephone number and email address.

More detailed information is held for employee(s) and contractor(s) including bank account details.

In the normal course of business, the Parish Council will receive personal data in connection with the following council activities:

Administration of the hire of the Reading Rooms

Administration of employment matters

Correspondence sent to the Council

Petitions

Volunteer lists for specific activities

Persons registering at certain events

## Administration of allotments

The Council is sent a copy of the electoral roll with updates throughout the year. The Data Protection issues associated with the electoral roll are the responsibility of South Hams District Council. The Council does not permit any third party to view the document.

Services relating to children - at present the Council does not have any services directly relating to children. It is aware that should that circumstance change, the relevant Data Protection issues will need to be taken into consideration.

## Sensitive personal data

The Act requires 'sensitive data' to be treated differently. The Parish Council does not collect such data.

Where the Council carries out village wide surveys the responses are anonymous and questions are not generally asked on a topic that is classified as sensitive.

## The use of data by the Council

The council will comply with data protection law. This says that the personal data we hold must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have explained and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have explained.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect all personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

## We may use personal data for some or all of the following purposes:

- To deliver public services including to understand parishioners' needs to provide the services that they request and to understand what we can do for them and inform them of other relevant services;
- To confirm individuals' identity to provide some services;
- To contact individuals by post, email or telephone;
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To promote the interests of the council;

- To maintain our own accounts and records;
- To seek parishioners' views, opinions or comments;
- To notify parishioners of changes to our facilities, services, events and staff, councillors and role holders;
- To send communications which have been requested and that may be of interest. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Data is only used for the purpose for which it was supplied.

Data on individuals is not passed onto a third party without the express consent of the data subject.

The Council does not share or sell personal data, and never has done.

If the Council wishes to use personal data for a new purpose, not covered by this Data protection and Privacy Policy, then prior to commencing the processing we will publish an updated Privacy Notice explaining this new use and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek subjects' prior consent to the new processing.

### **What is the legal basis for processing personal data?**

The council is a public authority and has certain powers and duties. Most personal data relating to individuals is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account individuals' interests and rights. This Data Protection and Privacy Policy sets out individuals' rights and the council's obligations in detail.

We may also process personal data if it is necessary for the performance of a contract, or to take steps to enter into a contract. An example of this would be processing personal data in connection with the use of the Reading Rooms and allotments.

Sometimes the use of personal data requires that person's consent. We will first obtain consent to that use.

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

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

- 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 public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and the Parish Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

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

### **Sharing personal data**

The council will implement appropriate security measures to protect personal data it holds. This section of the Data Protection and Privacy Policy provides information about the third parties with whom the council will share personal data. These third parties also have an obligation to put in place appropriate security measures and will be responsible for the manner in which they process and protect personal data. It is likely that we will need to share data with some or all of the following (but only where necessary):

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf:
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

### **Storage and retention of data**

Holbeton Parish Council always seeks to ensure the security of personal data. It makes sure that information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure.

The Parish Council will only keep data for the purpose for which it was collected and only for as long as is necessary, after which it will be deleted.

All council paper documents are stored in locked cabinets at the Chairman's home.

All computer records are stored at the home of the Parish Clerk on a Parish laptop with anti-virus software. Its contents are protected by a password.

Backups of information of Parish laptop are stored in a locked/fireproof safe in the Parish Clerk's home.

The laptop is never left unattended away from home.

The Parish Council does not utilise cloud storage.

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.

The Parish Council website is also accessible from overseas so on occasion some personal data (for example in a newsletter/parish magazine) may be accessed from overseas. However, apart from the names, photographs and personal statements of its councillors, the Parish Council does not post personal data on its website, and does not post the parish magazine.

### **Data subjects' responsibilities**

It is important that the personal data we hold about people is accurate and current. We will ask data subjects to keep us informed if their personal data changes during their relationship with us.

### **How long do we keep personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 6 years to support HMRC audits or provide tax information.

We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Our retention periods are set out as an appendix.

### **Subjects' rights**

Those whose personal data are held by Holbeton Parish Council have the following rights with respect to their personal data:

When exercising any of the rights listed below, in order to process a request, we may need to verify the person's identity for the security. In such cases we will need them to respond with proof of their identity before they can exercise these rights.

- (i) The right to access personal data we hold
- (ii) The right to correct and update their personal data
- (iii) The right to have their personal data erased
- (iv) The right to object to processing of their personal data or to restrict it to certain purposes only
- (v) The right to data portability

(vi) The right to withdraw their consent to the processing at any time for any processing of data to which consent was obtained

(vii) The right to lodge a complaint with the Information Commissioner's Office.

The Information Commissioners Office can be contacted on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### **Subject access requests**

A request for a copy of information held by the Parish Council can be made and supplied without cost to the applicant. However, additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee

There is a prescribed process and the response time is within one month under the new Act.

### **Policy review**

We keep this Data Protection and Privacy Policy under regular review and we will place any updates on our web page.

Date adopted: October 2018

Holbeton Parish Council Minute Reference = 72/18

## Appendix: retention periods for data

Document	Minimum retention period	reason
Minutes; receipt and payment account(s).	Indefinite	Archive
Investments; title deeds, leases, agreements, contracts; allotment register and plans.	Indefinite	Audit, management
Certificates for insurance against liability for employees and councillors.	40 years from date on which insurance commenced or was renewed	Employers' Liability (Compulsory Insurance) Regulations 1998 (Sl. 2753), Management
Wages books	12 years	Superannuation
Scales of fees and charges.	6 years	Management
Receipt books of all kinds; paid invoices; VAT records; reading rooms application to hire, letting diaries, copies of bills to hirers.	6 years	VAT
Quotations and tenders; paid cheques; petty cash, postage & telephone books; members allowances register.	6 years	Limitation Act 1980 (as amended), tax
Bank statements, including deposit/savings accounts; cheque book stubs; bank paying-in books; time sheets.	Last completed audit year	Audit
Insurance policies	While valid	Management