

Bere Ferrers Parish Council

Data Protection Policy (GDPR compliant)

Aim and scope of policy

This policy applies to the processing of personal data in manual and electronic records kept by the Parish Council in connection with its human resources function as described below. It also covers the Parish Council's response to any data breach and other rights under the General Data Protection Regulation. (GDPR.)

This policy applies to the personal data of job applicants, existing and former employees, apprentices, volunteers, placement students, workers and self-employed contractors. These are referred to in this policy as relevant individuals.

"Personal data" is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location, online identifier.

"Special categories of personal data" is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

"Data processing" is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

The Parish Council makes a commitment to ensuring that personal data, including special categories of personal data is processed in line with GDPR and domestic laws and all its employees conduct themselves in line with this, and other related, policies. Where third parties process data on behalf of the Parish Council, the Parish Council will ensure that the third party takes such measures in order to maintain the Parish Council's commitment to protecting data. In line with GDPR, the Parish Council understands that it will be accountable for the processing, management and regulation, and storage and retention of all personal data held in the form of manual records and on computers.

Types of data held

Personal data is kept in personnel files or within the Parish Council's HR systems. The following types of data may be held by the Parish Council, as appropriate, on relevant individuals:

- name, address, phone numbers - for individual and next of kin
- CVs and other information gathered during recruitment
- references from former employers
- National Insurance numbers
- job title, job descriptions and pay grades
- conduct issues such as letters of concern, disciplinary proceedings
- holiday records
- internal performance information
- medical or health information
- sickness absence records
- tax codes
- terms and conditions of employment
- training details.

Relevant individuals should refer to the Parish Council's privacy notice for more information on the reasons for its processing activities, the lawful bases it relies on for the processing and data retention periods.

Data protection principles

All personal data obtained and held by the Parish Council will:

- be processed fairly, lawfully and in a transparent manner
- be collected for specific, explicit, and legitimate purposes
- be adequate, relevant and limited to what is necessary for the purposes of processing
- be kept accurate and up to date. Every reasonable effort will be made to ensure that inaccurate data is rectified or erased without delay
- be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures

In addition, personal data will be processed in recognition of an individuals' data protection rights, as follows:

- the right to be informed
- the right of access
- the right for any inaccuracies to be corrected (rectification)
- the right to have information deleted (erasure)

- the right to restrict the processing of the data
- the right to portability
- the right to object to the inclusion of any information
- the right to regulate any automated decision-making and profiling of personal data.

Procedures

The Parish Council has taken the following steps to protect the personal data of relevant individuals, which it holds or to which it has access

It appoints or employs employees with specific responsibilities for:

- a. the processing and controlling of data
- b. the comprehensive reviewing and auditing of its data protection systems and procedures
- c. overseeing the effectiveness and integrity of all the data that must be protected

There are clear lines of responsibility and accountability for these different roles.

- it provides information to its employees on their data protection rights, how it uses their personal data, and how it protects it. The information includes the actions relevant individuals can take if they think that their data has been compromised in any way
- it provides its employees with information and training to make them aware of the importance of protecting personal data, to teach them how to do this, and to understand how to treat information confidentially
- it can account for all personal data it holds, where it comes from, who it is shared with and also who it might be shared with

It is aware of its duty to report significant breaches that cause significant harm to the affected individuals to the Information Commissioner, and is aware of the possible consequences

- it is aware of the implications international transfer of personal data internationally.

Access to data

Relevant individuals have a right to be informed whether the Parish Council processes personal data relating to them and to access the data that the Parish Council holds about them.

A written request for data should be made to the Clerk & Responsible Financial Officer of the Council.

- the Parish Council will not charge for the supply of data unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be

provided to parties other than the employee making the request

- the Parish Council will respond to a request without delay. Access to data will be provided, subject to legally permitted exemptions, within one month as a maximum. This may be extended by a further two months where requests are complex or numerous.

Relevant individuals must inform the Parish Council immediately if they believe that the data is inaccurate, either as a result of a subject access request or otherwise. The Parish Council will take immediate steps to rectify the information.

Data disclosures

The Parish Council may be required to disclose certain data/information to any person. The circumstances leading to such disclosures include:

- any employee benefits operated by third parties
- disabled individuals - whether any reasonable adjustments are required to assist them at work
- individuals' health data - to comply with health and safety or occupational health obligations towards the employee
- for Statutory Sick Pay purposes
- HR management and administration - to consider how an individual's health affects his or her ability to do their job
- the smooth operation of any employee insurance policies or pension plans.

These kinds of disclosures will only be made when strictly necessary for the purpose.

Data security

The Parish Council adopts procedures designed to maintain the security of data when it is stored and transported. In addition, employees must:

- ensure that all files or written information of a confidential nature are stored in a secure manner and are only accessed by people who have a need and a right to access them
- ensure that all files or written information of a confidential nature are not left where they can be read by unauthorised people
- check regularly on the accuracy of data being entered into computers
- always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them

Failure to follow the Parish Council's rules on data security may be dealt with via the Parish

Council's disciplinary procedure. Appropriate sanctions include dismissal with or without notice dependent on the severity of the failure.

Breach notification

Where a data breach is likely to result in a risk to the rights and freedoms of individuals, it will be reported to the Information Commissioner within 72 hours of the Parish Council becoming aware of it and may be reported in more than one instalment.

Individuals will be informed directly in the event that the breach is likely to result in a high risk to the rights and freedoms of that individual.

If the breach is sufficient to warrant notification to the public, the Parish Council will do so without undue delay.

Induction

New employees must read and understand the policies on data protection as part of their induction.

All employees who need to use the computer system will be shown how to protect individuals' private data, to ensure data security, and to understand the consequences to them as individuals and the Parish Council of any potential lapses and breaches of the Parish Council's policies and procedures.

Records

The Parish Council keeps records of its processing activities including the purpose for the processing and retention periods in its HR Data Record. These records will be kept up to date so that they reflect current processing activities.

Data protection compliance

The Clerk & Responsible Financial Officer is the Parish Council's appointed compliance officer in respect of its data protection activities and will be advised by the Finance & General Purposes Committee.

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