

# *Sutton-in-Craven Parish Council*

## DATA PROTECTION POLICY

### **Data Protection Policy**

Sutton-in-Craven Parish Council ('the Council') recognises its responsibility as a Data Controller to comply with the Data Protection Act 2018 ('the Act'). The Act regulates the use of personal data by organisations. This does not have to be sensitive data; it can be as little as a name and address.

### **The Data Protection Act**

The Data Protection Act 2018 ('the Act') sets out high standards for the handling of personal data and protecting individuals' rights for privacy, and other rights, including access to that information. It also regulates how information can be collected, handled and used. The Data Protection Act applies to organisations holding information about people electronically or on paper.

### **Personal Data**

'Personal data' means any information relating to 'a natural person' (i.e. a 'data subject'), who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors, specific to the physical, physiological, genetic, cultural or social identity of that natural person.

Some types of personal data are more sensitive than others, for example, a person's name and address is less sensitive when not combined with their bank details, or health information, the disclosure of which information to third parties could cause problems (e.g. harm and /or distress) for the individual data subject.

As a local authority the Council has a number of procedures in place to ensure that it complies with the Act when holding and processing personal data.

When processing personal data, the Council's staff and Councillors must comply with the following principles:

#### **Data is processed lawfully and fairly**

This means that it should be transparent to individuals as to the lawful reasons for the council requiring the information, and the reasons easy to understand.

#### **Data is for specified, explicit and legitimate purposes only**

This means that the purposes for which personal data is required will be determined at the time the data is collected, and it shall not be further processed for any purpose that is incompatible with the original purpose.

#### **Data is adequate, relevant and not excessive for what it is needed**

The Council will ensure that only the minimum personal data is processed for the purpose for what it is required.

#### **Data is accurate and where necessary, kept up to date**

The Council will take every reasonable step to ensure that inaccurate personal data is erased or rectified without delay.

#### **Data is not kept longer than it is needed**

The Council will not keep personal data for longer than is necessary for the purpose for which it was obtained. The period for which data is kept will be limited to a strict minimum.

#### **Data is kept securely**

This means that the personal data will be processed and stored securely so that it cannot be accessed by unauthorised individuals. And is protected against accidental loss, damage or destruction.

#### **Demonstrating compliance and accountability**

The Council will be responsible for, and able to demonstrate compliance with the above principles.

#### **Collecting Data**

Sutton Parish Council recognises its responsibility to be open with people when taking personal details from them. This means staff must be honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number to staff or a member of Sutton-in-Craven Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else. Data may be collected via the Parish Council's website – the 'Contact Us' form. The webpage for the form contain policy statements about how the data will be stored and used.

#### **Storing and accessing data**

Sutton-in-Craven Parish Council may hold information about individuals such as their addresses and telephone numbers. These will be kept in a secure location at the Parish Office and are not available for public access. All data stored on the

Parish computer protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

The Parish Council is aware that people have the right to access personal data that is held about them.

- If a person requests to see any data that is being held about them
- They must be sent all the information that is being held about them
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent to the requester within 40 days, a month if requested on or after 25 May 2018
- Requests that are manifestly unfounded or excessive may be refused or a charge made
- If a request is refused a reason must be given
- If an individual request that their data is rectified or erased, this will be carried out, if appropriate
- If a request is considered to be manifestly unfounded then the request can be refused, and the individual'

A fee to cover photocopying and postage charges will be charged to the person requesting the information. This fee will be agreed by the Council and amended in line with inflation from time to time.

With effect from 25 May 2018, all responses will be provided free of charge, except where the request manifestly unfounded or excessive, a reasonable fee based on administration costs may be charged, if the request is not refused.

The Council's Data Protection Officer (DPO) will inter alia, inform and advise the Council on its processing obligations under UK laws, and will monitor the Council's compliance with those laws, provide advice regarding data protections impact assessments, offer training to staff and councillors and act as the contact point with the Information Commissioners Office.

#### **Disclosure of information**

If an elected member of the council, for example a Councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as is reasonably and it should only be used for that specific purpose. If, for instance, someone has made a complaint about a street light, a Councillor may obtain an address and telephone number of the person who has made the complaint, so they can help with the enquiry. They can only do this providing they represent the area that the subject lives in. However, before they access any sensitive information about a person, they would need consent to do this from the Parish Clerk. Personal Data obtained by Councillors from Council records must not be used for political purposes.

#### **Confidentiality**

Council staff must be aware that when complaints or enquiries are made, they must remain confidential. When handling personal data, this must also remain confidential. Information will not be disclosed to third parties without consent of the individual, except where this is allowed by UK law.

Passwords remain unique to individuals and must not be shared with others. It is unacceptable for non-authorised users to access IT using employees 'log-in passwords or to use equipment while logged on. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Parish Council, for example the discussion of internal Council matters on social media sites could result in damage to the Parish Council's reputation and cause harm to individuals and could result in legal action being taken against the perpetrator(s).

#### **Privacy Notices**

Being transparent and providing accessible information to individual about how the Parish Council uses personal data is a key element of the Act. The most common way to provide this information is in a privacy notice. A privacy notice will contain the name and contact details of the Data Controller and Data Protection Officer.

#### **Data Breaches and other security incidents**

If a data breach is identified this must be reported at once to the Clerk who will immediately liaise with the DPO. The DPO must inform the ICO within 72 hours where there is a likelihood of a risk to the rights and freedoms of individual data subject(s). In addition, where there is the likelihood of a high risk to the rights and freedoms of individuals, the Council is obliged to tell the individuals concerned.

The Council has appointed David Roper-Newman as the Council's designated Data Protection Officer (DPO) Adopted by Sutton-in-Craven Parish Council on 1<sup>st</sup> December 2008 and updated in light of the new UK data protection laws.