

ERMINGTON PARISH COUNCIL

Information & Data Protection Policy

Introduction

In order to conduct its business, services and duties, Ermington 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.

Ermington 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 organisations/companies/contractors 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.

Ermington Parish Council will periodically review and revise this policy in the light of experience and guidance from the Information Commissioners Office.

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 parishioners, County and District Council and members of the Parish communities.

Protecting Confidential or Sensitive Information

The General Data Protection Regulation (GDPR) which becomes law on 25 May 2018 will seek 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.

The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is being processed.
- Accurate and where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data was obtained.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

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 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.

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.

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.

Ermington 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.
- Assist regulatory and law enforcement agencies
- Process information including the recording and updating details about its Councillors, employees, County and District Council contacts, Police and contractors.
- 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 Parish Council.
- Carry out Parish Council administration.

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?

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

Diversity Monitoring

Ermington Parish Council is aware of the need for diversity of its employee(s), and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals.

The Council will always give guidance on personnel data to employee(s) and councillors through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

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.

Information provided to us

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. By transacting with Ermington Parish Council individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Parish Council is able to keep their personal data accurate and up-to-date. 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.

Information Security

Ermington Parish Council seeks always 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.

Children

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

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information held on them by the Parish Council. They can do this by contacting the Parish Clerk:

Information Correction: If persons 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. The Parish Clerk should be contacted for this purpose.

Information Deletion: If the individuals wish the Parish Council to delete the information held about them, they can do so by contacting the Parish Clerk.

Right to Object: If individuals believe their data is not being processed for the purpose for which it was collected for, they may object by contacting the Parish Clerk.

Complaints: If an individuals have complaints regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk and/or the Information Commissioners Office.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. It is intended to encourage parishioners to take an interest in the work of the Council and its role within the community.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards and the Website. All formal meetings are open to the public and press. The Council welcomes public participation and has a public participation session at each Council meeting. Details can be seen on the monthly agendas (with the exception of August when there is no meeting).

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to pay an invoice approved by Council, but would include urgent action taken after consultation with the Chairman.

Date adopted: 5 June 2018

Ermington Parish Council Minute Reference = 24/18

Reviewed annually in October