

# **ST. MARY in the MARSH PARISH COUNCIL**

## **DATA PROTECTION POLICY**

### **1. THE MEANING OF PERSONAL DATA**

(a). Personal data is any data that relates to a living person who can be recognised from that data. Data exists in any form that enables an individual to be identified. This includes, though is not confined to, all forms of documentation, written and electronic forms of communication, websites, photographs, films and recordings.

(b). The personal data kept or processed by STMMPC includes, though is not confined to: councillors' contact details and declaration of interests; employment and recruitment records; minutes of meetings; correspondence and other communications with individual local residents; arrangements with volunteers; planning applications, users of the recreation ground; contracts with individuals which require processing of personal data; bank details of suppliers; trading licensees; the electoral register; complaints made to the parish council; freedom of information requests; licensees using a private entrance at the slipway; communications with other local authorities; other communications with third parties; legal proceedings or transactions with individuals; individuals identified in the Emergency Plan.

### **2. DATA PROTECTION REGULATION - BACKGROUND**

(a). The General Data Protection Regulation (GDPR), in force from 25<sup>th</sup> May 2018, incorporates both data protection and data processing. It builds on the legal framework established by the 1998 Data Protection Act to balance the needs of organisations such as the parish council (STMMPC) in their capacities as data controllers and data processors to collect and use personal data against the rights of individuals to have their personal data kept secure and private. Individuals have the right to know what information STMMPC has on them, and to what uses such information is put. GDPR is designed to address the privacy issues in a digital age in which personal data may be collected, transmitted, stored, manipulated and shared with relative ease.

(b). The GDPR increases the obligations on STMMPC when acting as a data controller, and increases the rights of individuals to ensure that their personal data is respected and used only for legitimate purposes. In short, this data protection policy seeks to establish what data may be held by STMMPC and for how long, what may be done with it, and who may have access to it.

### **3. THE PARISH COUNCIL'S COMMITMENT**

STMMPC is committed to meeting the requirements in respect of personal data set out in the GDPR. Personal data will 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 these purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are 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 are processed.
- 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, using appropriate technical and organisational measures.

### **4. THE DATA PROTECTION OFFICER**

(a). As data processing is carried out by a public authority, STMMPC is required by law to designate a Data Protection Officer. In the case of STMMPC, the registered Data Protection Officer shall be the parish clerk. The parish clerk is therefore responsible for the processing of all personal data required by STMMPC to carry out its statutory duties, functions and activities.

(b). The Data Protection Officer will maintain a written record of processing activities under their responsibility. The written record shall include a description of the categories of data subjects and the categories of personal data, purpose(s) of processing, categories of recipients of personal data, time

limits for erasure and description of technical and organisational measures to protect data.

(c). As Data Protection Officer, the parish clerk is at all times responsible for the implementation of all changes to the council's administration that are required by data protection legislation and accompanying regulations.

(d). No other employee of STMMPC, or councillor, or individual acting in a representative capacity, may store, process or transmit personal data without the explicit consent of the registered Data Protection Officer, and any such data is subject to the requirements specified in this Data Protection Policy.

(e). STMMPC is required by law to appoint an outside body as its Data Controller. Such an outside body provides guidance and advice. Until further notice, an agreement shall be made between the parish clerk and Satswana Ltd. such that the latter acts as STMMPC's Data Controller.

(f). As is required in law, the Data Controller will report to the Information Commissioner's Office any personal data breaches within 72 hours.

## **5. PRIVACY NOTICES**

(a). When personal data is collected a privacy notice is issued. The Data Protection Officer will provide the following information wherever a privacy (or fair processing) notice is issued: the identity and contact details of the data controller; the lawful basis and purpose of the processing; the categories of personal data concerned; the recipients or categories of recipient to whom the personal data has been or will be disclosed; the period for which the personal data will be stored or retained. The information will be provided in concise and clear language that is easy to understand.

(b). All correspondence is accompanied by a privacy notice. This notice normally states that the document is not to be copied, shared or circulated in any way, including use on social media, and is for the sole use of the addressee /person requesting the information.

(c). Minutes of meetings will include only names, and not personal or contact details. Recipients of payments below £500 are not identified in the minutes. Sums paid and listed in the minutes are referred to not by recipient, but rather by the work carried out.

## **6. SUBJECT ACCESS REQUESTS**

(a). As is required by the GDPR, an individual's right of access to personal data held by the Data Protection Officer will be provided within one month of a request and free of charge. Where requests are, according to GDPR regulations, 'manifestly unfounded or excessive', the data protection officer will charge a fee for providing the information, or else refuse to respond.

(b). Requests for information, from any individual or councillor, require a signed agreement that the information will not be copied, shared or circulated in any way, including on social media, and is for the sole use of the person requesting the information.

## **7. THE RIGHT OF INDIVIDUALS TO BE FORGOTTEN**

(a). Individuals have a right to erase personal data ('the right to be forgotten'). This means that data subjects may request that their personal data be erased by the Data Protection Officer and no longer processed. This will be where the data is no longer necessary in relation to the purposes for which it is processed, where data subjects have withdrawn their consent, where they object to the processing of their data, or where the processing does not comply with GDPR.

(b). The further retention of data will, however, be lawful where it is necessary for STMMPC to comply with a legal obligation or for reasons of public interest or for the exercise or defence of legal claims.

## **8. ADMINISTRATIVE REQUIREMENTS**

(a). The retention policy adopted by STMMPC for data adopted is based on NALC's guidelines, and shall be a period of two years for Administration and six years for Finance and Accounting records. In the case of historical parish records, information can be kept indefinitely.

(b). STMMPC maintains an information asset register of all the locations where personal data is held or processed. It documents what personal data is held, its source, and with whom it is shared.

(c). At the time of disposal, documents will be security shredded accordingly.

(d). STMMPC is committed to embedding privacy by design into its information technology and organisational procedures, and will ensure that privacy risk assessments are undertaken whenever new systems or new data processing activities are introduced, or where a profiling activity is likely to significantly affect individuals.

(e). STMMPC is responsible for ensuring that parish councillors have registered in the Public Register of Data Controllers with the Information Commissioner's Office.

January 2018

## **Appendix 1.**

### **Information Asset Register**

#### **(Personal data kept or processed by STMMPC):**

1. Councillor contact details
2. Councillor declaration of interest
3. Employment and recruitment records
4. Minutes of meetings
5. Correspondence /e-mails with individual local residents
6. Arrangements with volunteers
7. Users of the recreation ground
8. Contracts with individuals
9. Contracts with companies/charities
10. Bank details of contractors / suppliers
11. Trading Licensees
12. Electoral register
13. Complaints to the parish council
14. Freedom of information requests
15. Licensees using private entrance at the slipway
16. Communications with other local authorities
17. Communications with third parties
18. Legal proceedings or transactions with individuals
19. Individuals identified in the Emergency Plan.
20. Local Planning Applications
21. Historical Parish Records

## **Appendix 2.**

### **Publications produced by STMMPC:**

1. Minutes and Agenda
2. Neighbourhood Plan
3. Standing Orders
4. Financial Regulations
5. Notices / surveys /newsletters/reports
6. End of Year Accounts
7. Dates of Parish Meetings
8. Asset Register
9. Information Asset Register