EWYAS HAROLD GROUP PARISH COUNCIL

DATA PROTECTION POLICY

1. Introduction

The purpose of this document is to set out Ewyas Harold Group Parish Council's statement of intent with regard to the handling of personal data and to inform all parish council employees, councillors, volunteers and contractors of their responsibilities for handling and protecting the personal data they work with when acting on behalf of the Parish Council.

The Policy provides a framework within which the Parish Council will ensure compliance with the requirements of the data protection legislation and will underpin any connected operational procedures and activities
Every person handing information on behalf of the Parish Council or using Parish Council systems is expected to comply with the Parish Council's policies and procedures. This document sets out the key responsibilities and actions that should be taken when handling personal data.

The Parish Council is committed to ensuring that personal data is handled in a secure and confidential manner in accordance with its obligations under the current data protection legislation including associated regulations and professional guidelines. The Parish Council will use all appropriate and necessary means at its disposal to comply with the legislation and associated guidance.

2. Background

The data protection legislation governs the collection and use of personal data that identifies living individuals directly or indirectly and includes in formation held in all formats. In addition it provides a mechanism by which individuals (data subjects) can have control over the way in which their personal data is held and processed.

The legislation:

- states that all personal data must be processed within the legal framework set out in six data protection principles.
- sets out the lawful basis for processing personal data.
- identifies certain personal data as special category data and requires additional safeguards and processing requirements to be taken in relation to this.
- provides data subjects with a number of enforceable rights over their personal data.
- sets out the responsibilities and requirements of Data Controllers and Data Processors.
- gives regulatory and enforcement powers to the Information Commissioner Office (ICO)
- requires Data Controllers to report data breaches that will or are likely to result in a risk to the rights and freedoms of data subjects to the ICO.

Further information relating to the legislative requirements of the GDPR and DPA can be found at https://ico.org.uk/.

Definitions

Term	Definition
Personal data	Any information relating to an identified or identifiable living individual. For example: • Name (including initials) • Identification number • Location data including Online identifiers It may also include factors specific to an individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is considered to be more sensitive and therefore requires further safeguards: • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetic data • Biometric data where used for identification purposes (such as fingerprints, retina and iris patterns) • Health – physical or mental • Sex life or sexual orientation • Criminal offences and procedures
Processing	Any operation or set of operations performed on personal data including: collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual to whom the personal data relates.
Data controller	A person or organisation that determines the purposes and means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

Term	Definition
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

3 Roles and Responsibilities

3.1 The Data Controller – The Parish Council

The Parish Council processes personal data relating to members of the public, staff, councillors, volunteers, contractors and others; and therefore is a Data Controller.

The Parish Council is registered as a Data Controller with the ICO and will renew this registration annually or as otherwise legally required.

The Parish Council will be responsible for ensuring that the organisation complies with its responsibilities under the data protection legislation. They will do this by ensuring they have policies and procedures in place, alongside receiving regular updates from HALC and training as appropriate. The Parish Council will also ensure that there are adequate resources to support the work outlined in this policy.

3.2 All Staff and Councillors

All staff and councillors will ensure that:-

- Personal information is treated in a confidential manner in accordance with this and any associated policies.
- The rights of data subjects are respected at all times.
- Privacy notices will be made available to inform individuals how their data is being processed.
- Personal information is only used for the stated purpose, unless explicit consent has been given by the Data Subject to use their information for a different purpose.
- Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- Personal information held within applications, systems, personal or shared drives is only accessed in order to carry out work responsibilities.
- Personal information is recorded accurately and is kept up to date.
- they immediately inform the Chair and the Clerk upon receipt of a subject access request and/or requests in relation to the rights of data subjects.

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- they immediately refer to the relevant procedure should an actual or potential personal data breach occur.

It is the responsibility of all staff and councillors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

3.3 Contractors and Employment Agencies

Where contractors are used, the contracts between the Parish Council and these third parties should contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour as parish council members of staff and councillors, including this policy.

3.4 Volunteers

All volunteers are bound by the same code of behaviour as parish council members of staff and councillors, including this policy.

Collecting, Processing and Sharing Personal Data

We will only collect and process personal data in line with the principles and legal basis for processing set out by the legislation.

Whenever we collect personal data directly from individuals we will provide them with the relevant information required by data protection law in the form of a Privacy Notice.

The Parish Council's Privacy Notices can be found at Policies and Procedures – Ewyas Harold Group Parish Council

Data will only be shared when the law, our policies or the consent of the data subject allows us to do so.

Consent

The parish council will take all reasonable steps to ensure that service users, members of staff, volunteers, and contractors are informed of the reasons the parish council requires information from them, how that information will be used and who it will be shared with. This will enable the data subject to give explicit informed consent to the parish council handling their data where the legal basis for processing is consent.

Should the parish council wish to use personal data, where the legal basis for processing is consent, for any purpose other than that specified when it was originally obtained, the data subject's explicit consent should be obtained prior to using the data in the new way unless exceptionally such use is in accordance with other provisions of the Act.

Should the parish council wish to share personal data, where the legal basis for processing is consent, with anyone other that those recipients specified at the time the data was originally obtained, the data subject's explicit consent should be obtained prior to sharing that data, failure to do so could result in a breach of confidentiality and the data protection legislation.

4 Records Management

Good records management practice plays a pivotal role in ensuring that the parish council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meet the requirements of the legislation All records should be retained and when no longer required securely disposed of in accordance with the Parish Council's retention schedule.

5 Accuracy and Data Quality

The parish council will ensure that all reasonable steps are taken to confirm the validity of personal information directly with the data subject.

All members of staff and councillors must ensure that service user personal information is checked and kept accurate and up to date on a regular basis, for example, by checking it with the service user when they attend for appointments in order that the information held can be validated.

Where a member of the public exercises their right for their data to be erased, rectified, or restricted, or where a member of the public objects to the processing of their data, the appropriate procedures must be followed.

6 Data Protection by Design

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- *Only processing personal data that is necessary for each specific purpose and always processing personal data in line with the data protection principles set out in the legislation.*

- *Completing data privacy impact assessments where the parish council's processing of personal data presents a high risk to the rights and freedoms of individuals and when introducing new technologies. A data protection impact assessment is a process which helps to assess privacy risks to individuals in the collection, use and disclosure of information. They must be carried out at the early stages of projects and are embedded in to the parish council's decision making process.*

- *Integrating data protection into internal documents including any related policies and procedures.*

- *Regularly training the staff, councillors and volunteers on data protection law and practice, relevant policies and procedures.*

- *Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant.*

- *Maintaining records of type of personal data collected, held and our processing activities.*

7 Data Processors

The parish council must have written contracts in place with all suppliers who process personal data on behalf of the parish council as "data processors". The parish council will ensure that processors are only appointed if they can provide 'sufficient guarantees' through the procurement process that the requirements of the legislation will be met and the rights of data subjects protected.

8 Security and Confidentiality

All staff and councillors must ensure that information relating to identifiable individuals is kept secure and confidential at all times. The parish council will ensure that its holdings of personal data are

properly secured from loss or corruption and that no unauthorised disclosures of personal data are made.

The parish council will ensure that information is not transferred to countries outside the European Economic Area (EEA) unless that country has an adequate level of protection for security and confidentiality of information which has been confirmed by the Information Commissioner.

9 Rights of Data Subjects

Individuals wishing to request their information as a subject access request should contact the parish council, who will arrange for the information to be processed in accordance with the Data Protection Act. Further information on this is available in a separate document, *How to access your records.*

Individuals should also make requests in writing to the parish council if they wish to exercise their other rights under the legislation.

10 Complaints

Any expression of dissatisfaction from an individual with reference to the parish council's handling of personal information will be treated as a complaint, and handled under the parish council's complaint's processes.

Should the complainant remain dissatisfied with the outcome of their complaint to the council, a complaint can be made to the Information Commissioner's Office who will then investigate the parish council's handling of the complaint and take action where necessary.