

DATA PROTECTION POLICY

INTRODUCTION

This policy applies to all employees. The Parish Council holds and processes information about employees, Parish Councillors and other data subjects for administrative purposes. When handling such information, the Parish Council, and all staff and Parish Councillors who process or use any personal information, must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act). In summary these state that personal data shall

- be processed fairly and lawfully,
- be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose,
- be adequate, relevant and not excessive for the purpose
- be accurate and up-to-date,
- not be kept for longer than necessary for the purpose,
- be processed in accordance with the data subject's rights,
- be kept safe from unauthorised processing, and accidental loss, damage or destruction,
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

The Parish Council shall notify all staff, Parish Councillors and other relevant data subjects of the types of data held and processed by the Parish Council concerning them, and the reasons for which it is processed. The information that is currently held by the Parish Council and the purposes for which it is processed are set out in the [Appendix 1](#) to this Policy. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and the Appendix 1 will be amended.

STAFF RESPONSIBILITIES

The Clerk and any members of staff shall:

- ensure that all personal information which they provide to the Parish Council in connection with their employment is accurate and up-to-date;
- inform the Parish Council of any changes to information, for example, changes of address;
- check the information which the Parish Council shall make available from time to time, in written or automated form, and inform the Parish Council of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The Parish Council shall not be held responsible for errors of which it has not been informed.

When Parish Councillors and members of staff hold or process information about other data subjects they should comply with the Policy.

The Parish Clerk shall ensure that:

- all personal information is kept securely;
- personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party.

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Unauthorised disclosure may be a disciplinary matter, and may be considered gross misconduct in some cases.

RIGHTS TO ACCESS INFORMATION

Staff and other data subjects of the Parish Council have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the Parish Clerk. The Parish Council will make a charge of £10 for each official Subject Access Request under the Act.

The Parish Council aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases, the Parish Clerk will write to the subject making the request for data explaining the reason for the delay.

SUBJECT CONSENT

In some cases, such as the handling of sensitive information, the Parish Council is entitled to process personal data only with the consent of the individual. Agreement to the Parish Council processing some specified classes of personal data is a condition of employment for staff.

Sensitive Information

The Parish Council may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin, or trade union membership. The Parish Council may also require such information for the administration of the sick pay policy or the absence policy.

THE DATA CONTROLLER AND THE DESIGNATED DATA CONTROLLERS

The Parish Council is the data controller under the Act, and the Parish Clerk is ultimately responsible for implementation and day to day matters.

RETENTION OF DATA

The Council will keep different types of information for differing lengths of time, depending on legal and operational requirements.

COMPLIANCE

Compliance with the Act is the responsibility of the Clerk and all members of Council. Any deliberate or reckless breach of this Policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Parish Clerk.

Any individual, who considers that the policy has not been followed in respect of personal data about him, or herself, should raise the matter with the Parish Clerk initially. If the matter is not resolved it should be referred to the Chair of the Parish Council.

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APPENDIX 1

Council Information Processing

The Council has notified the Information Commissioner that personal information may need to be processed for the provision of council services.

The types of information that may be processed include:

- personal details
- family details
- lifestyle and social circumstances
- education and employment details
- financial details
- goods and services

We process personal information about:

- employees
- suppliers
- complainants, enquirers
- business contacts
- professional advisers and consultants
- residents of the parish
- elected representatives and holders of public office
- members of the parish council

The Public Register of Data Controllers on the Information Commissioner's web site contains full details of the Council's current registration.

The register entry provides:

- a fuller explanation of the purposes for which personal information may be used
- details of the types of data subjects about whom personal information may be held
- details of the types of personal information that may be processed
- details of the individuals and organisations that may be recipients of personal information collected by the Council
- information about transfers of personal information.