

# **Stockton Parish Council**

## **General Data Protection Regulation Policy**

The Parish Council recognises its responsibility to comply with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR).

They regulate how personal information can be collected, handled and used and applies to anyone holding personal information about people, electronically or on paper.

The Parish Council has also notified the Information Commissioner that it holds personal data about individuals.

A list of the most common personal data records held by Stockton Parish Council is given in Appendix 1.

### **IMPLEMENTATION**

This policy updates the Parish Council's Data Protection Policy and procedures to include the additional requirements of GDPR which apply in the UK from May 2018. This policy explains the duties and responsibilities of the Council and identifies the means by which the Parish Council will meet its obligations.

### **IDENTIFYING THE ROLES AND MINIMISING RISK**

GDPR requires that everyone within the Parish Council must understand the implications of GDPR and that roles and duties must be assigned. The Parish Council is the Data Controller. The Data Protection Officer (DPO) is the Parish Clerk.

Personal data must be:

- processed lawfully, fairly and transparently;
- collected for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for processing;
- be accurate and kept up to date; be kept only for as long as is necessary for processing;
- and be processed in a manner that ensures its security.

Any risks in the handling and storage of data can be minimised by undertaking an Information Audit; issuing privacy statements; minimising who holds data protected information; ensuring the safe disposal of information; and the Parish Council undertaking training in data protection awareness.

GDPR requires continued care by the Clerk and councillors in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the Parish Council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.

### **INFORMATION AUDIT**

The Data Protection Officer must undertake an Information Audit which details the personal data held, where it came from, the purpose for holding that information and with whom the Parish Council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the Information Audit will be

reviewed at least annually or when the Parish Council undertakes a new activity. The Information Audit review should be conducted ahead of the review of this policy and the reviews minuted.

## **PRIVACY NOTICES**

Being transparent and providing accessible information to individuals about how the Parish Council uses personal data is a key element of the Data Protection Act 1998 and the General Data Protection Regulations (GDPR). The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what the Council does with their personal information. A privacy notice will contain the name and contact details of the Data Controller and Data Protection Officer; the purpose for which the information is to be used; and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice must be detailed on the Information Audit kept by the Parish Council.

## **CHILDREN**

There is special protection for the personal data of a child, although Stockton Parish Council rarely holds any personal information about children. The age when a child can give their own consent is 13. If the Parish Council requires consent from young people under 13, the Council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

## **INDIVIDUALS' RIGHTS**

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed.
- the right of access.
- the right of rectification.
- the right to erasure.
- the right to restrict processing.
- the right to data portability.
- the right to object.
- the right not to be subject to automated decision-making, including profiling.

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometime known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

If a request is received to delete information, then the DPO must respond to this request within a month. The DPO has the delegated authority from the Parish Council to delete information. If a request is considered to be manifestly unfounded then the request can be refused. Any charges applicable will be detailed in the Council's Freedom of Information Publication Scheme.

## **DATA BREACHES**

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the Personnel Committee. Investigations must be undertaken within one month of the report of a breach. The ICO will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly. 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 to individuals.

## **ACTION TO BE TAKEN**

The main actions arising from this policy are:

- A copy of this policy will be made available on the Parish Council's website. The policy will be considered as a core policy of the Council.
- Privacy notices must be issued.
- Data Protection will be included in the Parish Council's Risk Management Policy.
- The Clerk's contract and Job Description will be amended to include additional responsibilities relating to Data Protection.
- An Information Audit will be conducted and reviewed at least annually, or when projects and services change.

## **POLICY REVIEW**

This policy will be reviewed every three years or when further advice is issued by the ICO. All employees and councillors are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Parish Council.

***This policy was amended by Stockton Parish Council on 19th June 2023 and will be reviewed in three years' time, at the AGM***

## **GDPR - APPENDIX 1**

### **PERSONAL DATA RECORDS**

Cemetery records (held indefinitely so that grave owners can be contacted)

Contractor records (reviewed every three years)

Councillors' Register of Interests (reviewed after each election)

Parish Clerk's details (reviewed every three years)

Parishioners or others who contact the council in relation to the provision of services (reviewed every three years)

People mentioned on the council website (reviewed every three years)

Electoral Register (Maintained by Stratford District Council)

Emergency Manual contact details.(reviewed every three years)

## **APPENDIX 2 - DRAFT PRIVACY NOTICE**

### **PRIVACY NOTICE**

Stockton Parish Council is committed to protecting your privacy. It is obliged to protect any personal information it holds. It operates in accordance with the 1998 Data Protection Act in respect of any personal information you give us. Our registration number with the Information Commissioner's office is ?????? and may be viewed at Information Commissioner's Office website. For more details on the Data Protection and Freedom of Information Acts please contact the Information Commissioner's Office.

#### **What do we mean by personal information?**

The Data Protection Act covers any data which concerns a living and identifiable individual and includes such things as name, address, age, email address or telephone number.

#### **What is my personal information used for?**

This information is used by the council in the provision of services to the parish as a whole or to you as an individual.

#### **Who can view my personal information?**

Some information will be accessed by the Clerk or Parish Councillors. Some information may be passed to contractors who are providing services to you..

Your personal information will NOT be disclosed to third parties unless required by law or your prior written consent.

#### **How do you store my personal details?**

We only store your personal information when volunteered to us by you or when they form part of public record within the Council's Minutes.

The information is held and managed by the Council Clerk.

You have the right to have any personal information amended at anytime.

#### **Records Management**

The Council records, both paper and digital format, are kept at the Clerk's working location which is normally their home or a secure filing cabinet in the village hall although the latter does not contain personal data. All disposed data is shredded prior to disposal.

The data held by the Clerk is held on a password-protected Council laptop which remains the property of the Parish Council

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#### **How will you contact me?**

On occasion we will use your personal information to contact you.

Your personal information will NOT be sold or disclosed to any third parties unless required by law or with your written consent.

#### **How to make a complaint to us**

Please see our Complaints Procedure for more information

#### **How to get a copy of your information**

We will try to be as open as we can in terms of giving you access to your information. You can find out if we hold any personal information about you by requesting the data under the Freedom of Information Act 2000.