

WORLDHAM PARISH COUNCIL

DATA PROTECTION POLICY

Adopted: May 2023

Review due: May 2026

Introduction

The Worldham Parish Council (WPC) is fully committed to compliance with the requirements of the Data Protection Act 1998 ("the Act"), which came into force on the 1st March 2000.

WPC will therefore follow procedures that aim to ensure that all employees, elected members, contractors, agents, consultants, partners or other servants of WPC who have access to any personal data held by or on behalf of the WPC, are fully aware of and abide by their duties and responsibilities under the Act.

It is now a requirement that the WPC collectively is responsible for ensuring personal and sensitive data is retained correctly. The WPC has registered with the ICO

This policy sets out the WPC's responsibility to comply with the Data Protection Act 1998. The Act regulates the use of personal data. This does not have to be sensitive data; it can be as little as a name and address. It sets out standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used.

The Act defines the word "data" as information which:-

- a) Is being processed by means of equipment operating automatically in response to instructions given for that purpose
- b) Is recorded with the intention that it should be processed by means of such equipment
- c) Is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.
- d) Does not fall within paragraph a), b) or c), but forms part of an accessible record as defined by section 68,

or

- e) Is recorded information held by a public authority and does not fall within any paragraphs a) to d).

Statement of policy

In order to operate efficiently, WPC has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government.

WPC may hold personal information about individuals such as their addresses and telephone numbers. These will be securely kept within the Parish Councils files and are not available for public access. All data stored on computers used for Parish Council work is

password protected. Once data is not needed any more, is out of date or has served its use and falls outside the minimum retention time of WPC's document retention policy, it will be shredded or securely deleted from the computer.

This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means there are safeguards within the Act to ensure this.

WPC regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the WPC and those with whom it carries out business. WPC will ensure that it treats personal information lawfully and correctly. To this end WPC fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998.

The principles of data protection

The Act stipulates that anyone processing personal data must comply with Eight Principles of good practice. These Principles are legally enforceable.

The Principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Shall be kept secure i.e. protected by an appropriate degree of security;
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **"sensitive" personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;

- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

Handling of personal/sensitive information

The WPC will, through appropriate management and the use of strict criteria and controls:-

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

These include:

- The right to be informed that processing is being undertaken;
- The right of access to one's personal information within the statutory 40 days;
- The right to prevent processing in certain circumstances;
- The right to correct, rectify, block or erase information regarded as wrong information.

In addition, WPC will ensure that:

- There is someone with specific responsibility for data protection in the organisation;
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do;
- Queries about handling personal information are promptly and courteously dealt with;
- Methods of handling personal information are regularly assessed and evaluated;
- Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures.

All elected members are to be made fully aware of this policy and of their duties and responsibilities under the Act. All Councillors and staff will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;
- Personal data held on computers and computer systems is protected by the use of secure passwords
- Individual passwords should be such that they are not easily compromised.

All contractors, consultants, partners or other servants or agents of the WPC must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of WPC, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act.
- Allow data protection audits by the WPC of data held on its behalf (if requested);

- Indemnify WPC against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation. All contractors who are users of personal information supplied by WPC will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the WPC.

Implementation

The WPC has appointed an Information Officer who will be responsible for ensuring that the Policy is implemented. Implementation will be led and monitored by the Information Officer. The Information Officer will also have overall responsibility for:

- The provision of cascade data protection training
- For the development of best practice guidelines.
- For carrying out compliance checks to ensure adherence, throughout the WPC, with the Data Protection Act.

Notification to the Information Commissioner

The Information Commissioner maintains a public register of data controllers. WPC is registered as such.

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

The Information Officer will review the Data Protection Register annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days. To this end, any changes made between reviews will be brought to the attention of the Information Officer immediately.