Local Government for Langton Green, Speldhurst, Ashurst and Old Groombridge

Data Protection Policy

Introduction

In order to conduct its business, services and duties, Speldhurst Parish Council holds and processes a wide range of data relating employees, councillors, residents and customers and other data subjects for administrative and commercial purposes.

When handling such information, the council, and all staff or others who process or use the information, must comply with the Data Protection principles as set out in the Data Protection Act 2018 (the Act).

Data Protection Principles

There are eight principles set out in the Act, which in summary state the 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, accidental loss, damage, or destruction.
- Not be transferred to a country outside the European Economic Area, unless that country has the equivalent levels of protection for personal data, except in specified circumstances.

Responsibilities

Speldhurst Parish Council is the Data Controller and must ensure that any processing of personal data for which it is responsible, complies with the Act.

The Data Protection Officer is the Local Council public Advisory Service, who, with the Clerk, act on behalf of the council, and is responsible for:

- fully observing conditions regarding the fair collection and use of information.
- meeting the Council's legal obligations to specify the purposes for which information is used.
- collecting and processing relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements.

- ensuring the quality of information used.
- applying strict checks to determine the length of time that information is held.
- ensuring that the rights of the people whom information is held can be fully exercised under the Act.
- taking appropriate technical and organisational security measures to safeguard personal information.
- ensuring that personal information is not transferred abroad without suitable safeguards.
- ensuring that everyone managing and handling personal information:
    - fully understands that they are contractually responsible for following good practice in terms of protection.
    - is adequately trained to do so.
    - are appropriately supervised.

Storage and retention

Personal data is kept in paper-based systems and/or on a password-protected computer system.

The council will keep different types of information for differing lengths of time, depending on legal and operational requirements. More information can be found in the council's Document Retention Scheme.

Access to information

Any employees, councillors, residents, customers and other data subjects have a right to:

- ask what personal information the council holds.
- ask what this information is used for.
- be provided with a copy of the information.
- be given details of the purposes for which the council uses the information and any other persons organisations to whom it is disclosed.
- ask that any incorrect data is corrected.

If it is felt by the data subject that any personal information held is incorrect the individual may request that it be amended. The council must advise the individual within 21 days whether the amendment has been made.

Breach of policy

Compliance with the Act is the responsibility of all councillors, parishioners, and members of staff. Any deliberate or reckless breach of the policy may lead to disciplinary action and where appropriate, legal proceedings.

Any individual who believes that the council has breached any of the requirements of the Data Protection Act 2018 should raise the matter with the Clerk: clerk@speldhurstparishcouncil.gov.uk. Alternatively, a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113. Email: icocasework@ico.org.uk

If the council believes there has been a breach of policy, it has a duty to report it to the Information Commissioner.

Review of Policy

The policy will be reviewed every three years or earlier if there is a significant change.

APPENDIX

Data Protection Terminology

Data subject - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of Speldhurst Parish Council or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g. Parish Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording, or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting, or altering it.
- retrieving, consulting, or using the information or data.
- disclosing the information or data by transmission, dissemination or otherwise making it available.
- aligning, combining, blocking, erasing, or destroying the information or data, regardless of the Technology used.

Rights of a Data Subject (please contact the Parish Clerk or Data Protection Officer)

Access to Information: an individual has the right to request access to the information held about them.

Information Correction: If an individual believes that the information held about them is incorrect, they may contact the council so that the data can be updated and kept accurate.

Information Deletion: If the individual wishes the Parish Council to delete the information about them, they can do so.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk/Data Protection Officer: clerk@speldhurstparishcouncil.gov.uk or the Information Commissioners Office: casework@ico.org.uk Tel: 0303 123 1113.