

Stretton under Fosse Parish Council

General Data Protection Regulation (GDPR) policy

Policy statement

Stretton under Fosse Parish Council ('the Council') is committed to a policy of protecting the rights and privacy of individuals, voluntary and community group members, volunteers, staff and others in accordance with all legislation relating to personal data that applies in the United Kingdom. The policy applies to all Councillors, staff and volunteers working for Stretton under Fosse Parish Council. Any breach of the Stretton under Fosse Parish Council Data Protection Policy will result in disciplinary procedures.

Legal Requirements

The processing of personal data is governed by the General Data Protection Regulation (the GDPR), which came into effect on 25th May 2018. The purpose of the GDPR is to protect the rights and privacy of individuals and to ensure that personal data is not processed without their knowledge, and, wherever possible, is not processed without their consent.

The GDPR requires the Council to register the fact that they hold personal data and to acknowledge the right of 'subject access' (clients, voluntary and staff members must have the right to copies of their own data).

1. Stretton under Fosse Parish Council has registered with the Information Commissioner and our reference is: ZA467708 – contact Data Protection Officer (the Clerk) for a copy of this certificate.

2. This policy is based on the principles set out in the GDPR – Definitions:

General Data Protection Regulation (GDPR) – from 25th May 2018, the GDPR replaces the Data Protection Act 1998. Its aim is to give people more control over how organisations use their data and to ensure data protection law is almost identical across the EU.

Data subject – means the person whose personal data is being processed. This may be an employee, prospective employee, councillor, resident or customer. *Other data subjects* and *third parties* may include contractors, suppliers, contacts, referees, friends or family members.

Personal data – is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. 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, physical or mental health or condition, sexual orientation, genetic and biometric data or criminal proceedings or convictions.

Data controller – is a ‘person’ who determines the purposes for which and the manner in which any personal data is to be processed. A ‘person’ as recognised in law may be an individual, organisation or body of persons.

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 – refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

Data Protection Officer – is an individual working on behalf of the Data Controller with responsibility for the data protection within that organisation.

3. The Council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs
- Contact details such as telephone numbers, addresses, and email addresses
- Where they are relevant to any services provided by the council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants
- Where you pay for activities, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation

4. The council will comply with data protection law. The personal data we hold about you shall be:

- 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
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure;
- 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.

5. Purpose of data held by the Stretton under Fosse Parish Council – Data may be held by us for the following purposes:

1. Staff Administration
2. Fundraising
3. Realising the Objectives of Stretton under Fosse Parish Council
4. Accounts and Records
5. Advertising, Marketing and Public Relations
6. Information and Databank Administration
7. Journalism and Media
8. Processing for not for profit organisations
9. Research
10. Volunteers

If you interact with Stretton under Fosse Parish Council or are involved in any of our events or activities, you grant us permission to process personal data which you have provided to us. We will keep client records for seven years and paper records are kept securely.

6. Fair Process – The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- a. Processing is necessary in order to pursue the legitimate interests of the data controller or third parties
- b. Processing is necessary for the performance of a contract or agreement with the individual
- c. Processing is required under a legal obligation
- d. Processing is necessary to protect the vital interests of the individual
- e. Processing is necessary to carry out public functions
- f. The individual has consented to the processing

Particular attention is paid to the processing of any sensitive personal information and the Parish Council will ensure that at least one of the following conditions is met:

- a. Explicit consent of the individual
- b. Required by law to process the data for employment purposes
- c. A requirement in order to protect the vital interests of the individual or another person
- d. processing relates to personal data which are manifestly made public by the data subject
- e. processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity

7. The council will not share your personal data with third parties unless:

- a. it is as part of our duty to protect a child, a vulnerable adult, yourself or the public
- b. we are required to do so by any court or law or any relevant regulatory authority such as:
 - HMRC – see HMRC personal information charter
 - the Information Commissioner’s Office – see ICO privacy notice
 - Companies House – see Companies House personal information charter
- c. to protect the rights, property or safety of Stretton under Fosse Parish Council or any third parties (for example for the purposes of fraud protection)
- d. It is necessary for Stretton under Fosse Parish Council to perform its function For example we may use agents, suppliers and contractors. For example, we may ask a

commercial provider to publish or distribute newsletters on our behalf, or to maintain our software

- e. On occasion, we need to share information with other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to projects, facilities or events for the community

These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data.

8. You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- The right to access personal data we hold on you
- The right to correct and update the personal data we hold on you
- The right to have your personal data erased
- The right to object to processing of your personal data or to restrict it to certain purposes only
- The right to data portability
- The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained.
- The right to lodge a complaint with the Information Commissioner's Office.

You can read more about these rights on the ICO website: <https://ico.org.uk/for-the-public/is-my-information-being-handled-correctly/>

9. Transfer of data abroad

Any personal data transferred to countries or territories outside the European Economic Area (EEA) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

10. Further processing

If we wish to use your personal data for a new purpose, where and whenever necessary, we will seek your prior consent to the new processing.

11. We keep this Policy under annual review.

12. If you have any questions about this Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints, please contact the Council.

Updated June 2019

GDPR Guidelines for Stretton under Fosse Parish Council volunteers, staff and Councillors

During the course of your duties with Stretton under Fosse Parish Council, you will be dealing with information such as names/addresses/phone numbers/email addresses of members of the public. You may be told or overhear sensitive information while undertaking duties for the Parish Council.

The General Data Protection Regulation 2018 gives specific instructions on how this information shall be dealt with. In order to comply with the law, when personal information is collected, it must be used fairly, stored safely and not disclosed to any other person unlawfully.

To help ensure that you meet the legal requirements, all Stretton under Fosse Parish Council volunteers, staff and Councillors shall read and comply with the Stretton under Fosse General Data Protection Regulation (GDPR) policy.

To assist with compliance the Council provides the following guidelines. If you are in any doubt about any of them, please ask the Data Protection Officer (the Clerk) for advice:

Sharing of personal information

'Personal information' includes details such as addresses/phone numbers and health details supplied by members of the public. Such information may be shared between staff and Councillors at Stretton under Fosse Parish Council for work purposes but shall not be given to anyone outside the Council without explicit proof of compliance with GDPR guidelines or the data subject's consent.

Unlawful disclosure of personal information

Under the Data Protection Act you are committing a criminal offence if you disclose personal information 'knowingly or recklessly' to anyone you are not supposed to, so please be careful. Give consideration to any conversations you are having containing personal or sensitive information that could possibly be overheard by people who should not have access to such information.

Use of files, books and other paper records

In order to prevent unauthorised access and accidental loss or damage to personal information held on paper, please take good care of any files, books and other paper records you use, and ensure they are stored safely and securely. All paper records must be shredded before disposal.

Use of email

Always check an email before sending. Please ensure before sending emails that they contain no personal or sensitive information that the recipients should not have access to. This is a particular risk when forwarding emails or adding in new recipients to an email chain. Ensure that the email addresses used are correct and that the BCC function is used wherever possible to prevent illegal transmission of email addresses to unauthorised recipients who may be necessary recipients of the email. All email for council purposes should be sent and received using email addresses reserved entirely for council business.

Disposal of scrap paper

Be aware that names/addresses/phone numbers and other information written on scrap paper are also considered to be confidential. Such notes must be shredded/burned before disposal.

I agree to abide by Stretton under Fosse Parish Council General Data Protection Regulation (GDPR) Policy	
Signature:	Print Name: Date:
On behalf of Stretton under Fosse Parish Council:	
Signature:	Print Name: Date: