

Wolverton Parish Council

Data Protection Policy

The General Data Protection Regulation (“GDPR”) will come into force on 25 May 2018 and the Data Protection Bill published in September 2017 will repeal the Data Protection Act 1998 to ensure there are no inconsistencies with the GDPR.

GDPR requires the Parish Council to appoint a Data Protection Officer (“DPO”). Arrangements are underway for Wolverton Parish Council to share the services of a single DPO designated for a group of public authorities.

This policy is therefore valid until the GDPR comes into force and it will be reviewed before that date and reissued accordingly.

Data Protection Act 1998 – Personal Information

One of the exemptions of the Freedom of Information Act concerns personal data – information the Council hold on an individual. Access to the information is protected under the Data Protection Act 1998, which gives an individual the right to ask what personal information is held about them, and subject to exemptions, must be supplied with that information within 40 calendar days. These are known as ‘subject access requests’.

Under the Data Protection Act, ‘personal data’ is defined as certain types of data that relates to a living individual that can be identified from the data or other information.

There is also a classification of ‘sensitive personal data’ that includes:

- Racial or ethnic belief
- Religious or other beliefs of a similar nature
- Physical or mental health or condition
- Sexual Life
- Membership of a Trade Union
- Offences (including alleged offences and the proceedings)

Summary of Principles

Data users must comply with the Data Protection principles of good practice which underpin the Act. These state that personal data shall:

1. Be obtained and processed fairly and lawfully (that the subject of the data has consented to its collection and use).
2. Be held only for specified purposes.
3. Be adequate, relevant but not excessive.
4. Be accurate and kept up to date.
5. Be held for no longer than necessary.
6. Be accessible to data subjects.
7. Be subject to the appropriate security measures.
8. Not to be transferred outside the European Economic Area which includes the EU member states: Austria, Belgium, Eire, Finland, France, Germany, Greece, Italy, Luxembourg.

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Netherlands, Portugal, Sweden and the UK, as well as Iceland, Liechtenstein, Norway and Switzerland.

The Council and staff who process, or use personal data must ensure that they abide by these principles at all times.

Responsibilities of Staff

It is the responsibility of the Parish Clerk to:

- Assess the understanding of the obligations of Wolverton Parish Council under the Data Protection Act.
- Be aware of its current compliance status
- Identify and monitor problem areas and risks and recommend solutions
- Promote clear and effective procedures and offer guidance to Members on Data protection issues.

It is **NOT** the responsibility of the Parish Clerk to apply the provisions of the Data Protection Act. This is the responsibility of the individual collectors, keepers and users of personal data. Therefore, Members are required to be aware of the provisions of the Data Protection Act 1998, such as keeping records up to date and accurate, and its impact on the work they undertake on behalf of the Authority.

Any breach of the Data Protection Policy, whether deliberate, or through negligence may lead to disciplinary action being taken.

Data Security

The Clerk and Members are responsible for ensuring that:

- Any personal data they hold, whether in electronic or paper format is kept securely.
- Personal information is not disclosed deliberately or accidentally either orally or in writing to any unauthorised third party.