

# MARSH GIBBON PARISH COUNCIL

## Data Protection Policy 02



Adopted: 13 April 2021

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## 1. PURPOSE

The Data Protection Act 1998 (“the Act”), came into force on the 1 March 2000 and is now repealed and replaced by the Data Protection Act 2018 (the Act), which came into force on 25<sup>th</sup> May 2018. The General Data Protection Regulation (GDPR) also came into force on the 25<sup>th</sup> May 2018. In addition, the Data Protection (Charges & Information) Regulations 2018 (the 2018 Regulations) also came into force on 25<sup>th</sup> May 2018.

Under GDPR, there is no requirement for a Data Controller to register with ICO.

Under the 2018 Regulations, Data Controllers are required to pay a specified data protection fee to ICO unless exempt.

Marsh Gibbon Parish Council is a public authority coming under the 2018 Regulations and is a non-exempt Data Controller.

This Policy is therefore designed to ensure that Marsh Gibbon Parish Council, its Members and staff who have access to any personal data held by or on behalf of the Council, are made fully aware of and abide by the statutory duties and responsibilities placed on the Council under the Act, the GDPR and the 2018 Regulations - to include regarding payment of fees.

This Policy defines the framework within which Council will manage and conduct its administrative arrangements in relation the requirements of the relevant legislation such as to regulate its efficient and timely compliance with relevant statutory obligations and to deliver its duties in regard to the expectations of the residents of the Parish.

Council has made every effort to ensure all relevant statutory requirements to which a council is subject are encompassed in this Policy but confirm that, in any event, those requirements apply whether or not they are incorporated herein.

The Council has made every effort to ensure this Policy is consistent with other Council Policies where relevant.

### NOTES:

- Where the word “councillor” is used, unless the context suggests otherwise, the meaning is intended to include non-councillors, with or without voting rights, and council employees.
- A ‘co-opted member’ is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- A ‘meeting’ is a properly constituted meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- Unless otherwise expressed, a reference to a Member of the Council includes a co-opted member of the Council.
- Where gender specific wording is used, meaning is intended to be gender neutral.

## 2. SCOPE – see also the Council’s Privacy Statement

In order to operate efficiently, the Parish Council 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. 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.

### 3. POLICY

As a local authority Marsh Gibbon Parish Council has a number of procedures in place to ensure that it complies with the Act when holding personal information and the Parish Clerk and Councillors must ensure that:

- **Data is processed fairly and lawfully.** This means that personal information should only be collected from individuals if the Clerk and Councillors have been open and honest about why they want the personal information.
- **Data is processed for specified purposes only.**
- **Data is relevant to what it is needed for.** Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- **Data is accurate and kept up to date.**
- **Data is not kept longer than it is needed.**
- **Data is processed in accordance with the rights of the individuals.** This means that the individuals must be informed, upon request, of all the personal information held about them.
- **Data is kept securely.** This means that only employees and Councillors can access the data. It should be stored securely so it cannot be accessed by members of the public.

#### (a) Storing and Accessing Data

Marsh Gibbon Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that Councillors and the Clerk must be honest about why they want a particular piece of personal information e.g. if a member of the public gives their phone number to the Clerk or a Councillor, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

Marsh Gibbon Parish Council may hold personal information about individuals such as their addresses and telephone numbers. These will be kept in a secure location at the home of the Parish Clerk and are not available for public access. All data stored on the Parish computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

The Marsh Gibbon Parish Council Website only contains information intended to be public. The website includes a facility for the public to contact the Parish Council by email. The member of the

public may optionally include personal contact information.

The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data that is being held about them:

- They must be sent all of the personal information that is being held about them
- There must be an explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within 40 days

A fee to cover photocopying and postage charges will be charged to the person requesting the personal information. This fee will be agreed by the Council and amended in line with inflation from time to time. Currently the fee must not exceed £10.

#### **(b) Disclosure of Personal Information**

If a Councillor needs to access personal information to help carry out their duties, this is acceptable. They are only able to access as much personal information as necessary and it should only be used for that specific purpose. However, before they access any sensitive personal information about a person, they would need consent to do this from the Parish Clerk.

#### **(c) Confidentiality**

Marsh Gibbon Parish Councillors and staff are made aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data this must also remain confidential.