



FELBRIDGE PARISH COUNCIL

Registered Office: Felbridge Village Hall, Crawley Down Road, Felbridge, RH19 2NT
www.felbridge-pc.org | clerk@felbridge-pc.gov.uk

DATA PROTECTION POLICY **Information and Data Protection**

Introduction

In order to conduct its business, services and duties, Felbridge Parish Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Felbridge Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

This Policy is linked to our ICT Policy which ensures information considerations are central to the ethos of the organisation.

The Parish Council will review this policy along with all other policies annually in advance of the Annual Meeting taking into account changes in the law and guidance from the Information Commissioners Office.

The Parish Council will be as transparent as possible about its operations and will work closely with the public, community and voluntary organisations. Therefore, in the case of all information that is not personal or confidential, it will be prepared to make it available to partners and residents.

Protecting Confidential or Sensitive Information

Felbridge Parish Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but also to ensure high standards. For the purposes of GDPR, Felbridge Parish Council is a Data Controller.

The General Data Protection Regulation (GDPR) became law on 25th May 2019 and requires that any personal data is processed fairly and lawfully and the Parish Council has legitimate reasons for using and holding personal information.

The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Felbridge Parish Council processes **personal data** in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security
- assist regulatory and law enforcement agencies
- process information including recording and updating details about its Councillors, employees, partners and volunteers.
- process information including recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other bodies from time to time.

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

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

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:

- Explicit consent of the individual

- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

Who is responsible for protecting a person's personal data?

The Parish Council as a corporate and statutory body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council can be contacted through the Parish Clerk:

- Email: clerk@felbridge-pc.gov.uk
- Phone: 01342-315661
- Correspondence: Parish Clerk, Felbridge Village Hall, Crawley Down Road, Felbridge, RH19 2NT.

Parish Councils are not required to appoint an external Data Protection Officer

Diversity Monitoring

Felbridge Parish Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personal data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request and deletion if desired.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to another country or territory unless the recipient ensures that there is an appropriate mechanism in place to protect the personal data being transferred.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Felbridge Parish Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided, without specific consent.

Information Security

The Parish Council ensures the security of personal data and is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. FPC will only keep data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

FPC will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information FPC holds on them. They can do this by contacting our Parish Clerk on clerk@felbridge-pc.gov.uk

Information Correction: If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Parish Clerk.

Information Deletion: If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Clerk on clerk@felbridge-pc.gov.uk

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk. The Parish Council does not use automated decision making or profiling of individual personal data.

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 or the Information Commissioners Office casework@ico.org.uk Tel: 0303 123 1113. The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Felbridge Parish Council are subject to statutory notice being given on the Felbridge Village Hall notice board and on the Felbridge Parish Council website www.felbridge-pc.org.uk. The Council publishes an annual list of meeting dates in May each year and an updated list of parish councillors. All formal meetings are open to the public and press. Minutes of those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session for the first ten minutes of each Council meeting. Information can be found on the Felbridge Parish Council website.

Occasionally, Felbridge Parish Council may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of a Council meeting. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to

the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting. Anyone wishing to film the meeting must advise the Clerk in advance of the meeting starting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

The Council will as necessary undertake checks on both staff and Members with the the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

Data Transparency

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. The Code will therefore underpin Felbridge Parish Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

Timely: data will be published in a timely fashion.

Felbridge Parish Council will ensure the following information is published on its website for ease of access after the completion of each annual financial audit.

- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities

Minutes and Agendas

- Minutes of Council meeting will be uploaded to the website within one month.
- Agendas will be uploaded to the website at least three clear days before each meeting.

