

**CHERITON PARISH COUNCIL
PRIVACY NOTICE
FOR STAFF*, COUNCILLORS AND OTHER ROLE HOLDERS****

*“Staff” means employees. ** “Role Holders” includes volunteers and other role holders within the council including former staff*and former councillors. Applicants or candidates for any of these roles are also included.

Cheriton Parish Council is committed to protecting your privacy. This Privacy Notice explains how we, as data controller, use personal information about you and how we protect your information. Any questions regarding this Privacy Notice and our practices should be sent by email to: parish.clerk@cheritonparishcouncil.org.uk or in writing to: The Clerk, Manor Cottage, Beauworth, Alresford, Hampshire, SO24 0NZ.

What is personal information?

Personal information may be anything that identifies and relates to you and includes information that together with other information may identify you. Personal information we collect might include your name, address, telephone number, email address, photograph, video etc.

Some personal information is ‘special’ and needs more protection because of its sensitivity. This is anything that can reveal your:

- sexuality and sexual health
- religious or philosophical beliefs
- ethnicity
- physical or mental health
- trade union membership
- political opinion
- genetic/biometric data
- criminal history

What personal information might we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date.
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes and National Insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.

- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, recordings of telephone conversations and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral).
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.

Why do we need your personal information?

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax, National Insurance contributions and workplace pensions.
- Providing any statutory/contractual benefits to you.
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.

- To maintain our own accounts and records.
- To seek your views or comments.
- To process a job application.
- To administer councillors' interests.
- To provide a reference.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

Our processing of personal information will comply with data protection law as follows:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- Relevant to the purposes we have told you about and limited to those purposes only
- Accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our Privacy Notice.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.

Lawful basis for using your personal information

We may process your personal data when at least one of the following applies.

Our processing is necessary for compliance with a legal obligation including the discharge of our statutory functions and powers.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support.

If we are processing 'special' sensitive personal data about you, we collect and use it where at least one of the following lawful bases is also applicable:

- you have given explicit consent to the processing for specified purpose(s)
- processing relates to personal data manifestly made public by you
- processing is necessary for the establishment, exercise or defence of a legal claim
- processing is needed to monitor sick leave or access your working capacity on health grounds, subject to appropriated confidentiality safeguards
- processing is needed for purposes in the public interest, such as for equal opportunities monitoring or in relation to a pension scheme
- processing is needed to protect your (or someone else's) interests and you are not capable of giving your consent.

If you have given your consent to our processing your personal information, you may withdraw it at any time. If you wish to do so, please contact: clerk@bhpc.org.uk, so we can deal with your request.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Who do we share your personal information with?

We will not sell or rent your information to third parties.

We will not share your information with third parties for marketing purposes or for third parties to contact you with their own information.

We do not use Cookies.

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community.

The organisations referred to below will sometimes be “joint data controllers”. This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions, or to maintain our database software
- Other persons or organisations operating within the local community
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives.

What rights do you have to control your personal information?

Unless subject to an exemption, the law gives you rights to control what personal information we use and how. When exercising any of the rights below, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity.

Access request

You have the right to ask for all information we hold about you as well as why we have it, who has access to it and where we obtained it from. We will endeavour to respond in one month and no fee for a first request will be charged although additional requests and requests that are manifestly unfounded or excessive may be subject to an administrative charge.

Change of inaccurate information

If something written on your file is out of date, incomplete or incorrect, and you let us know, your personal information will be updated.

Right to erasure/to be forgotten

You can ask for your personal information to be deleted where it is no longer necessary, was unlawfully processed, you withdraw your consent or object to the processing, or you need to comply with a legal obligation.

When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it to comply with a legal obligation). Where your personal information has been shared, we will inform those using your information and request them to comply with your request for erasure.

Right to restrict use of your personal information

Where there is a dispute in relation to the accuracy or processing of your personal information, or you need it regarding a legal claim, you have the right to request a restriction is placed on further processing.

Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data. Where your personal information has been shared, we will inform those using your information and request them to comply with your request for a restriction on processing.

Right to portability

Where you have personally provided your personal information, and the processing is based on your consent or is necessary to perform a contract, and in either case the processing is by automated means, you have the right to request that we provide you with your personal information and move, copy or transmit that information directly to another data controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

Right to object

Where processing is based on 'legitimate interest' or the performance of a task in the public interest/exercise of official authority, or processing for the purposes of scientific/historical research and statistics, you have the right to object to the processing of your personal information.

Right to complain

You have the right to lodge a complaint with the Information Commissioner. (To contact the Information Commissioner see Contact Details below).

How do we keep your information secure?

When you give us personal information, we take steps, using organisational, technical and administrative measures, and a password - protected laptop to ensure it is treated securely and we will only make records available to those who have a right to see them.

Non-sensitive details (e.g. your email address) are transmitted normally over the internet and this can never be guaranteed to be 100% secure.

Controlling access to systems and networks allows us to stop people not allowed to view your personal information from getting access to it.

Training of councillors and staff allows us to make them aware of how to handle information and how and when to report difficulties.

How long do we keep your personal information?

We keep your personal information for no longer than is reasonably necessary to fulfil the purposes outlined in this Privacy Notice, unless a longer retention period is required by law (for example, in connection with our statutory obligations as a public authority) or there is a need or potential need in order to defend or

pursue a claim. Once information is out of date or has served its use or falls outside the retention time set out in our Data Retention Policy (which can be viewed online at www.cheritonparishcouncil.org.uk), it will be shredded or securely deleted.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Transfer of Information abroad

As part of the services the council offers, the information you provide to us may be transferred to countries outside the European Economic Area (EEA). By way of example, this may occur if any of our servers are from time to time located in a country outside the EEA. We will take all practical steps, if this happens, to seek to ensure that your privacy rights continue to be protected as outlined in this Notice. We will seek advice from the Information Commission when necessary.

Automated decision making

We do not carry out automated individual decision-making (making a decision solely by automated means without any human involvement) or profiling (automated processing of personal information to evaluate certain things about an individual).

Further processing

If we wish to use your personal information for a new purpose, not covered by this Privacy Notice, we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Contact Details

To exercise any rights, queries or complaints, please in the first instance contact the Clerk to the Parish Council at: parish.clerk@cheritonparishcouncil.org.uk or in writing to The Clerk, Manor Cottage, Beauworth, Alresford, Hampshire, SO24 0NZ.

For independent advice, data protection compliance concerns or to lodge a formal complaint, you can contact the Information Commissioner's Office on 0303 123 1113 or at <https://ico.org.uk/global/contact-us/or> Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Review

We keep this Privacy Notice under regular review. It will also be subject to annual review by the Parish Council. We will place any updates on this web page and the date below will indicate when this Privacy Notice was last updated. Any changes are effective when we post the updated Notice.

Adopted