

28 April 2019

Council Name: Allhallows Parish Council
Council Address: 42 Quickrells Avenue
Cliffe
Rochester Kent ME3 7RB
Email Address: Clerk@Allhallowskent-pc.gov.uk
Telephone numbers: 01634 566256

PRIVACY NOTICE

For staff*, councillors and Role Holders**

*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis

**Includes, volunteers, contractors, agents, and other role holders within the council including former staff*and former councillors. This also includes applicants or candidates for any of these roles.

"The Council" means Allhallows Parish Council

Data Controller. The day to day management of the personal data held by the Council is undertaken by The Clerk to Allhallows Parish Council.

Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff/councillors (receiving payments) may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff/councillor in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Allhallows Parish Council which is the data controller for your data.

The council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC
- Staff pension providers
- Former and prospective employers
- Disclosure and Barring Service (DBS. Formerly Criminal Records Bureau (CRB)) providers.

The Council may need to share personal data it holds with them so that they can carry out their responsibilities to the Council, staff and Councillors. The organisations referred to above will sometimes be "joint data controllers". This means we are all responsible to you for how your data is processed where for example two or more data controllers are

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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.

The council will comply with data protection law. This says that the personal data the Council holds about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that the Council has clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes the Council has told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes the Council has told you about.
- 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.

What data does the Council process?

- Names, titles, and aliases, photographs.
- Start date / leaving date.
- Councillor Declaration of Acceptance of Office.
- Councillor Dispensation requests.
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to the Council's legal obligations, or where you provide them to the Council, it may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details.
- Non-financial identifiers such as passport numbers, staff identification numbers.
- Financial identifiers such as bank account numbers, payment/transaction identifiers.
- 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, CCTV footage, and logs of accidents, injuries and insurance claims.
- It may retain 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; contract, performance management information; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipe card records.

The Council uses your personal data for some or all of the following purposes: -

Please note: The Council needs all the categories of personal data in the list above primarily to allow it to comply with legal obligations, perform its duty and fulfil its responsibilities to Councillors and Staff in:

- Deciding about your recruitment or appointment.
- Determining the terms on which you work for the Council.
- Checking you are legally entitled to work in the UK.

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- Paying you and, if necessary, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you.
- Liaising with your pension provider.
- Administering the contract it has 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 your employment.
- 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.
- Preventing fraud.
- Ensuring network and information security, including preventing unauthorised access to the Council's computer and electronic communications systems and preventing malicious software distribution.
- Equal opportunities monitoring.
- Undertaking activity consistent with the Council's statutory functions and powers including any delegated functions.
- Maintaining the Council's own accounts and records. • To seek your views or comments;
- Processing a job application.
- Providing references.
- Managing the Beechen Hall Duty Caretaker.
- Managing the emergency contact systems and the Council's Business Continuity Plan.

Our processing may also include the use of CCTV systems for monitoring purposes.

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

The Council will only use your personal data when the law allows it to. Most commonly, the Council will use your personal data in the following circumstances:

- There is a need under the contract entered into with you.
- There is a need to comply with a legal obligation.

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

- Where there is a need to protect your interests (or someone else's interests).
- Where it is needed in the public interest.

How the Council uses sensitive personal data

- It may process sensitive personal data relating to staff, councillors and role holders, including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;

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- in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. The Council needs to have further justification for collecting, storing and using this type of personal data.
- The Council may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where there is a need to carry out the Council’s legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to the pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, the Council may process this type of personal data where it is needed in relation to legal claims or where it is needed 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.

Does the Council need your consent to process your sensitive personal data?

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

Information about criminal convictions

- The Council may only use personal data relating to criminal convictions where the law allows it to do so. This will usually be where such processing is necessary to carry out its obligations and provided that it is done in line with the Council’s Data Protection Policy.
- Less commonly, the Council 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.
- The Council will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where it is legally able to do so.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

The Council 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.

The Council will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

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Sharing your personal data

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 the Council your prior consent. It is likely that the Council will need to share your data with:

- Its agents, suppliers and contractors. For example, the Council may ask a commercial provider to manage its HR/ payroll functions, or to maintain its database software;
- Other persons or organisations operating within 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
- Disclosure and Barring Service providers (DBS).
- Professional advisors
- Trade unions or employee representatives

How long will the Council keep your personal data?

The Council will keep some records permanently if it is legally required to do so. It may keep some other records for an extended period, for example, it is currently best practice to keep financial records for a minimum period of 7 years to support HMRC audits or provide tax information.

The Council may have legal obligations to retain some data in connection with its statutory obligations as a public authority.

The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). Personal data will be retained for this purpose if the Council believes it is necessary to be able to defend or pursue a claim. In general, the Council will endeavour to keep data only for as long as it is required, after which it will be deleted. The Council's policies regarding Data Retention, Security etc. are available on the Council's website or from the parish office.

Your responsibilities

It is important that the personal data the Council holds about you is accurate and current. Please keep the Council informed if your personal data changes during your working relationship with it.

Your rights in connection with personal data

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

- 1. *The right to access personal data the Council holds on you***
 - At any point you can contact the Council to request the personal data it holds on you as well as why it has that personal data, who has access to the personal data and where the Council obtained the personal data from. Once the Council has received your request it will respond within one month.
 - There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
- 2. *The right to correct and update the personal data the Council holds on you***

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If the data held on you is out of date, incomplete or incorrect, you can inform the Clerk and your data will be updated.

3. *The right to have your personal data erased*

- If you feel that the Council should no longer be using your personal data or that it is unlawfully using your personal data, you can request that the personal data held is erased.
- When your request is received the Council will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because the Council need it for to comply with a legal obligation).

4. *The right to object to processing of your personal data or to restrict it to certain purposes only*

You have the right to request that the Council stop processing your personal data or ask it to restrict processing. Upon receiving the request the Council will contact you and let you know if it is able to comply or if there is a legal obligation to continue to process your data.

5. *The right to data portability*

You have the right to request that the Council transfer some of your data to another controller. The Council will comply with your request, where it is feasible to do so, within one month of receiving your written request.

6. *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*

Subject to already identified restrictions e.g. the Council's legal obligations you can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7. *The right to lodge a complaint with the Information Commissioner's Office.*

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

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. Note: The Council's website is also accessible from overseas so you are advised that on occasion some personal data (for example in a newsletter) may be accessed from overseas and this is beyond the Council's control.

Further processing

If the Council wish to use your personal data for a new purpose, not covered by this Privacy Notice, then it 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, the Council will seek your prior consent to the new processing, if it wishes to start to use your personal data for a purpose not mentioned in this notice.

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Changes to this notice

The Council will keep this Privacy Notice under regular review and a copy is available on the council's website www.allhallowskent-pc.gov.uk and is with the Parish Clerk and Staff Handbook (if produced).

This Notice was produced 28th April 2019.

Contact Details

Please contact the Council if you have any questions about this Privacy Notice or the personal data it holds about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, The Clerk, Allhallows Parish Council, 42 Quickrells Avenue, Cliffe, Rochester, Kent, ME3 7RB.

Email: Clerk@Allhallowskent-pc.gov.uk

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.