

# Egerton Parish Council Data Protection Policy

## Purpose and scope of the policy

This policy applies to the processing of personal data in manual and electronic records kept by the Parish Council. It also covers the Parish Council's response to any data breach and other rights under the General Data Protection Regulation (GDPR).

The Parish Council is committed to ensuring that personal data, including special categories of personal data and criminal offence data is processed in line with GDPR and domestic laws. Where third parties process data on behalf of the Parish Council, the Parish Council will ensure that the third party takes such measures in order to maintain the Parish Council's commitment to protecting data. In line with GDPR, the Parish Council understands that it will be accountable for the processing, management and regulation, and storage and retention of all personal data held in the form of manual records and on computers.

This policy covers the requirements of GDPR which apply in the UK from May 2018.

## Data protection principles

Egerton Parish Council undertakes that all personal data obtained and held by it will:

- be processed fairly, lawfully and in a transparent manner
- be collected for specific, explicit, and legitimate purposes
- be adequate, relevant and limited to what is necessary for the purposes of processing
- be kept accurate and up to date. Every reasonable effort will be made to ensure that inaccurate data is rectified or erased without delay
- not be kept for longer than is necessary for its given purpose
- be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- comply with all relevant GDPR procedures.

## Individuals' Rights

GDPR gives individuals the right:

- to be informed
- of access
- to rectification
- to erasure
- to restrict processing
- to data portability
- to object
- not to be subject to automated decision-making including profiling.

## Access to data

Individuals have a right to be informed whether the Parish Council processes personal data relating to them and to access the data that the Parish Council holds about them. Requests for access to this data will be dealt with under the following summary guidelines:

- a form on which to make a subject access request is available from the Clerk. The request should be made to the Clerk, Egerton Parish Council, Jollis Field, Coldbridge Lane, Egerton. TN27 9BP
- the Parish Council will not charge for the supply of data unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the employee making the request
- the Parish Council will respond to a request without delay. Access to data will be provided, subject to legally permitted exemptions, within one month as a maximum. This may be extended by a further two months where requests are complex or numerous.

The Parish Council must be informed immediately if the individual believes that the data is inaccurate, either as a result of a subject access request or otherwise. The Parish Council will take immediate steps to rectify the information.

### Identifying the roles and minimising risk

The Council is the data controller

GDPR requires continued care by everyone within the council, councillors, and employees, in the sharing of information about individuals, whether as a hard copy or electronically.

A breach of the regulations could result in the council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also compensate the individual(s) who could be adversely affected. Therefore, the handling of information is seen as high/medium risk to the council (both financially and reputationally) and one which must be included in the Risk Management Policy of the council. Risks will be minimised by

- undertaking an information audit;
- issuing privacy statements;
- maintaining privacy impact assessments (an audit of potential data protection risks with new projects);
- minimising who holds data protected information.

### Data Breaches

Any incident where a data breach is suspected must be notified to the Clerk immediately or in the absence of the Clerk to the Chairman.

The Clerk will in conjunction with the Chairman and any Councillor(s) they elect to co opt carry out an initial investigation of the alleged breach.

If after investigating the incident it is confirmed that a personal data breach occurred:

- and it is considered likely to result in a high risk to the rights and freedoms of individuals if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage the Information Commissioners Office (ICO) will be notified. Any notifications to the ICO will be done not later than 72 hours after the breach was identified.
- and after assessing both the severity of the potential or actual impact
  - it is decided to notify individuals those affected will be promptly informed and provided with a description of the likely consequences of the personal data breach; and what measures are being taken, or proposed to be taken, including, where appropriate, the measures taken to mitigate any possible adverse effects
  - it is decided not to notify individuals that decision will be documented.

As with any other breach of procedures or security the investigation will ascertain whether the breach was a result of human error or a systemic issue. It will then be determined the best way to ensure how a recurrence can be prevented.

### Privacy Notices

Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR).

This information is provided in the Egerton Parish Council Privacy Notice. This informs individuals about what the council does with their personal information. The privacy notice contains the name and contact details of the data controller, the purpose for which the information is to be used, and the length of time for its use.

### Information Audit

The information audit details the personal data held, where it came from, the purpose of holding that information and with whom the council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted.

### Children

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the council requires consent from young people under 13, the council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

### Definitions

"Personal data" is information that relates to someone who can be directly or indirectly identified from that information, for example, a person's name, location, online identifier and so on.

"Special categories of personal data" is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

"Criminal offence data" is data which relates to an individual's criminal convictions and offences.

"Data processing" is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

*This policy document is written with current information and advice. It will be reviewed at least annually or when further advice is issued by the ICO.*