

## **Colerne Parish Council Data Protection Policy**

### **Data Protection:**

The General Data Protection Regulation (GDPR) 2018 dictates the use of personal data when used by local government authorities.

### **Introduction:**

GDPR is concerned with "personal data", that is information about living, identifiable individuals. This need not be particularly sensitive information and can be as little as a name and address.

GDPR gives individuals (data subjects) certain rights. It also requires those who record and use personal information (data controllers) to be open about their use of that information and to follow sound and proper practices. Data controllers are those who control the purpose for which and the manner in which personal data is processed. Data subjects are the individuals to whom the personal data relate.

Colerne Parish Council needs to collect and use certain types of information about persons who come into contact with the council in order for it to carry out its business. This personal information must be collected and dealt with appropriately, whether on paper, in a computer or recorded on other material. The following is a broad description on how Colerne Parish Council will conduct its data protection.

### **Data Protection Officer:**

Colerne Parish Council will appoint a Data Protection Officer Administrator who will be responsible for ensuring that Colerne Parish Council follows its data protection policy and complies with the GDPR.

### **Consent:**

Is a freely given, specific and informed agreement by a Data Subject to the processing of personal information about him/her by Colerne Parish Council.

### **Notification:**

Notifying the Information Commissioner about the data processing activities of Colerne Parish Council as certain activities may be exempt from notification.

### **Processing:**

This refers to the means of collecting, amending, handling, storing or disclosing personal information. Personal Information - Information about living individuals that enables them to be identified; eg name, address, telephone number and email address. It does not apply to information about organisations, companies and agencies but applies to named persons only. Colerne Parish Council does not process sensitive information ie Racial or ethnic origin, Political opinions, Religious or similar beliefs, Physical or mental health, Criminal proceedings relating to a Data Subject's offences.

### **Disclosure:**

Colerne Parish Council may share data with other agencies such as the local authority, funding bodies and other voluntary agencies. In all instances the Data Subject/Service User will be made aware of how and with whom their information will be shared. There are circumstances where the law allows Colerne Parish Council to disclose data without the Data Subject's consent. These are:

- Carrying out a legal duty or as authorised by the Secretary of State
- Protecting vital interests of a Data Subject or other person

- The Data Subject has already made the information public
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- Monitoring for equal opportunities purposes, eg, race, disability or religion
- Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent, eg, where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Colerne Parish Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom the Parish Council deals. Colerne Parish Council intends to ensure that personal information is treated lawfully and correctly. To this end, Colerne Parish Council will adhere to the Principles of GDPR, specifically the principles require that:

- Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
- Shall be obtained only for one or more of the purposes specified in GDPR and shall not be processed in any manner incompatible with that purpose or those purposes
- Shall be adequate, relevant and not excessive in relation to those purposes
- Shall be accurate and, where necessary, kept up to date
- Shall not be kept longer than is necessary
- Shall be processed in accordance with the rights of Data Subjects under GDPR
- Shall be kept secure by the Data Protection Administrator who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information
- Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of Data Subjects in relation to the processing of personal information

**Colerne Parish Council will ensure strict application of its criteria and controls by:**

- Observing fully conditions regarding the fair collection and use of information
- Meeting its legal obligations to specify the purposes for which information is used
- Collecting and processing appropriate information and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
- Ensuring the quality of information used
- Ensuring that the rights of people about whom information is held can be fully exercised under the Act. These include;
  - (a) The right to be informed that processing is being undertaken
  - (b) The right of access to one's personal information
  - (c) The right to prevent processing in certain circumstances and
  - (d) The right to correct, rectify, block or erase information which is regarded as wrong information
- Taking appropriate technical and organisational security measures to safeguard personal information
- Ensuring that personal information is not transferred outside of the parish council control without suitable safeguards

- Treating people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Setting out clear procedures for responding to requests for information

**Colerne Parish Council will ensure that data is collected within the boundaries defined in this policy by:**

Only collecting data when Informed consent is given and a Data Subject clearly understands why their information is needed, who it will be shared with and the possible consequences of them agreeing or refusing the proposed use of the data. When collecting data Colerne Parish Council will ensure that the Data Subject:

- Clearly understands why the information is needed
- Understands what it will be used for
- As far as is reasonable possible grants consent for the data to be processed
- Is, as far as is reasonable practicable, competent to give consent freely
- Has received sufficient information on why their data is needed

**Data Storage:**

Information and records relating to service users will be stored securely and will only be accessible to authorised personnel. Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately. It is Colerne Parish Council's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation and which has been passed on or sold to a third party.

**Data Access and Accuracy:**

All Data Subjects have the right to access the information Colerne Parish Council holds about them. Colerne Parish Council will also take reasonable steps to ensure that this information is kept up to date by asking Data Subjects whether there have been any changes. In addition, Colerne Parish Council will ensure that:

- It has a Data Protection Administrator with specific responsibility for ensuring compliance with Data Protection
- Everyone accessing personal information understands that they are contractually responsible for following good data protection practice
- Everyone accessing personal information is appropriately informed and is conversant with Colerne Parish Council Data Protection Policy
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manages and uses personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information, and

- All personnel are aware that a breach of the rules and procedures identified in this policy may lead to action being taken against them

*This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to GDPR  
In case of any queries or questions in relation to this policy please contact the Parish Clerk*

May 2019