

DREWSTEIGNTON PARISH COUNCIL

Data Protection Policy.

This document sets out Drewsteignton Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

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Signed *P. Brennan* Chairman/Vice- Chair Date 16.03.2020

Original signed copy held by the Clerk.

Drewsteignton Parish Council

Data Protection Policy

Introduction

Drewsteignton Parish Council (DPC) hold personal data about our employees, Council Members, residents, suppliers and other individuals for a variety of Council purposes. This policy sets out how The Council seek to protect personal data and ensure that Councillors & employees understand the rules governing their use of personal data to which they have access in the course of their work. In particular, this policy requires Members and employees to ensure that the Clerk be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

Definitions

Business purposes	<p>The purposes for which personal data may be used by DPC: Personnel, administrative, financial, statutory and legislative purposes, payroll, consultations and business development purposes.</p> <p>Council purposes include the following:</p> <ul style="list-style-type: none"> - Compliance with legal, regulatory and corporate governance obligations and good practice - Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests - Ensuring Council policies are adhered to - Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of sensitive information, security vetting and checking - Investigating complaints - Checking references, ensuring safe working practices, monitoring and managing employees' access to systems and facilities and employees absences, administration and assessments - Monitoring conduct, disciplinary matters - Promoting Council services - Improving services
Personal data	<p>Information relating to identifiable individuals, such as job applicants, current and former employees and Council Members, agency, contract workers, clients, suppliers and marketing contacts, members of the public, Council service users, residents, market traders, hirers, correspondents</p> <p>Personal data gathered may include individuals' contact details, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, and CV, contact details, correspondence, emails, databases, council records</p>
Sensitive personal data	<p>Personal data about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings—any use of sensitive personal data should be strictly controlled in accordance with this policy</p>

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Scope

This policy applies to all Council Members and employees, who must be familiar with this policy and comply with its terms.

This policy supplements DPCs' Data Retention & Disposal Policy (DPC005). The Council may supplement or amend this policy by additional policies and guidelines from time to time. Any new policies or modification to this policy will be reviewed by members before being adopted.

Who is responsible for this policy?

The General Data Protection Regulations (GDPR) requires DPC to pay a fee to the Information Commissioner's Office (ICO).

However, DPC is exempt from appointing a DPO.

The Parish Clerk has overall responsibility for the day-to-day implementation of this policy including the following:

- Keep the Council updated about data protection responsibilities, risks and issue
- Review all data protection procedures and policies on a regular basis
- Answer questions on data protection from council members etc.
- Respond to individuals such as members of the public, service users, Council Members and employees who wish to know which data is being held on them by the Council
- Ensure all systems, software and equipment meet acceptable security standards
- Check and scanning security software regularly to ensure it is functioning properly
- Research third-party services, the council is considering using to store or process data
- Approve data protection statements attached to emails and other marketing copy
- Address data protection queries from clients, target audiences or media outlets

Fair and lawful processing

Any use of Personal data be justified and will be fairly and lawfully processed in accordance with the individual's rights (i.e. compliance with all six data protection principles) and by ensuring the individual has consented to this happening. All employees & Members responsible for processing personal data, will be aware of the conditions for processing. The processing of all data will apply to routine business data processing activities and must be:

- Necessary to deliver Council services
- In the Councils legitimate interests and not unduly prejudice the individual's privacy

The conditions for processing personal data are established in DPC's Privacy Notice relating to data protection, as follows:

- The purposes for which the Council holds personal data on employees, Members, residents and service users are set out
- The Council's activities requiring the passing on of information to third parties such as expert witnesses and other professional advisers
- Ensures that service users and providers have a right of access to the personal data that the Council hold about them.

Sensitive personal data

In most cases where the Council process sensitive personal data, the Council will require the data subject's *explicit* consent to do this unless exceptional circumstances apply, or the Council are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

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Data Accuracy and relevance

The Council will ensure that any personal data processed is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. The Council will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals must take reasonable steps to ensure that personal data provided to the Council is accurate and the Clerk is updated as required e.g. if personal circumstances change.

Individuals may ask the Council to correct inaccurate personal data relating to them. If individuals believe their information is inaccurate, they should record the fact by email to Clerk@drewsteigntonparish.co.uk

Right of Access – Subject Access Request

All individuals have the right to see how their personal data is being processed by DPC. Individuals are entitled to be informed of why DPC is processing their information, how it was obtained and who the data has been shared with. All requests should include sufficient clarity and detail to find the information being requested and must be made in writing to the Clerk:

Alice Turner - Drewsteignton Parish Clerk
Rowans, Kings Farm Lane, Winkleigh, Devon, EX19 8HF
Or by email Clerk@drewsteigntonparish.co.uk

On satisfying the identity of the individual making the request, the Clerk will respond within one calendar month, provided there is no undue burden and it does not compromise the privacy of other individuals. An individual may also request that their data is transferred directly to another system – a Right of Portability. All Subject Access Requests will be handled free of charge.

Data security

DPC must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on behalf of the Council, the Clerk will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations.

Storing data securely

- All printed data will be kept in a secure place where unauthorised personnel cannot access it
- Printed data will be shredded when it is no longer needed
- Data stored on a computer will be protected by strong passwords that are changed regularly.
- Data stored on removable storage devices e.g. memory sticks will be locked away securely when not being used
- The Clerk must approve any cloud-based storing of data
- Data will be regularly backed up
- Data will never be saved directly to mobile devices such as laptops, tablets or smartphones other than the Parish Clerk laptop
- All devices containing sensitive data will be approved and protected by security software and strong firewall.

Data Retention

Drewsteignton Parish Council must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with the Councils Data Retention Policy (DPC 005).

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Training

All Council Members will be offered training on GDPR as required or whenever there is a substantial change in the law to ensure compliance. Training is provided in-house on the Councils policies and procedures or via external body as required. Completion of training is compulsory.

Consent

The data that the Council collect is subject to active consent by the individual/data subject. This consent can be revoked at any time.

Criminal record checks

Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

Right to be forgotten

An individual (Data Subject) may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.

Privacy by design and default

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

Data audit and register

Data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

Reporting breaches

All members and employees have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the Supervisory Authority (SA) of any compliance failures that are material either in their own right or as part of a pattern of failures.

Monitoring

All Council employees and Members must observe this policy and ensure it is being adhered to.

Consequences of failing to comply

DPC take compliance with this policy very seriously. Failure to comply puts both employees the Council at risk. The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under the Councils procedures.

If you have any questions or concerns about anything in this policy, do not hesitate to contact the Clerk.