

Croxdale and Hett Parish Council

Data Protection Policy

Introduction

THE DATA PROTECTION ACT: The Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used. The Data Protection Act applies to anyone holding information about people electronically or on paper.

THE GENERAL DATA PROTECTION REGULATION: The General Data Protection Regulation 2018 says that the information provided to people about how we process their personal data must be concise, transparent, intelligible and easily accessible, written in clear and plain language, particularly if addressed to a child and free of charge.

As a Parish Council, Croxdale and Hett Parish Council has a number of procedures in place to ensure that it complies with the Data Protection Act 1998 and the General Data Protection Regulation 2018 when holding personal information.

When dealing with personal data, Croxdale and Hett Parish Council staff and Councillors must ensure that:

- **IT IS PROCESSED FAIRLY AND LAWFULLY** - This means that information should only be collected from individuals if staff and Councillors have been open and honest about why they want the information.
- **IT IS PROCESSED FOR SPECIFIED PURPOSES ONLY** - IT IS RELEVANT TO WHAT IT IS NEEDED FOR Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- **IT IS ACCURATE AND KEPT UP TO DATE** - Personal data should be accurate, if it is not it should be corrected.
- **IT IS NOT KEPT LONGER THAN IT IS NEEDED** - IT IS PROCESSED IN ACCORDANCE WITH THE RIGHTS OF INDIVIDUALS
- This means that individuals must be informed, upon request, of all the information held about them.
- **IT IS KEPT SECURELY** - This means that only staff and Councillors can access the data, it should be stored securely so it cannot be accessed by members of the public.

1.2 The Data Protection Act 1998 regulates the way in which certain information about employees and citizens is held and used. Croxdale and Hett Parish Council considers that many of the principles in the Act represent good practice, hence the need to comply with the Act.

1.3 The implementation and enforcement of this policy in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and the Council.

1.4 This policy has been formally adopted by the Croxdale and Hett Parish Council and applies to all employees, and those acting on the Council's behalf.

2. Employee Information

2.1 Croxdale and Hett Parish Council will need to keep information for purposes connected with an employee's employment, including recruitment and termination information. This information will be kept throughout the period of employment and as for long as is necessary following the termination of employment.

2.2 These records may include:

- Information gathered about an employee and any references obtained during recruitment.
- Details of terms of employment
- Payroll, tax and National Insurance information
- Performance information
- Details of grade and job duties
- Health records
- Absence records, including holiday records and self-certification forms
- Details of any disciplinary investigations and proceedings
- Training records
- Contact names and addresses
- Correspondence with the organisation and other information provided to the organisation.

2.3 The Council believes these uses are consistent with our employee relationship and with the principles of the Act.

2.4 Any information held within the Council is kept in the strictest confidence. In addition, the Council operates confidential reporting procedures which supports our aim that no employee should feel reluctant, for fear of management's response, to give information about any wrongdoing within the organisation.

2.5 The Council will only retain the minimum amount of information that it requires to carry out its function and the provision of services, whilst adhering to any legal or statutory requirements. Documents and information will be stored and disposed of in line with the Council's Document Retention and Disposal Policy.

3. Aims and Scope of this Policy

3.1 This policy is intended to:

- Ensure everyone is aware of their responsibility regarding the Data Protection Act 1998 and General Data Protection Regulation 2018
- Sets out the basic guidelines for employees.

- Provide a list of definitions to assist in the understanding of the Act.
- Provide information on the types of employee information held by the Council.

4. Guidelines and Principles

4.1 Non adherence or disregard to any of the points below will be seen as a breach of this policy and the disciplinary procedure will be involved which could result in employee dismissal.

4.2 To ensure compliance with the Data Protection Act 1998, the Council will:

1. Acknowledge the rights of individuals to whom personal data relates, and ensure that these rights may be exercised in accordance with the Act;
2. Ensure that both the collection and use of personal data is done fairly and lawfully;
3. Ensure that personal data will only be obtained and processed for the purposes specified;
4. Collect and process personal data on a need to know basis, ensuring that such data is fit for the purpose, is not excessive, and is disposed of at a time appropriate to its purpose;
5. Ensure that adequate steps are taken to ensure the accuracy and currency of data;
6. Ensure that for all personal data, appropriate security measures are taken, both technically and organisationally, to protect against damage, loss or abuse;
7. Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council and that suitable safeguards exist at all times; this will include password protected e-mails as appropriate.
8. All actions regarding data subject access requests will be logged. This audit trail will include details regarding the nature of the request, the steps taken to validate it, the information provided as well as any withheld, e.g. for legal reasons;
9. Treat all employee data with respect and will not obtain or disclose unauthorised, inappropriate or excessive information about individuals;
10. Respond to any information requests under the Data Protection Act within the 40 calendar day time frame;
11. Provide details of exemptions if they apply to a specific request;
12. Destroy or amend inaccurate information when it is brought to light;
13. Charge an administration fee of £10 for each request under the Data Protection Act 1998.

Responsibilities

5. All Staff

5.1 The Council requires all employees to comply with the Data Protection Act in relation to the information about other employees.

5.2 The Council, acting as custodians of personal data, recognises its moral duty to ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the whole lifecycle, including:

- the obtaining of personal data;
- the storage and security of personal data;
- the use of personal data;
- the disposal/destruction of personal data.

6. The Clerk

- 6.1 The Clerk ensures that any third party processing such information on Croxdale and Hett Parish Council's behalf is contractually obliged to put in place similar measures.
- 6.2 The Clerk also has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.
- 6.3 The Clerk is responsible for gathering and disseminating information and issues relating to information security, the Data Protection Act and other related legislation and ensuring that all staff comply with the legislation.

7. Members

- 7.1 Members are bound by this policy and must adhere to the guidelines.

Definitions

- **Personal Data**

Data relating to a living individual who can be identified from that information or from data and other information in possession of the data controller. Includes name, address, telephone number and ID number. It also includes expression of opinion about the individual, and of the intentions of the data controller in respect of that individual.

- **Sensitive Data**

Different from ordinary personal data (such as name, address, telephone) and relates to racial or ethnic, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. Sensitive data are subject to much stricter conditions of processing.

- **Data Controller**

Any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed.

- **Data Subject**

Any living individual who is the subject of personal data held by an organisation.

- **Processing**

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: Obtaining and recording data, accessing, altering, adding to, merging, deleting data, retrieval, consultation or use of data, disclosure or otherwise making available of data.

- **Third Party**

Any Individual/organisation other than the data subject, the data controller or its agents.

- **Relevant Filing System**

Personal data as defined, and covered, by the Act can be held in any format, electronic (including websites and emails), paper-based, photographic, CCTV etc. from which the individual's information can be readily extracted.

Adopted by the Parish Council on 27 June 2018.