

# Selborne Parish Council

## Data Protection Policy



Adopted: 19<sup>th</sup> August 2020  
Review due: August 2021

### INTRODUCTION

Selborne Parish Council needs to gather and use certain information about individuals. These can include parishioners, suppliers, business contacts, employees and other people with whom the organisation has a relationship or may need to contact.

This policy describes how this personal data must be collected, handled and stored in order to meet the Parish Council's data protection standards and to comply with the law.

Selborne Parish Council is the data controller for your data and we are registered with the Information Commissioner's Office (ICO).

### PERSONAL DATA

Personal data is any information about a living individual which allows them to be identified from that data (for example a name, email address, postal address, photograph). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the UK, including the General Data Protection Regulation and other legislation relating to personal data and rights such as the Human Rights Act.

### WHY THIS POLICY EXISTS

This data protection policy ensures that Selborne Parish Council:

- Complies with data protection law and follows good practice
- Protects the rights of staff, parishioners and partners
- Is open about how it stores and processes individuals' data
- Protects itself from the risks of a data breach

### DATA PROTECTION LAW

The Data Protection Act 1998 and the General Data Protection Regulation describe how organisations must collect, handle and store personal information. These rules apply regardless of whether data is stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

The Data Protection Act is underpinned by eight important principles. These say that personal data must:

- Be processed fairly and lawfully
- Be obtained only for specific, lawful purposes
- Be adequate, relevant and not excessive
- Be accurate and kept up to date
- Not be held for any longer than necessary
- Processed in accordance with the rights of data subjects
- Be protected in appropriate ways
- Not be transferred outside the European Economic Area (EEA) unless that country or territory also ensures an adequate level of protection

### WHAT IS THE LEGAL BASIS FOR PROCESSING YOUR DATA?

The Council is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Council's statutory function and powers.

Sometimes when exercising these powers it is necessary to process personal data of residents using the Council's services. We will always take into account your interests and rights. This Policy sets out your rights and the Council's obligations to you.

We may also process personal data if it is necessary for the performance of a contract with you such as processing your data in connection with an allotment tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

## **People, Risks and Responsibilities**

### **POLICY SCOPE**

This policy applies to:

- Selborne Parish Council
- All staff, councillors and volunteers of Selborne Parish Council
- All contractors, suppliers and other people working on behalf of Selborne Parish Council

It applies to all data that the Council holds relating to identifiable individuals, even if that information technically falls outside of the Data Protection Act 1998. This can include:

- Names of individuals
- Postal addresses
- Email addresses
- Telephone numbers
- Any other information relating to individuals

### **DATA PROTECTION RISKS**

This policy helps to protect Selborne Parish Council from some very real data security risks, including:

- **Breaches of confidentiality:** for instance, information being given out inappropriately.
- **Failing to offer choice:** for instance, all individuals should be free to choose how the Council uses data relating to them.
- **Reputational damage:** for instance, the Council could suffer if hackers successfully gained access to sensitive data

### **RESPONSIBILITIES**

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

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you
- Relevant to the purposes we have told you about and limited only to those purposes
- Accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure

### **HOW WE USE YOUR DATA**

- To deliver public services including to understand your needs, to provide the services that you request, to understand what we can do for you and to inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and, where necessary, for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) from time to time in accordance with best safeguarding practice with the aim of ensuring that all children and

adults-at-risk are provided with safe environments and generally, as necessary, to protect individuals from harm or injury;

- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

### **STORING AND ACCESSING DATA**

We will keep some records permanently if we are legally required to do so. We may keep some records for an extended period of time such as financial information for a minimum of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The Council is permitted to retain data in order to defend or pursue claims. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer required.

All data stored by the Parish Clerk is on a password protected computer. All paper records are kept in the Clerk's home in a locked cabinet.

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

- The right to access personal data we hold on you
- The right to correct and update the personal data we hold on you
- The right to have your personal data erased
- The right to object to processing of your personal data or to restrict it to certain purposes only
- The right to data portability
- The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained
- The right to lodge a complaint with the Information Commissioner's Office

### **TRANSFER OF DATA ABROAD**

Any personal data transferred to countries or territories outside the European Economic Area 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. Our website is also accessible from overseas so on occasion some personal data may be accessed from overseas.

### **Subject Access Requests**

All individuals who are the subject of personal data held by Selborne Parish Council are entitled to:

- Ask what information the council holds about them and why.
- Ask how to gain access to it.
- Be informed about how to keep it up to date.
- Be informed how the council is meeting its data protection obligations

A request from an individual for this information is a Subject Access Request.

Subject access requests should be made by email, addressed to the data controller.

The Council will aim to provide the relevant data within 14 days.

The Council will always verify the identity of anyone making a Subject Access Request before giving information.

Individuals will not be charged for individual subject access requests, but the council reserves the right to charge if the request is considered by the council to be excessive or repetitive.

### **Disclosing data for other reasons**

In certain circumstances the Data Protection Act allows personal data to be disclosed to law enforcement agencies without the consent of the data subject.

Under these circumstances, Selborne Parish Council will disclose the requested data. The data controller will ensure the request is legitimate.

### **General Guidelines**

- The only people able to access data covered by this policy should be those who need it for their work.
- Data should not be shared informally.
- Selborne Parish Council will ensure that its employees have access to training to help them understand their responsibilities when handling data.
- Employees should keep all data secure
- In particular, strong passwords should be used and they should never be shared.
- Personal data should not be disclosed to unauthorised people, either within the Council or externally.
- Data should be regularly reviewed and updated if it is found to be out of date. If no longer required, it should be deleted and disposed of.

### **Contact Details**

Please contact the Parish Clerk if you have any questions about this Policy or the personal data we hold about you. Contact details can be found at [www.selborneparishcouncil.gov.uk](http://www.selborneparishcouncil.gov.uk) or by emailing the Clerk on [clerk@selborneparishcouncil.gov.uk](mailto:clerk@selborneparishcouncil.gov.uk)