

## **Data Protection Policy**

Broughton Parish Council has access to and may record personal information about staff, parishioners' contractors and other individuals who come into contact with the Parish Council. This information is gathered in order to enable it to provide a service as the first tier of government and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the Parish Council complies with its statutory obligations.

Parish Councils have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website.

### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All members of the Parish Council and all staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

### **What is Personal Information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

### **Data Protection Principles**

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

## **General Statement**

The Parish Council is committed to maintaining the above principles at all times. Therefore the Parish Council will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our members and staff are aware of and understand our policies and procedures

## **Complaints**

Complaints will be dealt with in accordance with the Parish Council complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

## **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Chairman of The Parish Council or nominated representative.

## **Contacts**

If you have any enquires in relation to this policy, please contact Heather Bournier, Clerk to Broughton Parish Council who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113

## Appendix 1

### Broughton Parish Council

Procedures for responding to subject access requests made under the Data Protection Act 1998

#### Rights of access to information

Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.

These procedures relate to subject access requests made under the Data Protection Act 1998.

#### Actioning a subject access request

1. Requests for information must be made in writing; which includes email, and be addressed to Mrs Heather Bournier. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any information. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them.

4. The Parish Council may make a charge for the provision of information when costs are incurred.

5. The response time for subject access requests, once officially received, is 40 days **(not working but calendar days)** However the 40 days will not commence until after receipt of fees or clarification of information sought

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of another should not be disclosed.

9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided by the Parish Council with a member of staff on hand to help and explain matters if requested, or provided at face to face handover.
- The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Data Breaches**

The General Data Protection Regulations introduced on 25<sup>th</sup> May 2018, placed the following new obligations on Broughton Parish Council:

- Keep an internal record of all personal data breaches.
- Report any data breaches which may result in a risk to the rights and freedoms of persons to the ICO within 72 hours of the breach being identified and notify the individual affected by the data breach.
- Implement measures to ensure appropriate levels of security against risks presented by processing personal data. Regularly test the effectiveness of these measures.
- Obtain consent via some form of affirmative action to hold personal data.
- Recognise that individuals have the following rights with regards personal data: the right to submit an SAR and be provided with by information held about them within one month of the date of the submission; the right to erasure of their data (within the bounds of practicality for a small organisation); the right to rectification and the assurance that this rectification has taken place; the right to restriction of processing and the right to object to processing.

### **The risks of noncompliance.**

The introduction of the GDPR brings with it significant financial risks in the event of non-compliance and a serious data breach. The capped fines in relation to data protection non-compliance have risen from £500k to €20 million for the most serious of cases. Organisations the size of Broughton Parish Council, together with its employees and councillors could expect similarly significant fines in proportion to the seriousness of the breach or non-compliance.

**Complaints**

Complaints about the above procedures should be made to the Chairman of the Parish Council who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Parish Councils complaint procedure. Complaints which are not appropriate to be dealt with through the Parish Councils complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

**Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact Mrs Heather Bournier, Clerk to the Parish Council.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk).