

Chapmanslade Parish Council

Data Protection Policy

2018

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Adopted and Approved at the Meeting of the Parish Council on

1. INTRODUCTION

1.1 The Data Protection Act 1998 came into effect on 1st March 2000. The General Data Protection Regulations come into force in May 2018. The Act regulates the use of personal data relating to living data subjects. The purpose of The Act is to regulate the way that personal information about living individuals, (no matter how that information is held) is obtained, stored, used and disclosed. The legislation grants rights to individuals, to see data stored about them and to require modification if the data are incorrect, and, in certain cases, to compensation. These provisions amount to a right of privacy for the individual.

1.2 The Act requires that all processing of personal data must be notified to the Information Commissioner and that personal data must be kept and used in accordance with the provisions of the Act. Hutton Parish Council is registered with the Information Commissioner under the Data Protection Act. The Council is required to notify to the Office of the Information Commissioner on a yearly basis. This notification is facilitated by the clerk and the notification details the main processing activities of the council.

1.3 The purpose of this Policy Statement is to formalise the position of the Parish Council and to state its commitment to maintaining the strictest level of confidentiality of personal data within its record system in accordance with the provisions of the Act.

2. SCOPE

2.1 The obligations contained in this policy apply equally to councillors and employees of the Parish Council.

2.2 The Parish Council as a body is the Data Controller and the clerk to the parish council has the responsibility to administer the Parish Council's day to day compliance with the Act. Overall responsibility to ensure the Data Protection Policy is understood and enforced remains with the Parish Council.

2.3 Disclosure of personal data within Chapmanslade Parish Council to councillors or officers will be on the basis of a need to know.

2.4 The Act applies to records held in a relevant filing system, which includes structured and, in the case of public bodies, unstructured files where personal data relating to an individual is readily accessible.

3. DEFINITIONS

3.1 **Personal Data** is any data that relates to a living individual who can be identified from that data. This includes any expression of opinion about the individual and any indication of the intentions of the Parish Council in respect of the individual.

3.2 **Processing**, in relation to information or data, means obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data, including retrieval disclosure of that information or data.

3.3 **Data Subject** is an individual who is the subject of Personal data.

3.4 **Sensitive Personal Data** is defined in the Act by eight categories of information about the Data Subject relating to:

- 1) racial or ethnic origins
- 2) political opinions
- 3) religious or similar beliefs
- 4) membership of a trade union
- 5) physical or mental health
- 6) sexual life
- 7) the commission or alleged commission of any offence, or
- 8) any proceedings relating to any offence or alleged offence, the disposal of such proceedings or the sentence of any court in such proceedings.

3.5 **Data Controller** is a person who, either alone or jointly with others, determines the purposes for which, and the manner in which, personal data is, or will be, processed. The Data Controller for Chapmanslade Parish Council is the Council as one body and the clerk to the parish council has the responsibility to administer the Parish Council's day to day compliance with the Act.

3.6 **Person** relates to a legal person and thus includes a corporate body such as the Parish Council.

3.7 **Information Commissioners Office (ICO)** is the organisation responsible for administering and enforcing the Data Protection Act 1998 nationally.

3.8 The **eight principles of data protection** are as follows;

1. Personal data shall be processed fairly and lawfully, and in accordance with at least one of the conditions set out in Schedule 2 to the Act and, in the case of Sensitive Personal data, at least one of the conditions set out in Schedule 3 to the Act.
2. Personal data shall be obtained and held only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with those purposes.
3. Personal data shall be relevant, adequate and not excessive in relation to the purpose(s) for which it is processed.
4. Personal data shall be accurate and up to date, any inaccuracies will be corrected without undue delay.
5. Personal data shall not be kept for longer than is necessary for the stated purposes
6. Personal data shall be processed in accordance with the rights of Data Subjects under the Act.
7. Security precautions shall be put in place to prevent the loss, destruction or unauthorised disclosure of personal data. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of Personal data and to prevent accidental loss or destruction of, or damage to, Personal data.
8. Personal data shall not be transferred to any country or territory outside of the European Economic Area, unless that country or territory has an adequate level of protection for the rights and freedoms of Data Subjects in relation to the processing of Personal data.

4. DATA PROTECTION POLICY

4.1 Chapmanslade Parish Council holds the minimum personal data necessary to enable it to perform its functions. The majority of limited personal data that is held, is also held in the public domain e.g register of Interests for councillors. However, it has a statutory duty to keep all minutes, agendas and financial data, which is in due course archived with Wiltshire Council archives. The data will be deleted in accordance with the Retention and Destruction Policy of the Council. Every effort will be made to ensure that data is accurate and up to date, and that inaccuracies are corrected quickly.

4.2 Chapmanslade Parish Council will design IT and manual systems to comply with the eight principles of the Data Protection Act. The Council ensures that personal data which is not in the public domain, is treated as confidential, ensuring that access to personal data can be restricted to identifiable system users.

4.3 Chapmanslade Parish Council is committed in its aim that all appropriate staff will be properly trained, fully informed of their obligations under the Act, and made aware of their personal liabilities. The Council expects all of its staff and members to comply fully with this Policy and the Data Protection Principles.

4.4 It is the duty of the **in administering on behalf of the council as Data Controller** to comply with the data protection principles and to ensure individuals are informed if their personal data is to be processed by way of a fair processing notice, unless an exemption applies.

4.5 **The Council** must fulfil a request for access to personal data within 40 calendar days. It is currently the policy of Chapmanslade Parish Council to charge for certain information in accordance with the Council's Freedom of Information policy.(See Freedom of Information and Model publication scheme for level of charges.)

4.6 Chapmanslade Parish Council will provide to any individual who makes a written request for their personal data with:

- A reply stating whether or not we hold personal data about them.
- A copy of that information, in clear language, unless specific legal exemptions apply.