

Broomhaugh & Riding Parish Council

Data Protection Policy

**Data Controller:** Broomhaugh & Riding Parish Council

**Registration Number:** ZA136336

**Data Protection Officer:** Parish Clerk

**1. Introduction**

Broomhaugh & Riding Parish Council is required to collect and use certain types of information about the people with whom it deals in order to perform its functions. This information includes current, past and prospective employees, councillors, contractors, suppliers, local residents, and others with whom the Parish Council communicates.

**2. Statement of policy**

In order to operate efficiently, Broomhaugh & Riding Parish Council has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, and suppliers. Typical information we hold is: the names of people who are given permission to address Council meetings; names and addresses of people who wish to influence the view of the Council on planning requests, the name and contact details of individuals who approach the Parish Council for help, information, advice, to make complaints and to give compliments; and the name and contact details of others who might feature in discussions, in decision making and in operating services. In addition, the Council may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means, and there are safeguards within the Data Protection Act 1998 to ensure this.

It should be understood that all information given at a public meeting of Broomhaugh & Riding Parish Council is in the public domain, is likely to appear in the Minutes and may be reported by the press [NB: this includes issues raised by the public in the pre-meeting question time].

Broomhaugh & Riding Parish Council regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the Council and those with whom it carries out business. The Council will ensure that it treats personal information lawfully and correctly. To this end, the Council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998.

**3. The principles of Data Protection**

The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These principles are legally enforceable.

The Principles require that personal information:

a. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;

b Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;

c Shall be adequate, relevant and not excessive in relation to the purpose or purposes for

which it is processed;

d Shall be accurate and where necessary, kept up-to-date;

e Shall not be kept for longer than is necessary for that purpose or those purposes;

f Shall be processed in accordance with the rights of data subjects under the Act;

g Shall be kept secure, i.e. protected by an appropriate degree of security;

h Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data and “sensitive” personal data**.

**Personal data** is defined as data relating to a living individual who can be identified from: that data;

that data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

**4. Sensitive personal data** is defined as personal data consisting of information as to: Racial or ethnic origin;

Political opinion;

Religious or other beliefs; Trade Union membership;

Physical or mental health or condition;

Sexual life;

Criminal proceedings or convictions

**5. Handling of personal/sensitive information**

Broomhaugh & Riding Parish Council will, through appropriate management and the use of strict criteria and controls:-

• Observe fully conditions regarding the fair collection and use of personal information;

• Meet its legal obligations to specify the purpose for which information is used;

• Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;

• Ensure the quality of information used;

• Apply strict checks to determine the length of time information is held;

• Take appropriate technical and organisational security measures to safeguard personal information;

• Ensure that personal information is not transferred abroad without suitable safeguards;

• Ensure that any third party processors contracted by the Parish Council adhere to appropriate controls;

• Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

These rights include:

• The right to be informed that processing is being undertaken;

• The right of access to one’s personal information within the statutory 40 days;

• The right to prevent processing in certain circumstances;

• The right to correct, rectify, block or erase information regarded as wrong information.

In addition, Broomhaugh & Riding Parish Council will ensure that:

• The Parish Clerk has specific responsibility for data protection in the organisation;

• Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;

• Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do;

• Queries about handling personal information are promptly and courteously dealt with;

• Documents and any storage media containing input to and output from systems (paper or electronic) detailing personal information are held, transported and disposed of with due regard to sensitivity, and that confidential paper output no longer required is shredded

All councillors will be made fully aware of this policy and of their duties and responsibilities under the Act.

The Parish Clerk and all councillors will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure, and in particular will ensure that:

• Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;

• Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible are changed periodically;

• Individual passwords are such that they are not easily compromised.

**6. Responsibilities and Roles**

In legal terms, the overall responsibility for the notification of the Council as a data controller and for ensuring compliance rests with the Parish Clerk.

It is NOT the responsibility of the Parish Clerk to apply the provisions of the Act. This is the responsibility of the individual collectors, keepers and users of personal data. Therefore the

Clerk and councillors are required to be aware of the provisions of the Data Protection Act

1998, such as keeping records up to date and accurate, and of the impact of the Act on the work they undertake on behalf of the Council.

Any breach of the Data Protection Policy, whether deliberate or through negligence, may lead

to disciplinary action being taken or even a criminal prosecution.

**7. Data Security**

The Clerk and councillors are responsible for ensuring that:

• Any personal data they hold, whether in electronic or paper format, is kept securely

• Personal information is not disclosed deliberately or accidentally, either orally or in writing, to any unauthorised third party

**8. Subject Access**

An individual is entitled, on making a written request, to be supplied with a copy of all information (with limited exceptions) which forms the personal data held about them together with an explanation of why it was stored and who has seen it. A request for subject access must be responded to within 40 days. If it is not, the individual is entitled to complain to the Information Commissioner. All data subject access requests must be referred to the Parish Clerk, who will co-ordinate the processing of the requests.

**9. Authority and Review**

This policy was approved at a meeting of the Council on 14 September 2015 and is effective as of that date. The policy will be reviewed periodically.

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| Policy Prepared | August 2015 |
| Policy Adopted | 14 September 2015 |
| Policy review | September 2018 |