



Banwell Parish Council

General Data Protection Regulation Policy

Purpose of the policy and background to the General Data Protection Regulation

Banwell Parish Council recognises its responsibility to comply with the Data Protection Act 1998 and the General Data Protection Regulation. The act and regulation regulate the use of personal data: this does not have to be sensitive data, it can be as little as a name and address.

The General Data Protection Regulation comes into force on the 25th May 2018 this Act replaces the Data Protection Act 1998. The Act applies to 'personal data' that is data relating to a living person who can be identified from that data. 'Processing data' means any operation performed on that personal data such as collection, recording or use.

This policy explains to Councillors, staff and the public about GDPR.

When dealing with personal data, Banwell Parish Council staff and Councillors will ensure that:

- **IT IS PROCESSED FAIRLY AND LAWFULLY** - Staff, Councillors and Volunteers will be open and honest about why information is required.
- **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 will be held.
- **IT IS ACCURATE AND KEPT UP TO DATE** – Only accurate personal data will be kept. Inaccurate data will be corrected.
- **IT IS NOT KEPT LONGER THAN IT IS NEEDED**
- **IT IS PROCESSED IN ACCORDANCE WITH THE RIGHTS OF INDIVIDUALS** - Individuals will be informed, upon request, of all the information held about them.
- **IT IS KEPT SECURELY** - Only staff and Councillors will be able to access the data. Data will be stored securely so it cannot be accessed by members of the public.

Information Audit

The type of information the Council holds tends to be limited to name, address, telephone number and email address. More detailed information is held for employees.

In the normal course of business, the Parish Council will receive personal data in connection with the following council activities:

- Administration of the cemetery (The Data Protection Act does not apply to the records of those who are interred at the cemetery).
- Administration of employment matters
- Correspondence sent to the Council
- Contract and tenders which are being considered
- Volunteer lists for specific activities

The Council (and Councillors by written request) are sent a copy of the electoral roll with updates through the year. The Data Protection issues associated with the electoral roll are the responsibility of North Somerset Council. The Council does not permit any third party to view the document.

Services relating to children – There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the Council requires consent from young people under 13, the Council will obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, will be written in language that they will understand. Whilst the Council does not directly collect information from children it will ensure that Youthworkz (the Youth Club Commissioned service) is aware of the relevant Data Protection issues that will need to be taken into consideration.

Sensitive data

The Act requires 'sensitive data' to be treated differently. Categories of sensitive data includes racial or ethnic origins, political opinions, religious beliefs, health issues. The Parish Council does not collect such data.

Where the Council carries out village- wide surveys, such as for a Neighbourhood Plan or a Parish Plan, the responses are anonymous and questions are not generally asked on a topic that is classified as sensitive.

Storage of data

All Council paper documents are stored in the Parish Office. All computer records are stored on a password protected desktop computer with anti-virus software. This policy should be read alongside the Council's Acceptable Usage Policy which gives more detail concerning electronic information.

How the data is used

Data will be used only for the purpose for which it has been supplied. Data will not be passed to a third party without the express consent of the data subject. The Council will not share or sell data.

If an elected or co-opted Councillor needs to access information to help carry out their duties, they may only access as much information as is necessary for the particular task and it will be used only for that specific purpose. Information will not be released without the prior consent of the Parish Clerk. Data will never be used for political reasons unless the data subjects have consented.

Subject access requests

A request for a copy of information held by the Council can be made only in accordance with the process and response time as prescribed in the General Data Protection Regulations which apply in the UK from the 25th May 2018

Data eradication request

Individuals have a right to have their personal data erased (sometime known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

If a request is received to delete information, then the Council's Data Protection Officer (DPO) will respond to this request within a month. The DPO has the delegated authority from the Council to delete information.

If a request is considered to be manifestly unfounded then it may be refused, or a charge may apply. The charge will be as detailed in the Council's Freedom of Information Publication Scheme (currently £1 per page). The Parish Council will be informed of such requests.

Data Protection Officer

The Data Protection Officer (DPO) role will be contracted out to an independent third party.

Data breaches

If a data breach is identified the Information Commissioner's Office (ICO) will be informed and an investigation will be conducted by the DPO.

Personal data breaches that are identified by the Council or referred to it will be reported to the DPO for investigation. The DPO will conduct an investigation with the support of the Parish Council. Investigations will be undertaken within one month of the report of a breach.

Procedures will be put in place by the DPO to detect, report and investigate a personal data breach. The ICO will be advised by the DPO of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also notify those concerned directly.

Privacy Notices

Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice which will inform individuals about what the Council does with their personal information; the Council has adopted this approach.

A privacy notice will also contain the name and contact details of the Parish Council and its Data Protection Officer, the purpose for which the information is to be used and the length of time for its use. It will be written clearly and will advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice will be detailed on the Information Audit kept by the Council.

Where necessary, the Council's privacy notice will be tailored to the particular situation, for example where children are involved. All privacy notices will be verifiable

Main actions arising from this policy are:

- The policy will be considered as a core policy for the Council.
- A copy of this policy will be available on the Council's website.
- An information audit will be conducted and reviewed at least annually or when projects and services change.
- Privacy notices will be issued.
- Data Protection will be included on the Council's Risk Management Policy.
- The Parish Council / DPO will undertake a privacy impact assessment.
- The Parish Council / DPO will manage the process.

This policy document is written with current information and advice. It will be reviewed at least annually or when further advice is issued by the ICO.

All Councilors, employees and volunteers are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Council.