



## **FOUR MARKS PARISH COUNCIL**

### **DATA PROTECTION POLICY**

Four Marks Parish Council has a responsibility to comply with both the Data Protection Act 1998 (The Act) and the requirements from the General Data Protection Regulations 2018 (GDPR). Both pieces of legislation govern the use of personal data, and how it is processed and held. The Council, in its capacity as a public authority, has certain legal obligations and powers and the use of personal data is often necessary to fulfil its obligations. A full description of the personal data that the Council processes and for what purposes it is used for is set out in this Policy.

For the purposes of data processing, the Data Controller is Four Marks Parish Council. On occasion, data may need to be shared with other parties so that activities can be jointly carried out. This may include sharing data with contractors, community groups, charities and other data controllers such as local authorities. An example of this may be providing contact details to a contractor working on behalf of the Council.

#### **What is personal data?**

Personal data is information about a living individual which allows them to be identified from that data. This includes:

- Name
- Address
- Date and place of birth
- Photographs or videos (including CCTV footage)
- Contact details (such as telephone number, email etc)
- National identifiers (such as ID numbers, national insurance numbers, social security numbers, passport details, driver's license number)
- Education and training details (including educational history, professional qualification and experience, professional organisations, publications)
- Professional status
- Location
- Online identifiers, such as IP address
- Identifiers linked to employment (including but not exclusive to rate of pay, performance)
- Criminal records

Some personal data is classified as 'sensitive' under GDPR legislation and is given greater protection. This includes information relating to:

- Race
- Ethnicity

- Political opinion
- Religion
- Sex
- Physical or mental health conditions
- Trade Union affiliations
- Commission or alleged commission of offences and subsequent proceedings

#### When the data is used and how it is processed

Personal data is stored and used by the Council for various reasons. Examples of this include but are not limited to:

- Enabling the day to day running of the Council. This may involve holding data concerning staff, contractors and the wider public to effectively deliver services.
- Communicating what is happening. This may be via email, Facebook, WhatsApp or other forms of communication.
- Fulfilling legal and statutory obligations. An example of this may be the necessity to hold personal information to handle complaints or exercise due diligence.
- Promoting the interests of the Council.
- Maintaining accounts, records and relevant staffing information.
- Communicating with service users and hirers, notifying them of any changes.
- Seeking views, comments and opinions.
- Processing of financial transactions including grant applications, and payments for goods and services.
- Discouraging crime, for example by reviewing and using CCTV images.
- Preventing and detecting fraud and corruption in the use of public funds and any resulting law enforcement functions.

In terms of a timeline, there is no definition of a 'reasonable' time in the legislation, but the Council commits to keeping data on file for no longer than is necessary for the task or activity which that data relates to. With regard to employees, data will be kept for seven years after the employee has left unless it is material to legal proceedings or there is another legitimate reason for doing so. There may be some reasons relating to the financial functions of the Council which mean that data is held for a specific time but this will vary according to the activity.

In the case of sensitive personal data, the Council is required to give a higher level of protection to this information and will only process this data:

- where it is necessary to carry out legal obligations
- where it is needed in the public interest
- with express written consent

In some limited circumstances, the Council may approach a person for written consent to process this data stating the reason that it is needed so that they can carefully consider whether they wish to agree to this data processing. A justification would need to be shown for collecting and processing this data. Examples of occasions where this special data would need to be handled are:

- Where information about physical or mental health is needed to monitor sick leave or make decisions about fitness for work.

- Where racial or ethnic origin or religious or similar information is needed in order to monitor equal opportunities legislation compliance.
- Where it is needed to comply with legal obligations.
- Where, less commonly, this data may be processed where it is relevant to legal claims or where it is needed to protect personal interests (or someone else's interests) and they are incapable of giving their consent, or where they have already made the information public.

### Personal data and rights

Data protection legislation dictates that any personal data held must be:

- Used lawfully, fairly and in a transparent way
- Collected for a valid purpose that has been clearly explained and not used in a way that is incompatible with that purpose
- Relevant to the purpose that has been communicated and only limited to that purpose
- Accurate and up to date
- Kept only as long as necessary
- Kept securely and destroyed. This must be done in a manner that limits the opportunity for loss, theft or abuse of said data.

Rights regarding personal data:

- 1 The right to access personal data that is held by the Council  
At any point, a 'subject access request' may be submitted to the Clerk where details can be requested about the data held, where it was obtained and who has access to it. There will not be a charge for this and unless there is a material reason to prevent it, a response should be given within one month.
- 2 The right to correct and update personal data  
If the data held is out of date, incomplete or incorrect, a request can be submitted to update it.
- 3 The right to object to processing of the data or restrict it to certain purposes  
Any request received objecting to or restricting the data held will be considered and the Council will advise if there is a legal obligation to continue processing the data that needs to be complied with.
- 4 The right to have personal data erased  
Personal data will no longer be used if a request is received to have it erased.
- 5 The right to withdraw consent to the processing of data at any time to which the consent was obtained  
Consent to the processing of data can be withdrawn at any time by contacting the Clerk.
- 6 The right to lodge a complaint with the Information Commissioner's Office  
Complaints should be lodged with the Data Commissioners Office on 0303 123 1113 or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

### Transfer of Data Abroad

Any personal data that is shared or transferred to countries or territories outside of the European Economic Area (EEA) will only be placed on systems that have processes in place that comply with the legislation noted in this document. Please note that the Council's website is accessible from overseas and so, any information included on it may be accessible in other countries. An example of this might be a news article on the website.

### Further processing

If the Council wishes to use personal data for a new purpose which is not covered by this Policy, a new notice will be provided setting out the purpose and processing conditions. Where necessary, consent will be sought.

For further information please contact the Parish Office.