

## **Barford Sherbourne & Wasperton Joint Parish Council Data Protection Policy**

### **1. Introduction**

Barford, Sherbourne and Wasperton Joint Parish Council (BSW JPC) holds and processes information about the Clerk, residents and customers, and other data subjects for administrative and commercial purposes.

When handling such information, BSW JPC, the Clerk or others who process or use the information, must comply with the Data Protection principals set out in the General Data Protection Act 1998 (The Act) (soon to become the General Data Protection Regulations (GDPR) in May 2018.

### **2. Data Protection Principles**

There are eight principles set out in the 1998 Act, which in summary state that data shall:

- Be processed fairly and lawfully;
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose;
- Be adequate, relevant and not excessive for the purpose;
- Be accurate and up-to-date;
- Not to be kept for longer than necessary for the purpose;
- Be processed in accordance with the Data Subject's rights;
- Be kept safe from unauthorised processing; and accidental loss, damage or destruction;

Not be transferred to a country outside the European Economic Area, unless that country has the equivalent levels of protection for the personal data, except in specified circumstances.

### **3. Definitions**

“Employees, councillors, residents and customers, and other data subjects” may include past, present and potential members of those groups.

“Other data subjects” and “third parties” may include contractors, suppliers, contacts, referees, friends or family members.

“Processing” refers to an action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

“Personal data” is information about an identifiable, living individual.

“Sensitive personal data” is personal data consisting of information relating to racial or ethnic origin, political opinion, religious or other beliefs, trade union membership, physical or mental condition, sexual orientation or criminal proceedings or convictions.

“Data Controller” is a ‘person’ who determines the purposes for which and the manner in which any personal data are, or are to be, processed. A ‘person’ as recognised in law may be an individual, organisation or body of persons.

“Data Protection Officer” is an individual working on behalf of the Data Controller with responsibility for the data protection within that organisation.

#### **4. Responsibilities**

BSW JPC is the Data Controller and must ensure that any processing of personal data for which they are responsible complies with the Act.

The Data Protection Officer is the Clerk, who acts on behalf of the Council, and is responsible for:

- Fully observing conditions regarding the fair collection and use of information;
- Meeting the Council’s legal obligations to specify the purposes for which information is used;
- Collecting and processing relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements.
- Ensuring the quality of information used;
- Applying strict checks to determine the length of time that information is held;
- Ensuring that the rights of the people whom information is held are able to be fully exercised under the Act.
- Taking appropriate technical and organisational security measures to safeguard personal information;
- Ensuring that personal information is not transferred abroad without suitable safeguards;
- Ensuring that everyone managing and handling personal information;
  - A) Fully understands that they are contractually responsible for following good practice in terms of protection;
  - B) Is adequately trained to do so;

Are appropriately supervised.

#### **5. Storage and Retention**

Personal data is kept in paper-based systems and/or on a password protected computer system.

The council will keep different types of information for differing lengths of time, depending on legal and operational requirements.

#### **6. Access to Information**

Any employees, councillor, resident, customer or other data subjects have a right to:

- Ask what personal information the Council holds;
- Ask what this information is used for;
- Be provided with a copy of this information;
- Be given details of the purposes for which the Council uses the information and any other persons or organisations to whom it is disclosed;
- Ask that any incorrect data held is corrected

## **7. Breach of Policy**

Compliance with the Act is the responsibility of all councillors and the Clerk. Any deliberate or reckless breach of the policy may lead to disciplinary action and where appropriate, legal proceedings.

Any individual who believes that the council has breached any of the requirements of the Data Protection Act 1998 (or GDPR 2018 ) should raise the matter with the Clerk.

Alternatively, a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 4AF

Adopted 9<sup>th</sup> March 26

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## **Appendix A**

### **Guidelines for Staff, Volunteers and Councillors**

During your course of your duties with BSW JPC, you will be dealing with information such as names/addresses/phone numbers/email addresses of members of the public. You may be told or overhear sensitive information while working for BSW JPC.

The Data Protection Act 1998 (and the subsequent GDPR 2018) gives specific guidance on how this information should be dealt with by

organisations such as BSW JPC. In short, to comply with the law, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

To help you meet the terms of the Data Protection Act (and GDPR 18) while working for BSW JPC, the following guidelines are issued. Please read them carefully and ask the Data Protection Officer (Clerk) if you are in any doubt about any of them.

### **Sharing of Personal Information**

“Personal information” includes such details as addresses/phone numbers and health details supplied by members of the public.

Such information may be shared between staff and councillors at BSW JPC for work purposes, But should not be given to anyone outside of the council without the explicit consent from the person concerned.

If such a situation arises, please ask the Clerk for advice.

### **Unlawful Disclosure of Personal Information**

Under the Data Protection Act you are committing a criminal offence if you disclose personal information ‘knowingly or recklessly’ to anyone you are not supposed to, so please be careful.

Give consideration to any conversations you are having containing personal or sensitive Information that could possibly be overheard by people who should not have access to such Information.

### **Use of files, books and other paper records**

In order to prevent unauthorised access and accidental loss or damage to personal information held on paper, please take good care of the files, books and other paper records you use, and ensure they are stored safely.

### **Use of Email**

Please ensure that before sending emails that they contain no personal or sensitive information that the recipients should not have access to. This is a particular risk when forwarding emails or adding new recipients to an e-mail chain.

### **Disposal of Scrap Paper**

Be aware that names/addresses/phone numbers and other information written on scrap paper are also considered to be confidential. Such notes must be shredded.