

Necton Parish Council

General Data Protection Regulation Policy



Adopted: February 2020
Minute ref: 2020/16/17/17
Next review: February 2021 (or sooner if changes in law require earlier review).

Introduction

This policy explains to Councillors, staff and the public about GDPR. Personal Data must be:

- processed lawfully, fairly and transparently
- collected for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for processing;
- be accurate and kept up to date;
- be kept only for as long as is necessary for processing and
- be processed in a manner that ensures its security.

This policy replaces any previous data protection policy and procedures to include the additional requirements of GDPR which apply in the UK from May 2018. The Government have confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This policy explains the duties and responsibilities of the Council and it identifies the means by which the Council will meet its obligations.

Data Control

Necton Parish Council is the Data Controller and the Clerk is the Data Processor. It is the duty of DP to undertake an information audit and to manage the information collected by the Council, the issuing of privacy statements, dealing with requests and complaints raised and also the safe disposal of information. This will be included in the Job Description of the Clerk/RFO.

GDPR requires continued care by everyone within the Council, Councillor's and staff, in sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result and the Council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s)

who could be adversely affected. Therefore, the handling of information is seen as high/medium risk to the Council (both financially and reputationally) and one which must be included in the Risk Management Policy of the Council. Such risk can be minimised by undertaking an information audit, issuing privacy statements, maintaining privacy impact assessments (an audit of potential data protection risks with new projects), minimising who holds data protected information and the Council undertaking training in data protection awareness.

Disclosure

Necton Parish Council may share data with other agencies such as the local authorities, funding bodies and other voluntary agencies.

The Individual/Service User will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows the Council to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of an Individual/Service User or other person
- c) The Individual/Service User has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the Individual/Service User's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Individuals/Service Users to provide consent signatures.

Necton Parish Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal and intends to ensure that personal information is treated lawfully and correctly.

To this end, the Council will adhere to the Principles of Data Protection, as follows specifically, 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 of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
- c) Shall be adequate, relevant and not excessive in relation to those purpose(s),
- d) Shall be accurate and, where necessary, kept up to date,
- e) Shall not be kept for longer than is necessary,
- f) Shall be processed in accordance with the rights of data subjects under the Act,

g) Shall be kept secure by the Data Processor who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,

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 Individuals/Service Users in relation to the processing of personal information.

Necton Parish Council will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
 - i. The right to be informed that processing is being undertaken,
 - ii. The right of access to one's personal information,
 - iii. The right to prevent processing in certain circumstances and
 - iv. The right to correct, rectify, block or erase information which is regarded as wrong information)
 - v. Take appropriate technical and organisational security measures to safeguard personal information
 - vi. Ensure that personal information is not transferred abroad without suitable safeguards
 - vii. Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
 - viii. Set out clear procedures for responding to requests for information

Data collection

Informed consent is when:

- An Individual/Service User clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent.

Necton Parish Council will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, the Council will ensure that the Individual/Service User:

a) Clearly understands why the information is needed

- b) Understands what it will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing
- c) As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- e) Has received sufficient information on why their data is needed and how it will be used

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 must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand

Data Storage

Information and records relating to individuals or service users will be stored securely and will only be accessible to the parish clerk and councillors.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

It is Necton Parish Council's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

Data access and accuracy

All Individuals/Service Users have the right to access the information the Council holds about them. The Council will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, the Council will ensure that:

- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manages and uses personal information

- It regularly assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them
- Necton Parish Council is registered with the ICO.
- A copy of this policy will be available on the Council's website:
nectonparishcouncil.norfolkparishes.gov.uk
- Privacy notices must be issued.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the GDPR.

In case of any queries or questions in relation to this policy please contact the Necton Parish Council Data Protection Processor who is the parish clerk.