

# WORMINGHALL PARISH COUNCIL

## TRANSPARENCY CORE DOCUMENT

**TCD Number**      **4**

**TCD Title**      **GDPR & Data Protection Policy**

	NAME	TITLE	SIGNATURE	DATE
<b>Author</b>	Rebecca Martin	Mrs	{Signed Electronically}	4 <sup>th</sup> August 2023
<b>Authoriser</b>	Tracey Skates	Cllr	{Signed Electronically}	4 <sup>th</sup> August 2023

<b>Effective Date:</b>	4 <sup>th</sup> August 2023
------------------------	-----------------------------

<b>READ BY</b>			
NAME	TITLE	SIGNATURE	DATE
Graeme Wright	Cllr	{Signed Electronically}	4 <sup>th</sup> August 2023
Steven Bramley	Cllr	{Signed Electronically}	4 <sup>th</sup> August 2023
John Hopcroft	Cllr	{Signed Electronically}	4 <sup>th</sup> August 2023
Kate Tinkler	Cllr	{Signed Electronically}	4 <sup>th</sup> August 2023

Amendment No.	Effective Date	Significant Changes

# WORMINGHALL PARISH COUNCIL

## TRANSPARENCY CORE DOCUMENT

1. This policy explains to Councillors, staff and the public about General Data Protection Regulation (GDPR) and The Data Protection Act.
2. This policy includes the additional requirements of GDPR which apply in the UK from May 2018. The Government has confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This Policy explains the duties and responsibilities of the Parish Council and identifies the means by which the Council will meet its obligations. GDPR requires that everyone within the Council must understand the implications of GDPR and that roles and duties must be assigned. The Council is the data controller and the Parish Clerk is the Data Protection Officer (DPO).
3. **GDPR Definitions:**
  - 3.1. **Data subject:** means an identified natural person or a natural person who can be identified, directly or indirectly, by means reasonably likely to be used by the controller or by any other natural or legal person, in particular by reference to an identification number, location data, online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identification of that person.
  - 3.2. **Personal data:** means any information relating to a data subject (must be a living person).
  - 3.3. **Processing:** means any operation or set of operations which is performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, erasure or destruction.
  - 3.4. **Sensitive personal data:** Racial or ethnic origins of the data subject; political opinions; religious beliefs or other beliefs of a similar nature; trade union membership (or non-membership); physical or mental health or condition; sex life or sexual orientation; criminal or alleged criminal activities; criminal proceedings, convictions or any sentence imposed by the courts.
4. Worminghall parish council will abide by the new six principles: -
  - 4.1. Fair Process: Processed fairly, lawfully and in a transparent manner in relation to the data subject.
  - 4.2. Collected for specific, explicit, legitimate purposes and not processed further for purposes incompatible with those purposes.
  - 4.3. Adequate, relevant and limited to what is necessary.
  - 4.4. Accurate and, where necessary, up to date.
  - 4.5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purpose for which the personal data is processed.
  - 4.6. Processed to ensure appropriate security including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

# WORMINGHALL PARISH COUNCIL

## TRANSPARENCY CORE DOCUMENT

5. In summary Worminghall Parish Council will only collect information that is needed for a specific purpose; will keep that data secure; ensure it is relevant and up to date; only hold as much as we need to do the task and only for as long we need it; allow the subject of the information to see it upon request.
6. Worminghall Parish council will adhere to the six grounds for processing that are:
  - 6.1. Consent
  - 6.2. Performance of a contract
  - 6.3. Compliance with a legal obligation
  - 6.4. Vital interests of data subject
  - 6.5. Public interest
  - 6.6. Legitimate interest of the data controller.

### **7. Information Commissioner's Office (ICO) Registration**

Worminghall Parish Council will register each year with the ICO (Tier One - £40) and acknowledges that the current fine for non-registration is £4,350.

### **8. Use of Council Emails**

The Parish Clerk and Councillors are to only electronically communicate using email addresses issued by the Parish Council – i.e. [Person@worminghall-pc.co.uk](mailto:Person@worminghall-pc.co.uk). Councillors are not to store emails that contain any personal data or transfer emails to their own personal accounts. Good practice will be to permanently delete all emails received on a topic once the topic/task has been completed. The council's means of storing data must be via the parish Clerk and not councillors own email accounts or file storage systems. Communications with individuals or organisations outwith of the Parish Council must be conducted via the Parish Clerk. Councillors are not to write to any person or organisation in any capacity of council business. Councillors may write to other persons or agencies but only as member of public and not as a representative of the council.

### **9. Data Security**

The Parish Clerk and Councillors electronic transmission systems (Phones, PCs, Laptops etc) must have a full anti-virus suite installed and be kept up to date. The Parish Council will reimburse the cost to each councillor and clerk to cover a maximum of 3 devices. Devices operating systems and software must be fully updated.

### **10. Data breaches**

- 10.1. GDPR & DP requires continued care by everyone within the Council, Councillors and staff, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in 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.
- 10.2. Procedures are in place to detect, report and investigate a personal data breach. The ICO will be advised of a breach (within 3 days) where it is

# WORMINGHALL PARISH COUNCIL

## TRANSPARENCY CORE DOCUMENT

likely to result in a risk to the rights and freedoms of individuals, e.g. if it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage.

- 10.3. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Council, for example the discussion of internal Council matters on social media sites could result in reputational damage for the Council and to individuals.

### 11. Privacy Notices

- 11.1. 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).
- 11.2. The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what a Council does with their personal information. A privacy notice will contain the name and contact details of the data controller and Data Protection Officer, the purpose for which the information is to be used and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice must be detailed on the Information Audit kept by the Council. The Council will adopt a privacy notice to use, although some changes could be needed depending on the situation, for example where children are involved. All privacy notices must be verifiable.
- 11.3. All data held will be subject to attaining a Privacy Notice that will include the following:-
  - 11.3.1. What we are collecting.
  - 11.3.2. Why we are collecting it.
  - 11.3.3. Who we will share it with and why.
  - 11.3.4. How long we will keep it.
  - 11.3.5. How can individuals access, correct or request deletion.

### 12. Identifying the roles and minimising risk

- 12.1. It is the DPO's duty 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 responsibility will be included in the Job Description of the Parish Clerk.
- 12.2. Appointing the Clerk as the DPO must avoid a conflict of interests, in that the DPO should not determine the purposes or manner of processing personal data.

# WORMINGHALL PARISH COUNCIL

## TRANSPARENCY CORE DOCUMENT

12.3. 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.

### 13. Information Audit

13.1. The Clerk/DPO must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the Council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the Council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted.

13.2. The Parish Clerk has completed a data protection audit that has fully reviewed the data held within the following framework. This audit can be view on the website.

13.2.1. What data do we hold and why?

13.2.2. It is ours or does it belong to a third party?

13.2.3. Why? What is the basis for processing? E.g. was this to deliver service or to inform or update?

13.2.4. Who do we share the data with?

13.2.5. How long do we keep it?

### 14. Individuals' Rights

14.1. GDPR gives individuals rights with some enhancements to those rights already in place:

14.1.1. the right to be informed

14.1.2. the right of access

14.1.3. the right to rectification

14.1.4. the right to erasure

14.1.5. the right to restrict processing

14.1.6. right to data portability

14.1.7. the right to object

14.1.8. the right not to be subject to automated decision-making including profiling.

14.2. The two enhancements of GDPR are that individuals now 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

# WORMINGHALL PARISH COUNCIL

## TRANSPARENCY CORE DOCUMENT

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 Clerk must respond to this request within a month. The Clerk has the delegated authority from the Council to delete information. If a request is considered to be manifestly unfounded then the request could be refused or a charge may apply. The charge will be as detailed in the Council's Freedom of Information Publication Scheme. The Council will be informed of such requests.

### **15. Children**

15.1. 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.