

## **Pewsey Parish Council** **Information and Protection Policy**

### **Introduction**

In order to conduct its business, services and duties, Pewsey Parish Council processes a wide range of data relating to its own operations and some which it handles on behalf of partners. In broad terms this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential commercially sensitive information about other organisations.
- Confidential information and data not yet in the public arena.
- Personal data concerning its current, past and potential employees, Councillors and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Pewsey Parish Council will adopt procedures and manage responsibly all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

This Policy will periodically be reviewed and revised if necessary in the light of experience, comments and any guidance received from the Information Commissioners Office (ICO).

The Council will be as transparent as possible where information is not personal or confidential and will work closely with the public community and voluntary organisations.

### **Protecting Confidential or Sensitive Information**

Pewsey Parish Council recognises it must, at times, keep and process sensitive and personal information about employees and the public. It has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulations (GDPR) which became law on 25<sup>th</sup> May 2018 will seek to strike a balance between the rights of individuals and the, sometimes, competing interests of those such as the Council with legitimate reasons for using personal information.

### **The Policy is based on the premise that Personal Data must be:**

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.

- Kept in a form that permits identification of the data subjects for no longer than is necessary for the purposes for which the personal data is processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **Data Protection Terminology**

**Data Subject** – means the person whose personal data is being processed.

**Personal Data** – means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photograph, an address, date of birth, an email address, bank details, and posts on social networking sites or computer IP address.

**Sensitive Personal Data** – includes information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data Controller** – means a person who either alone or jointly or in common with other persons (e.g. Parish Councillors, employer, council) determines the purpose for which and the manner in which any personal data is to be processed.

**Data Processor** – in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing Information or Data** – means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- Organising, adapting or altering it.
- Retrieving, consulting or using the information or data.
- Disclosing the information or data by transmission, dissemination or otherwise making it available.
- Aligning, combining, blocking, erasing or destroying the information or data, regardless of the technology used.

### **Pewsey Parish Council processes personal data in order to:**

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- Pursue the legitimate interests of its business and its duties as a public body (e.g. managing allotments), by fulfilling contractual terms with the other organisations, and maintaining information required by law.
- Monitor its activities including the equality and diversity of its activities.
- Fulfil its duties in operating the business premises including security.
- Assist regulatory and law enforcement agencies.
- Process information including the recording and updating of details about its Councillors, employees, partners and volunteers.

- Process information including the recording and updating details of individuals who contact it for information, or to access a service, or make a complaint.
- Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- Undertake research, audit and quality improvement work to fulfil its objects and purposes.
- Carry out Council administration.

**The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:**

- The individual has consented to the processing.
- Processing is necessary for the performance of a contract or agreement with an individual.
- Processing is required under a legal obligation.
- Processing is necessary to protect the vital interests of the individual.
- Processing is necessary to carry out public functions.
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention will be paid when processing any sensitive personal information when the Council will ensure that they have the explicit consent of the individual.

**Diversity Monitoring**

The Council monitors the diversity of its employees and Councillors, in order to ensure that there is no inappropriate discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This type of data will always be treated confidentially.

**Information Provided to us**

The personal information provided such as name, address, email address, phone number will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Pewsey Parish Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Parish Council is able to keep their data accurate by providing up to date information. The personal information will not be shared or provided to any third party or be used for any purpose other than that for which it was provided.

**Information Security**

Pewsey Parish Council will in all cases do its best to ensure that personal data provided is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This will be done through appropriate technical measures and appropriate policies. Such data will only be kept for the purpose it was collected and only for as long as is necessary, after which it will be deleted.

**Children**

Data relating to children under the age of 13 will not be processed without the express written consent of their parent or guardian.

## **Rights Applicable to Data**

An individual has the right to request access to information which they may do by application to the Parish Clerk or the Data Protection Officer. If they believe the data to be inaccurate it may be corrected by this method.

If an individual wishes information about them to be deleted this can be achieved by contacting the Parish Clerk.

If an individual believes their data is not being used for the purpose it has been collected they may object by contacting the Parish Clerk or the Data Protection Officer.

To raise a complaint regarding the way their personal data has been processed an individual may do this through the Parish Clerk, the Data Protection Officer or the Information Commissioner's Office by email [casework@ico.org.uk](mailto:casework@ico.org.uk) or telephone **0303 123 1113**

## **Making Information Available**

Pewsey Parish Council will make its policy on data processing available at any time on request to the Parish Clerk.

## **Who is responsible for protecting a person's personal data?**

The Parish Council, as a corporate body, has ultimate responsibility for ensuring compliance with the Data Protection Legislation. The Council has delegated this responsibility day to day to the Parish Clerk.

- Email: [the.clerk@pewsey-pc.gov.uk](mailto:the.clerk@pewsey-pc.gov.uk)
- Telephone: 01672 562014
- Correspondence: Parish Clerk, Pewsey Parish Council, Parish Office, Bouverie Hall, Goddard Road, Pewsey, Wiltshire, SN9 5EQ
- Data Protection Officer: