

# **Cholesbury-cum-St Leonards Parish Council**

## **Data Privacy Policy and Privacy Notice**

### **1 Council information**

This Privacy Policy and Privacy Notice has been published by Cholesbury-cum-St Leonards Parish Council to explain in as straightforward and transparent way as practical how the parish council makes use of personal data lawfully and fairly. The parish council is registered as a data controller with the Information Commissioner's Office as required by the Data Protection Act 2017, the General Data Protection Regulation 2016, and other relevant legislation.

### **2 Personal data**

"Personal data" is any information about a living individual which allows them to be identified from that data. Identification can be by the personal data alone or in conjunction with any other information that helps to identify a living person.

The term "processing of personal data" pops up frequently in this document and needs some further explanation. It is a broad term describing the collection, recording, organising, storing, adapting, retrieving, using, disclosing, making available, erasing or destruction of personal data.

The parish council has a responsibility to keep all data, including personal information, accurate and up to date, to protect it from loss, misuse, unauthorised access or disclosure, and to retain it only for as long as necessary before destroying or erasing it securely.

The following illustrates the typical types of personal data that could be gathered and used:

- Personal details provided by residents via letters, telephone enquiries, electronic communications, parish council meetings; e.g. names, addresses, telephone numbers, and email addresses,
- Information available from documents in the public domain e.g. the electoral roll, planning applications and minutes
- Financial information, relating to allotments rents, payments of tax for employment purposes, or where there is a contract for services or supply of goods with the council e.g. bank account details, salary details, payments made and received;
- Biographical information e.g. employee and councillor related records:- gender, date of birth, marital status, nationality, racial, ethnic origin, education/work histories, academic/professional qualifications, appointments, and pecuniary interests;
- Very occasionally, it may be necessary to process information which might require written consent. For example, for the purpose of celebrating important national commemorations, the names, addresses and ages of young children living in the civil parish might be compiled with the consent of parents/guardians.

### **3 The legal bases for processing personal data**

As a public authority the parish council has certain powers and duties. Most personal data is processed for compliance with the parish council's statutory functions and legal obligations which include the discharge of duties and tasks carried out in the public interest. Sometimes when exercising these powers or duties it is necessary to process personal data of residents, business people or others who make use of or provide parish council services. When personal data is used as part of its legal obligations the parish council will also take account of individuals' rights.

- The parish council works closely with the other local authorities covering the parish council and neighbouring areas to meet the needs and address the concerns of local residents and businesses. Disclosing personal data to local authorities will be necessary to conduct its statutory functions and other duties. For similar legitimate purposes the parish council might work with other organisations which require the sharing of personal information with them to deliver services or facilities to the local community.
- Occasionally, the parish council may be required by law to provide personal data to, for instance, the police, or a government department or agency.

- Personal data will be processed so as to enter into, or operate a contract. For example, connected to an allotment tenancy, for employment reasons, or where maintenance work or professional services are being carried out for the parish council.
- If personal data is to be used for a new purpose covered by the parish council's statutory functions, the parish council can issue a revised Privacy Notice to publicise this new purpose.
- If it is not appropriate for the parish council to rely on its statutory powers to process personal information, including 'special categories of personal data', it will rely on prior written consent to use their data. The parish council will provide full details of the personal data required and the reasons why it is needed so that individuals can consider whether they wish to consent.

#### **4 The purposes personal data is used**

The parish council processes personal information to enable it:

- to carry out its statutory duties and powers including any delegated functions, such as responding to planning applications or public consultations;
- to promote its services, for example, assisting residents or local businesses with issues connected to the provision of local government or other public sector services;
- to undertake fundraising, for example, administering the awarding of precepts or grants;
- to maintain its accounts and records including the processing of relevant financial transactions;
- to manage and support employees and support the activities of parish councillors.

#### **5 Data retention**

The parish council will keep some records containing personal information permanently, if legally required to do so. Other records may be kept for an extended period of time. For example, financial records for at least 8 years to support HMRC audits or provide tax information. The parish council may be required to retain some data to defend or pursue legal matters if not permanently, for at least a minimum period, e.g. personal injury cases (3 years) or contract claims (6 years). In general, the parish council will endeavour to keep data only for as long as it is needed and delete or destroy it when it is no longer required.

#### **6 Data security**

The parish council will implement appropriate security measures to protect personal data. To carry out its statutory functions, legal obligations and public interests the parish council will need to share personal data with other organisations. The parish council will check these organisations have appropriate procedures in place, including data security to protect this information.

Hardcopy of personal data held by the parish clerk will be stored securely. Electronic data including emails will be stored on computer equipment backed up onto cloud computing servers which may be located outside the UK but will still be compliant with UK legislative standards. Data on personal computers is protected by electronic security and on cloud computing servers by encryption.

If there is a breach in data security leading to unauthorised disclosure, data loss etc; the parish council will work hard to rectify the matter. It will advise the individual(s) concerned as soon as the breach becomes apparent and will follow the guidelines for dealing with data breaches as set out by the Information Commissioner's Office.

#### **7 Individuals' rights connected to their personal data**

Individuals have a number of rights with respect to their personal data. The parish council may need to first verify identity. Subject to this an individual has the right:-

- to access the personal data held on them
- to correct and update the personal data held on them
- to have personal data held on them erased
- to object to the processing of personal data held on them or to restrict it to certain purposes only
- to data portability
- to withdraw consent at any time to any processing of data for which consent was previously given
- to lodge a complaint with the Information Commissioner's Office.

Further details about each of these rights are set out in the Appendix to this document.

## **8 Transfer of data abroad**

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union.

## **9 Contact information**

Further information is available from the Parish Clerk via email [parishclerk.ccsipc@gmail.com](mailto:parishclerk.ccsipc@gmail.com).

Additional details can be found on the parish council website at <http://www.cholesburyparishcouncil.org.uk/>

The Information Commissioners Office can be contacted on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## **10 Changes to this document**

This Privacy Policy and Privacy Notice has been prepared in line with guidance produced by the Information Commissioners Office and NALC. It will be reviewed by the parish council on an annual basis and may be updated in the light of feedback, new guidance and changes in legislation.

## **Appendix – Further details relating to section 7 - Individuals' rights connected to their personal data**

Contact the parish clerk for further information. See section 9 Contact information above.

### **1. The right to access personal data held on them**

Individuals may request a copy of the personal data the parish council holds about them, why it has that personal data, who has access to the personal data and where the personal data was obtained from. On receipt of a request the parish council will respond within one month.

There are no fees or charges for the first personal data request but additional requests for the same information or requests which are excessive may be subject to an administrative fee.

### **2. The right to correct and update the personal data held on them**

If the data held about an individual by the parish council is out of date, incomplete or incorrect, that person can inform the parish council of the correction required. That data will be updated as soon as practical and the individual advised when this has been done.

### **3. The right to have personal data held on them erased**

If an individual believes that by the parish council should no longer be using their personal data or that it is unlawfully using their personal data, that person can request that the parish council erases the personal data it holds.

On receipt of a request the parish council will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because it is needed to comply with a legal obligation).

### **4. The right to object to processing of personal data held on them or to restrict it to certain purposes only**

An individual has the right to request that the parish council stops processing their personal data or to for example, ask the parish council to restrict processing until inaccuracies are corrected. On receipt of a request the parish council will contact the person and let them know if it is able to comply with their request or if the parish council has a legal obligation to continue to process the data.

### **5. The right to data portability**

An individual has the right to request that the parish council transfer some of their data to another data controller. The parish council will comply with a request, where it is feasible to do so, within one month of receiving a request.

### **6. The right to withdraw consent at any time for any processing of personal data to which consent was previously given**

An individual can normally withdraw consent by telephone, email, or by post, subject to verifying their identity.

### **7. The right to lodge a complaint with the Information Commissioner's Office.**

An individual can lodge a complaint by contacting the Information Commissioners Office. Contact details are to be found in section 9 Contact information above.