

HALVERGATE PARISH COUNCIL

DATA PROTECTION POLICY

Halvergate Parish Council recognises its responsibility to comply with the Data Protection Act 1998 and the General Data Protection Regulation. The Act and Regulation regulate the use of personal data; this does not have to be sensitive data, it can be as little as a name and address.

THE DATA PROTECTION ACT:

The Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used. The Data Protection Act applies to anyone holding information about people electronically or on paper.

THE GENERAL DATA PROTECTION REGULATION:

The General Data Protection Regulation (GDPR) 2018 says that the information provided to people about how we process their personal data must be concise, transparent, intelligible and easily accessible, written in clear and plain language and free of charge.

DATA CONTROLLER:

Halvergate Parish Council is the Data Controller under the Act, which means that it determines what personal information is held and what it will be used for. It is also responsible for notifying the Information Commissioner (ICO) of the data it holds or is likely to hold and the general purposes that this data will be used for.

As a local authority, Halvergate Parish Council has a number of procedures in place to ensure it complies with the Data Protection Act 1998 and the GDPR 2018 when holding personal information.

DISCLOSURE:

Halvergate 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 Halvergate Parish 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 purposed – 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 eg where we would wish to avoid forcing stressed or ill Individuals / Service Users to provide consent signatories.

Halvergate 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.

Halvergate Parish Council intends to ensure that personal information is treated lawfully and correctly. To this end, Halvergate Parish Council will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998. 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 purposes(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 Controller 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.

Halvergate 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 fulfil 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:
 - The right to be informed that processing is being undertaken
 - The right of access to one's personal information
 - The right to prevent processing in certain circumstances and
 - The right to correct, rectify, block or erase information which is regarded as wrong information.
- Take appropriate technical and organisational security measures to safeguard personal information.
- Ensure that personal information is not transferred abroad without suitable safeguards.
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information.
- 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.

Halvergate 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, Halvergate Parish 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 is reasonable possible, grants explicit consent, either written or verbal for data to be processed
- d) Is, as far as is reasonable 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

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 Halvergate 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 Halvergate Parish Council holds about them. Halvergate Parish 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, Halvergate Parish Council will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so

- Everyone processing personal information is appropriately supervised
- 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 way 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

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 Data Protection Act 1998.

In case of any queries relating to this policy, please contact the Halvergate Parish Council Data Protection Officer, who is the Parish Clerk, Jessica Jennings.

Signed:.....

Date:.....

Chairman of Halvergate Parish Council