

# DATA PROTECTION POLICY



## Purpose

This Data Protection Policy is prepared by Branscombe Parish Council (BPC), which is the Data Controller for any personal data held on a living individual, and explains the way that it manages such data.

Further information and other related policies are available on <http://www.branscombe-pc.org.uk>

## To comply with data protection law, the personal data BPC holds on an individual must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that BPC has clearly explained and not used in any way that is incompatible with those purposes.
- Relevant and limited to the purposes BPC have informed an individual about.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes an individual has been informed about.
- Kept and destroyed securely including ensuring that appropriate security measures are in place to protect personal data from loss, misuse, unauthorised access and disclosure.

## What data do BPC process?

BPC processes minimal information relating to individuals, including:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses.

BPC processes the above information relating to staff, councillors and contractors, and further data to allow the Council to perform contract duties and comply with legal obligations which may include:

- Gender, age, date of birth, marital status, nationality, education / work history, academic / professional qualifications, employment details, hobbies and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers and taxpayer identification numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment / transaction identifiers, policy numbers, and claim numbers, National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational data created, obtained, or otherwise processed in the course of carrying out activities, including but not limited to, telephone conversation recordings, IP addresses and website histories, logs of visitors, logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information.
- Recruitment information, including copies of right to work documentation, references and other information included in a CV.
- Other staff data including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- Information about use of BPC information and communications systems.

## BPC uses personal data for some or all of the following purposes:

- To deliver and inform on public services, seek views, opinions or comments and promote the interests of the council.
- To make contact by post, email, telephone or using social media (e.g., Facebook);
- To maintain BPC own accounts and records;
- To enable BPC to meet all legal and statutory obligations and powers;
- To process relevant financial transactions including grants and payments for goods and services.

- To manage and administer an employment contract.
- To administer councillors' interests.
- To comply with a legal obligation.

### **What is the legal basis for processing personal data?**

Some data processing is necessary for compliance with a legal obligation.

BPC may also process data if it is necessary for the performance of a contract, or to take steps to enter into a contract.

BPC will also process data in order to assist individuals in fulfilling a role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

### **Sharing personal data**

Personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks.

Our website is accessible from overseas so some personal data (e.g. in a newsletter) may be accessed overseas.

### **How long do BPC keep personal data?**

BPC will keep some records permanently if legally required to do so, and may keep other records for an extended period of time. BPC may have legal obligations to retain some data in connection with our statutory obligations as a public authority.

The council is permitted to retain data in order to defend or pursue claims. Where the law imposes a time limit BPC will retain data as long as believed necessary to be able to defend or pursue a claim. BPC will delete data when it is no longer needed.

### **Individuals rights with respect to their personal data**

Individuals have the following rights with respect to their personal data:

1. The right to access personal data we hold
2. The right to correct and update the personal data we hold
3. The right to have personal data erased
4. The right to object to processing of personal data or to restrict it to certain purposes only
5. The right to data portability
6. The right to withdraw consent at any time
7. The right to lodge a complaint with the Information Commissioner's Office (ICO)

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

All individuals whom BPC hold data on have been informed of their rights through the BPC Privacy Statement to:

- Access data as well as ask why it is held, who has access to it and where it was obtained it from.
- Advise the Council if data held on them is out of date, incomplete or incorrect.
- Request that personal data held is erased.
- Object to processing of their data or restrict it to certain purposes only.
- Transfer data to another controller.
- Withdraw consent at any time.

BPC will first confirm whether personal data may be changed or deleted or why it cannot be deleted (e.g. because it is needed to comply with a legal obligation).

### **Subject access request (SAR)**

All individuals whom BPC holds data on have been informed of their rights through the BPC Privacy Statement to:

- Access data as well as ask why we have it, who has access and where we obtained it from.
- Advise the Council that data we hold on them is out of date, incomplete or incorrect.

- Request that we erase the personal data we hold on them.
- Object to processing of their data or restrict it to certain purposes only.
- Transfer data to another controller.
- Withdraw consent at any time.

A subject access request (SAR) will usually be through the Clerk's email however, if any Councillor is directly approached by any method, they will forward said request promptly to the Clerk.

The Clerk will promptly acknowledge receipt of the SAR.

The Clerk will verify identity of the data subject by seeking proof of identity (one photographic identity and one proof of address, e.g. driving licence, passport, utilities bill, financial statement) before any further action is taken.

The Clerk will make a full, exhaustive search of records to identify any data held on the individual.

If an individual contacts the Council to ask that we erase, stop or restrict processing of the personal data we hold on them, the Clerk will check if this is permissible (e.g. if it must be retained for any legal purpose) and advise accordingly.

Action will be taken by the Clerk within one month of receipt of the SAR. If more time is needed (e.g. delays in receipt of proof of identity) a two month extension is permissible. The data subject will be informed of any extension.

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

### **Data security breach**

Examples of personal data breaches include:

- Emails and attachments being sent to the wrong person, or several people.
- The wrong people being copied in to emails and attachments.
- Lost memory sticks which contain unencrypted personal data.
- Malware.
- Equipment theft.

If a data security breach is known or suspected by the Clerk or any member of the Council, the Chair must be informed promptly.

The Chair will convene the Emergency Committee within 48 hours and consider:

- Maintaining legal privilege and confidentiality.
- Gathering data about the breach.
- Taking statements from councillors and staff
- Notifying data subjects.

The Clerk will report the breach to the Information Commissioner's Office (ICO) after the Emergency Committee has convened or within 72 hours, whichever comes first.

### **Responsibilities**

The Clerk is the Data Protection Officer for BPC. The Data Protection Officer will manage the information collected by the Council, issue Privacy Statements, deal with any requests and complaints, safely dispose of personal information and conduct an annual compliance audit.

To avoid conflict of interest, the Clerk will not determine the purposes or manner of processing personal data.

The Data Protection Officer may be contacted at: [clerk@branscombe.eastdevon.gov.uk](mailto:clerk@branscombe.eastdevon.gov.uk)

This Policy will be reviewed biannually.

**March 2019**