

Stainton & Streatlam Parish Council

PROTECTION POLICY

1 Introduction

An essential activity within the Council is the requirement to gather and process information about its elected members, employees and people in the community in order to operate effectively. This will be done in accordance with the Data Protection Act 1998 (the Act), and other related government legislation.

The Data Protection Act 1998 regulates the way in which certain information about employees and the public is held and used. The Parish Council considers that many of the principles in the Act represent good practice, hence the need to comply with the Act.

2 Aims and Scope of this Policy

This policy is intended to:

- Ensure all are aware of their responsibility regarding the Data Protection Act 1998.
- Set out the basic guidelines for employees and elected members.
- Provide a list of definitions to assist in the understanding of the Act.

3 Guidelines and Principles

Non adherence or disregard to any of the points below will be seen as a breach of this policy and the disciplinary procedure will be invoked which could result in a staff dismissal or prosecution.

To ensure compliance with the Data Protection Act 1998, the Council will:

- a) Acknowledge the rights of individuals to whom personal data relate, and ensure that these rights may be exercised in accordance with the Act;
- b) Ensure that both the collection and use of personal data is done fairly and lawfully;
- c) Ensure that personal data will only be obtained and processed for the purposes specified;
- d) Collect and process personal data on a need to know basis, ensuring that such data are fit for the purpose, are not excessive, and are disposed of at a time appropriate to their purpose;
- e) Ensure that adequate steps are taken to ensure the accuracy and currency of data;
- f) Ensure that for all personal data, appropriate security measures are taken, both technically and organisationally, to protect against damage, loss or abuse;
- g) Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council and that suitable safeguards exist at all times.

- h) All actions regarding data subject access requests will be logged. This audit trail will include details regarding the nature of the request, the steps taken to validate it, the information provided as well as any withheld, e.g. for legal reasons.
- i) Treat all employee and elected member data with respect and will not obtain or disclose unauthorised, inappropriate or excessive information about individuals.
- j) Respond to any information requests under the Data Protection Act within the 40 calendar day time frame.
- k) Provide details of exemptions if they apply to a specific request.
- l) Destroy or amend inaccurate information when brought to light and share this with others as appropriate in line with established procedure.
- m) Charge an administration fee of £10 for each request under the Data Protection Act 1998.

4 General Responsibilities

The Council requires all elected members and employees to comply with the Data Protection Act in relation to the information about other employees, elected members and service users.

The Council, acting as custodians of personal data, recognises its moral duty to ensure that all such data are handled properly and confidentially at all times, irrespective of whether held on paper or by electronic means. This covers the whole lifecycle, including:

- the obtaining of personal data;
- the storage and security of personal data;
- the use of personal data; and
- the disposal / destruction of personal data.

5 Specific Responsibilities

The Parish Clerk;

Ensures that any third party processing such information on the parish councils' behalf is contractually obliged to put in place similar measures.

Has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.

Will oversee the gathering and disseminating of information and issues relating to information security, the Data Protection Act and other related legislation and ensuring that all staff comply with current and future legislation.

Members are bound by this policy and must adhere to the guidelines. In law, each member is a data controller for any records kept and maintained by them on their own computer equipment or kept by them as a structured manual record, which is held by them in relation to 'case work' on behalf of constituents or in connection to canvassing, unless covered by a party-political registration.

6 Definitions

Personal Data

Any data relating to a living individual who can be identified from that information or from those data and other information in possession of the data controller. This includes name, address and telephone number.

Sensitive Data

Different from ordinary personal data (such as name, address, telephone) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. Sensitive data are subject to much stricter conditions of processing.

Data Controllers

Any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed.

Data Subject

Any living individual who is the subject of personal data held by an organisation.

Processing

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: Obtaining and recording data, accessing, altering, adding to, merging, deleting data, retrieval, consultation or use of data, disclosure or otherwise making available of data.

Third Party

Any individual/organisation other than the data subject, the data controller or its agents.

Relevant Filing System

Personal data as defined, and covered, by the Act can be held in any format, (including but not limited to) electronic (including websites and emails), paper-based, photographic, audio, CCTV, from which the individual's information can be readily extracted.

7 Data Types

The Council will ensure that information is not kept for longer than is necessary, and will only retain the minimum amount of information that it requires to carry out its functions and the provision of services, whilst adhering to any legal or statutory requirements. Documents and information will be stored and disposed of in line with the Council's Document Retention Policy.

Any information held within the Council is kept in the strictest confidence.

Service User Information

The Parish Council will need to keep information for purposes connected with service users' access to services and correspondence with the council. This

information will be kept throughout the period during which the service is provided and for as long as is necessary following completion.

These records may include:

- General correspondence
- Complaints
- Competition entrants
- Allotment tenancies
- Poppy Appeal and Remembrance Sunday volunteers

Employee Information

The Parish Council will need to keep information for purposes connected with an employee's employment, including recruitment and termination information. This information will be kept throughout the period of employment and for as long as is necessary following the termination of employment.

These records may include:

- Information gathered about an employee and any references obtained during recruitment;
- Details of terms of employment;
- Payroll, tax and National Insurance information;
- Performance information;
- Details of grade and job duties;
- Health records;
- Absence records, including holiday records and self-certification forms;
- Details of any disciplinary investigations and proceedings;
- Training records;
- Contact names and addresses; and
- Correspondence with the organisation and other information provided to the organisation.

The Council believes these uses are consistent with our employment relationship and with the principles of the Act.

Member Information

The Parish Council will need to keep information for purposes connected with a member's election and period of office. This information will be kept throughout the member's term of office and for as long as is necessary following the end of that term.

These records may include:

- Correspondence
- Declaration of interests
- Training information
- Code of Conduct complaints.