

Oulton Parish Council

Data Protection Policy

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Introduction

In order to conduct its business, services and duties, Oulton Parish Council processes a wide range of data 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 the Council offers, its mode of operations, and other information it is required to make available to the public;
- confidential information and data not yet in the public arena, such as ideas or policies that are being worked up;
- confidential information about other organisations because of commercial sensitivity;
- personal data concerning the Council's current, past and potential employees, councillors and volunteers;
- personal data concerning individuals who contact the Council for information, to access its services or facilities or to make a complaint.

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

Oulton Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and updated guidance from the Information Commissioner's Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of information which is not personal or confidential, the Council will be prepared to make this information available to its partners and members of the community. Details of information which is routinely available can be found in the Council's Publication Scheme, which is based on the statutory model publication scheme for local councils.

Protecting Confidential or Sensitive Information

Oulton Parish Council recognises it must, at times, keep and process sensitive and personal information about both 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 Regulation (GDPR) which became law on 25 May 2018 will, like the Data Protection Act before it, seek to strike a balance between the rights of individuals and the sometimes competing interests of those such as Oulton Parish Council which will be legitimate for using personal information.

Data Protection Terminology

Data Subject - means the person whose personal data is being processed. That may be an employee, prospective employee, member or prospective member of Oulton Parish Council, or someone transacting with the Council in some way, or an employee, member or volunteer of one of the Council's partner organisations or persons transacting or contracting with one of the Council's partner organisations when we process data for them.

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 photo, an address, date of birth, an email address, bank details, posts on social networking sites, or a 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. a Parish Council) determines the purposes 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 the information or data;
- 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.

Data Protection Act 1998 - the UK legislation that provides a framework for responsible behaviour by those using personal information.

Information Commissioner - the UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998 <https://ico.org.uk/>

Personal Data

This 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 the personal data is processed;
- accurate and, where necessary, kept up to date;
- kept in a form that permits identification of 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/organisational measures.

Oulton 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, by fulfilling contractual terms with other organisations and maintaining information required by law;
- monitor its activities including the equality and diversity of its activities;
- 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 of details about individuals who contact it for information, 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 to fulfil its objectives and purposes;
- carry out Council administration.

Where appropriate and governed by necessary safeguards, Oulton Parish Council will carry out the above processing jointly with other appropriate bodies from time to time.

Oulton Parish 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 the 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 to the processing of any sensitive personal information, where the Council will ensure that at least one of the following conditions is met:

- explicit consent of the individual;
- required by law to process the data for employment purposes;

- a requirement in order to protect the vital interests of the individual or another person.

Who is responsible for protecting personal data?

Oulton 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 clerkoulttonparishsuffolk@hotmail.co.uk or telephone 01502 730166).

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for Oulton Parish Council to contact or respond to the individual or conduct the transaction requested by the individual. By transacting with Oulton Parish Council, individuals are deemed to be giving consent for their personal data as provided to be used and transferred in accordance with this policy; however, wherever appropriate specific written consent will be sought. It is the responsibility of those individuals to ensure Oulton Parish Council is able to keep their personal data accurate and up to date. The personal information will not be shared with or provided to any third party without the individual's consent or used for any purpose other than that for which it was provided.

Oulton Parish Council will give guidance on personal data to employees, councillors, partners and volunteers through Privacy Notices and will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Information Security

Oulton Parish Council has a duty to ensure the security of personal data. We make sure your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is accomplished through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

We will not process any data relating to a child (under 16) without the express parental/guardian consent of the child concerned.

Rights of a Data Subject

Access To Information

An individual has the right to request access to the information we hold on them. They can do this by contacting our Parish Clerk.

Information Correction

If an individual believes the information we hold about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Parish Clerk.

Information Deletion

If an individual wishes the Council to delete information we hold about them, they may request this by contacting the Parish Clerk.

Right To Object

If an individual wishes the Council to delete information we hold about them, they may request this by contacting the Parish Clerk.

Rights Related To Automated Decision Making & Profiling

Oulton Parish Council does not use any form of automated decision making or profiling of individual personal data.

Complaints

If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk (email clerkoulttonparishsuffolk@hotmail.co.uk or telephone 01502 730166) and the Information Commissioner's Office (email casework@ico.org.uk or call 0303 123 1113).

Making Information Available

The Publication Scheme is a means by which Oulton Parish Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, the Publication Scheme specifies the classes of information the Council publishes or intends to publish. It is supplemented with further details of how this information can be obtained, which will hopefully make it easier for people to access the information.

All formal meetings of the Council and its committees are subject to statutory notice being given on the Council's website and the parish noticeboards. All formal meetings are open to the public and press and a public participation session is included in each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on the Council's website or from the Parish Clerk.

Occasionally, the Council or its committees may need to consider matters in private. Examples of this are matters involving the personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the

decision are stated. Minutes from all formal meetings, including the confidential parts, are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions, such as paying an invoice approved by the Council, but would include urgent action taken after consultation with the Chair, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amended the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of Council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable, and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

Oulton Parish Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.