

# BILBROOK PARISH COUNCIL

## Data Protection Policy

### Opening statement

Bilbrook Parish Council (collectively all of our councillors) is committed to complying with both the General Data Protection Regulation ('GDPR') and the Data Protection Act 2018. This policy sets out how we handle the personal data of our employees and other individuals.

The law applies to any information we control that relates to an identified individual or someone who can be identified from the information. Certain types of information are regarded as 'special'. These are information about an individual's race/ ethnicity, political opinions, religious or philosophical beliefs, their genetic, biometric or health information or their sex life or sexual orientation.

Extra care should be taken when dealing with this type of information.

This policy applies to all personal data we process regardless of the media on which that data is stored or whether it relates to past or present employees or other individuals.

As a public authority, we recognise that the correct and lawful treatment of this information will maintain the confidence of our employees and others in us. Protecting the confidentiality and integrity of personal data is something that the parish council takes extremely seriously. The parish is exposed to potential fines of up to EUR20 million depending on the breach, for failure to comply with the provisions of the GDPR.

This policy applies to all employees and councillors. Employees and councillors **must** read, understand and comply with this policy when processing personal data on our behalf. This policy sets out what the council expects from employees and councillors for the council to comply with the law. Compliance with this policy is mandatory.

Related policies and procedures/ guidelines are available to help you interpret and act per this policy. You must also comply with the related documents. Any breach of this policy may result in disciplinary action.

The parish council is ultimately responsible for securing compliance with this policy. Day to day enquiries should, however, be passed to South Staffordshire District Council

### Commitment to the (General Data Protection) principles

The Council (through its employees and councillors) will:

1. Process personal data **fairly, transparently** and only if there is a **legal basis** to do so. As part of this we will inform individuals (concisely and using clear and plain language so that they understand) of the following:
  - i. that we are the "data controller"
  - ii. our contact details;
  - iii. the name and contact details for any Data Protection Officer;
  - iv. the purposes for the processing of their information and the legal basis for the same;
  - v. the identity of any person/ organisation to whom personal data may be disclosed and,
  - vi. whether we intend to process personal data outside the European Economic Area.
  - vii. How long (as best we can) we will hold their information.
  - viii. Their rights

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[more information is given below]

2. Only collect personal data for **specified, explicit and legitimate** purposes. We must not further process any information in a manner that is **incompatible** with those original purposes;
3. Ensure that the personal data we collect is **adequate, relevant and limited** to what is **necessary** to carry out our functions etc.

We must only collect the personal data that is required to undertake our duties: we must not collect excessive data. We must ensure that any personal data collected is adequate and relevant for the intended purposes. We must ensure that when personal data is no longer needed for specified purposes, it is deleted or anonymised;

4. Ensure that the personal data we process is **accurate** and, where necessary, **kept up to date**. We must check the accuracy of any personal data at the point of collection and regular intervals afterwards. We must take all reasonable steps to destroy or amend inaccurate or out-of-date personal data.
5. Keep personal data in a form that identifies employees or other individuals for **no longer than is necessary** for the purposes that it was obtained.

**The council will periodically review what personal data is held and erase/destroy that which is no longer needed.**

6. Process personal data (whatever the source) in a manner that ensures **appropriate** security of the same including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Employees and councillors are responsible for protecting the personal data we hold. You must implement reasonable and appropriate security measures against unlawful or unauthorised processing of personal data and against any accidental loss of, or damage to it.

Employees and councillors must exercise particular care in protecting special personal data from loss and unauthorised access, use or disclosure.

**The council is responsible for and must be able to demonstrate, compliance with the six principles detailed above.**

### Personal data breaches

If there is a risk of harm to an individual then the Council will be required to notify any personal data breach to the Information Commissioner. If the risk is high we must tell the affected individual as well.

We have put in place procedures to deal with any suspected personal data breach and will notify individuals and the Information Commissioner where we are legally required to do so.

If employees or councillors know or suspect that a personal data breach has occurred they should contact the Parish Clerk **immediately**. Any evidence relating to the potential breach should be preserved.

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### Legal basis for processing employee and other individual personal data

The council generally processes **employee** personal data in the following circumstances:

- (a) To *perform a contract* where the employee is a party or *to take steps* at the request of the employee before entering into a contract;
- (b) Where the processing is *necessary for compliance with our legal obligations*, for instance, health and safety, payroll.
- (c) to further our *legitimate interests* – the efficient and effective operation of the Council.

We process **individual** client personal data with

- (a) their consent, or,
- (b) in the public interest or the exercise of official authority by us.

**\*\*Employees and councillors must always ensure that they have a lawful basis to process personal data before they process it.\*\***

### Consent

If the council processes personal data with a person's consent then for it to be valid consent the individual concerned **must** indicate agreement clearly either by a statement or by affirmative action. Silence or inactivity are unlikely to be sufficient. If consent is given in a document which deals with other matters, then the consent must be kept separate from those other matters.

Individuals must be easily able to withdraw consent to the processing at any time and withdrawal must be promptly honoured. Consent may need to be refreshed if the council intends to process personal data for a different and incompatible purpose which was not disclosed when the individual first consented.

The council will need to demonstrate that consent was given. Employees must keep records so that we can demonstrate compliance with the law.

### Special (sensitive) personal data

The council will **only** process this kind of information where an exception applies i.e. where it is necessary for employment/ social security purposes or, again, necessary for preventative or occupational medicine [delegated to a health care professional] to assess the capacity of the employee to work.

If the council relies on consent then this must be **explicit** i.e. employees must set out in writing what it is that the council wishes to do with the information and the individual must sign to indicate acceptance. As above a record must be kept.

### Rights

Individuals have rights when it comes to how we handle their personal data. These include rights to:

- (a) Withdraw consent to the processing at any time;
- (b) Receive certain information about our processing activities;
- (c) Request access to their personal data that we hold;

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- (d) Prevent our use of their personal data for direct marketing purposes;
- (e) Ask us to erase personal data if it is no longer necessary to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
- (f) Restrict processing in specific circumstances;
- (g) Challenge processing which has been justified based on our legitimate interests;
- (j) Prevent processing that is likely to cause damage or distress to them or anyone else;
- (k) Be notified of a personal data breach which is likely to result in a high risk to their rights and freedoms, and,
- (l) Make a complaint to the Information Commissioner.

Staff and Councillors must immediately forward any request to exercise one of the above rights to the clerk to the parish council.

In certain circumstances, we are permitted to restrict the above rights. Any restriction will be per the law

**Council use of processors**

If using a processor (people/ bodies who process employee and other individual personal information on our behalf to our order) the council will ensure that:

- a) It only uses processors who provide sufficient guarantees of having implemented appropriate technical and organisational measures to satisfy us that personal data will be safe.
- b) That the chosen processor does not engage another processor without our written authorisation.
- c) That any processing is governed by a contract that is binding on the processor and that sets out the subject-matter and duration of the processing, the nature and purpose of the processing and the type of personal data.
- d) That the processor will only process the personal data on documented instructions from us.
- e) That any person or organisation authorised to process personal data have committed themselves to confidentiality.
- f) That the processor deletes or returns all personal data to us after the end of the provision of the processing services.
- g) That the processor makes available to us all information necessary to demonstrate compliance with the above and to allow for and contribute to audits, including inspections etc.

**Changes to this policy**

The council reserves the right to change this policy at any time. If it does it will draw any changes to the attention of employees.