

Data Protection Policy: Mouldsworth Parish Council – April '22

Introduction

We are committed to a policy of protecting the rights and privacy of individuals. We need to collect and use certain types of Data in order to carry out our work in running Mouldsworth Parish Council. This personal information must be collected and handled securely.

Note: Having no employees and no village halls/playgrounds our 'data' is presently deemed to be limited to names and email addresses of parishioners in communication with us.

Note: The dates of birth and addresses/email addresses of Parish Councillors is deemed to be already in the public record.

The Data Protection Act 1998 (DPA) and General Data Protection Regulations (GDPR) govern the use of information about people (personal data). Personal data can be held on computers, laptops and mobile devices, or in a manual file, and includes email, minutes of meetings, and photographs.

The Parish Council will remain the **Data Controller** for the information held. The Parish Councillors are personally responsible for processing and using personal information in accordance with the Data Protection Act and GDPR.

Purpose

The purpose of this policy is to set out the Parish Council **commitment and procedures for protecting personal data.**

Definitions: The following are definitions of the terms used:

Personal Information – information about living individuals that enables them to be identified – e.g. names, addresses, telephone numbers and email addresses.

Data Subject – the individual whose personal information is being held or processed.

'Explicit' consent – is a freely given, specific agreement by a Data Subject to the processing of personal information about her/him.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Data Controller - the Parish Councillors who collectively decide what personal information the Parish Council will hold and how it will be held or used ('processed').

Data Processor – anyone processing data.

Data Protection Officer – not required – *see appendix.*

Act means the **Data Protection Act 1998**

General Data Protection Regulations - the legislation that requires responsible behaviour by those using personal information.

Information Commissioner's Office (ICO) - the ICO is responsible for implementing and overseeing the Data Protection Act 1998.

Note: Mouldsworth Parish Council pays an annual fee to be registered with the ICO.

The Data Protection Act contains 8 principles for processing Personal Data with which we must comply. **Personal data:**

1. Shall be **processed fairly and lawfully** and, in particular, shall not be processed unless specific conditions are met,
2. 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,
3. Shall be **adequate, relevant and not excessive** in relation to those purpose(s),
4. Shall be **accurate** and, where necessary, kept up to date,
5. Shall **not be kept for longer than is necessary**,
6. Shall be **processed** in accordance with the rights of Data Subjects under the Act,
7. 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.

Applying the Data Protection Act within the Parish Council

We will let people know why we are collecting their data, which is for the purpose of running the Parish Council. It is our responsibility to ensure the data is only used for this purpose. Access to personal information will be limited to Parish Councillors and occasionally other parishioners working with them on village surveys, plans etc.

Correcting data

Individuals have a right to make a **Subject Access Request (SAR)** to find out whether the Parish Council holds their personal data, where, and what it is used for. Also to have the data corrected if it is wrong, to prevent use which is causing them damage or distress, or to stop marketing information being sent to them. Any SAR must be dealt with within 30 days. Steps must first be taken to confirm the identity of the individual before providing information.

Responsibilities

The Parish Councillors are the 'Data Controller' under the Act, and are legally responsible for complying with the Act, which means that they determine what purposes personal information held will be used for.

The **Parish Council** will take into account legal requirements and ensure they are properly implemented, and will through appropriate management, strict application of criteria and controls ensure that the **information:**

- a) is collected and use **fairly**.
- b) has purpose and use **specified**.
- c) is limited to **operational needs**.
- d) is of appropriate **quality**.

The Parish Council will also ensure the **rights of people** about whom information is held, can be **exercised** under the Act. These include:

- i) the right to be **informed** that processing is undertaken.
- ii) the right of **access** to one's personal information.
- iv) the right to **correct** information which is regarded as wrong.

The Parish Council will take appropriate technical and organisational security measures to **safeguard** personal information.

Privacy Notice and Consent Policy - Operational Guidance

Email:

All Parish Councillors and volunteers should consider whether an email (both incoming and outgoing) will need to be kept as an official record. If the email needs to be retained it should be saved into the appropriate folder or printed and stored securely. Remember, emails that contain personal information no longer required for operational use, should be deleted from the personal mailbox and any "deleted items" box.

Phone Calls:

Phone calls can lead to unauthorised use or disclosure of personal information and the following precautions should be taken:

- Personal information should not be given out over the telephone unless you have no doubts as the caller's identity and the information requested is innocuous.
- If you have any doubts, ask the caller to put their enquiry in writing.

Laptops and Portable Devices:

All laptops and portable devices that hold data containing personal information must be protected with a suitable password.

Data Storage

Personal data will be stored securely and will only be accessible to authorised persons. Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately. For financial records this will be up to 7 years. Archival material such as minutes and legal documents will be stored indefinitely. Other correspondence and emails will be disposed of when no longer required or when Parish Councillors retire.

APPENDIX:

1. Does a Parish Council require a DPO?

A DPO or **Data Protection Officer** must be nominated by any public authority or body who is processing data. Therefore it was the general understanding that Parish Councils would fall under this ruling. However since GDPR came into effect the ICO have clarified the situation and state that under Section 7(3) of the DPA 2018 'a Parish Council in England is not a public authority for the purposes of the GDPR', and so if not a public authority for the purposes of GDPR then **they don't need to appoint a DPO.**

2. Notes for Parish Council meeting Annual GDPR Review:

RED: April 25th 2022 PC Meeting comments:

1. Confirm that the ICO **annual subscription** is paid. **YES March 2022**
2. Confirm that all Parish Councillors are **Data Controllers**. **YES confirmed at meeting**
3. Confirm that data held is presently limited to **names and email addresses** of consenting parishioners - consenting ('Explicit Consent') in that they have given us their email addresses for the purpose of communicating with them for some specified purpose. Discuss who holds this information if it is a lengthy list of parishioners. **YES confirmed at meeting.**
4. Confirm there are presently no other **Data Processors** other than the Parish Councillors. **YES confirmed at meeting**
5. List any **Subject Access Requests** made. **NONE**
6. Confirm that **email lists** have not been passed on to outside entities eg. for their marketing purposes. **Confirmed at meeting**
7. Discuss likelihood of **more personal data** being collected in the following year eg. by surveys etc. **NOT LIKELY**
8. Discuss the attitude of the Parish Council to holding **large numbers of parishioner email addresses** for the purposes of communicating eg. dates of upcoming Parish Council Meetings. Historically we have deemed the Parish Notice Board and access to the website to be of sufficient communication in this area. **CONFIRMED we want to avoid holding large parishioner email address lists.**

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