

BURWASH PARISH COUNCIL

Data Protection Policy

Date Adopted:

Review:

The Data Protection Policy has been adopted by Burwash Parish Council This policy is reviewed annually each year at the Annual General Meeting.

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1. Statement of Policy

- 1.1** In order to operate efficiently, The Parish Council has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means there are safeguards within the Act to ensure this.
- 1.2** The Parish Council regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the council and those with whom it carries out business. The council will ensure that it treats personal information lawfully and correctly. To this end the council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998.

2. The Principles of Data Protection

- 2.1** The Act stipulates that anyone processing personal data must comply with Eight Principles of good practice. These Principles are legally enforceable.
- 2.2** The Principles require that personal information:

- Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
 - Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
 - Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
 - Shall be accurate and where necessary, kept up to date;
 - Shall not be kept for longer than is necessary for that purpose or those purposes;
 - Shall be processed in accordance with the rights of data subjects under the Act;
 - Shall be kept secure i.e. protected by an appropriate degree of security;
 - Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.
- 2.3** The Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and “sensitive” personal data.
- 2.4** Personal data is defined as, data relating to a living individual who can be identified from:
- That data
 - That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.
- 2.5** Sensitive personal data is defined as personal data consisting of information as to:
- Racial or ethnic origin;
 - Political opinion;
 - Religious or other beliefs;
 - Trade union membership;
 - Physical or mental health or condition;
 - Sexual life;
 - Criminal proceedings or convictions.
- 2.6** When handling of personal/sensitive information the Parish Council will, through appropriate management and the use of criteria and controls:
- Observe fully conditions regarding the fair collection and use of personal information;
 - Meet its legal obligations to specify the purpose for which information is used;
 - Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
 - Ensure the quality of information used;
 - Apply checks to determine the length of time information is held;
 - Take appropriate measures to safeguard personal information;
 - Ensure that the rights of people about whom the information is held can be fully exercised under the Act. These include:
 - The right to be informed that processing is being undertaken;
 - The right of access to one’s personal information within the statutory 40 days;

- The right to correct, rectify, block or erase information regarded as wrong information.

3. Responsibilities

- 3.1** Burwash Parish Council is the Data Controller and must ensure that any processing of personal data for which they are responsible complies with the Act.
- 3.2** The Data Protection Officer is the Clerk, who acts on behalf of the council, and is responsible for:
- fully observing conditions regarding the fair collection and use of information
 - meeting the Council's legal obligations to specify the purposes for which information is used
 - collecting and processing relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements
 - ensuring the quality of information used
 - applying strict checks to determine the length of time that information is held
 - ensuring that the rights of the people whom information is held are able to be fully exercised under the Act
 - taking appropriate technical and organisational security measures to safeguard personal information
 - ensuring that personal information is not transferred abroad without suitable safeguards
 - ensuring that everyone managing and handling personal information:
 - fully understands that they are contractually responsible for following good practice in terms of protection
 - is adequately trained to do so
 - are appropriately supervised

4. Storage and retention

- 4.1** Personal data is kept in paper-based systems and/or on a password-protected computer system.
- 4.2** The council will keep different types of information for differing lengths of time, depending on legal and operational requirements. More information can be found in the council's Document Retention Scheme.

5. Access to information

- 5.1** Any employees, councillors, residents, customers and other data subjects have a right to:
- ask what personal information the council holds
 - ask what this information is used for
 - be provided with a copy of the information
 - be given details of the purposes for which the council uses the information and any other persons organisations to whom it is disclosed
 - ask that any incorrect data held is corrected

- 5.2** If it is felt by the data subject that any personal information held is incorrect the individual may request that it be amended. The council must advise the individual within 21 days whether or not the amendment has been made.

6. Breach of policy

- 6.1** Compliance with the Act is the responsibility of all councillors, residents, customers and members of staff. Any deliberate or reckless breach of the policy may lead to disciplinary action and where appropriate, legal proceedings.
- 6.2** Any individual who believes that the council has breached any of the requirements of the Data Protection Act 1998 should raise the matter with the Clerk:
- Clerk and Responsible Financial Officer
 - Burwash Parish Council, Parish Offices, High Street, Burwash, TN19 7EU
 - 07375-809-660
 - parishclerk@burwashpc.org.uk
- 6.3** Alternatively, a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.