

Latton Parish Council

Data Protection Policy

Introduction

To conduct its business, services and duties, Latton Parish Council (LPC) processes a wide range of data, relating to its own operations, and work with other agencies or contractors. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it 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 its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

LPC will adopt and maintain procedures to manage all data which it handles and will respect the confidentiality of both its own data and that belonging to other agencies. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

LPC will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

LPC will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to members of the Parish.

The General Data Protection Regulation (GDPR) which became law on 25th May 2018 and the Data Protection Act 1998 before then, seek to strike a balance between the rights of individuals and the, sometimes competing, interests of those such as the Parish Council with legitimate reasons for using personal information.

The policy is based on the GDPR requirements 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 they are 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 are 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 or organisational measures.

Data Protection Terminology

Data subject - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of the Parish Council, or someone transacting with it in some way, or persons transacting or contracting with one of our clients 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, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Latton Parish Council

Data Protection Policy

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and 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., 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 it
- 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.

Processing of Personal Data

LPC processes personal data 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.
- fulfil its duties in operating its premises including security
- assist regulatory and law enforcement agencies
- manage the cemetery records
- carry out Council administration.

If the Council processes your personal data (excluding special categories of personal data) in line with one of the above bases, it does not require your consent. Otherwise, the Council is required to gain your consent to process your personal data. If the Council asks for your consent to process personal data, then we will explain the reason for the request. You do not need to consent or can withdraw consent later.

The Council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Protecting Sensitive Personal Data

LPC will only process sensitive personal data (see above) on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement.
- where it is necessary to protect an individual's vital interests.
- where an individual has made the data public.
- where it is necessary for the establishment, exercise or defence of legal claims.
- where it is necessary for the purposes of occupational medicine or for the assessment of an individual's working capacity.
- where it is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates to only members or former members provided there is no disclosure to a third party without consent.

Latton Parish Council Data Protection Policy

- where it is necessary for reasons for substantial public interest based on law which is proportionate to the aim pursued and which contains appropriate safeguards.
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If the Council processes special categories of your personal data in line with one of the above bases, it does not require your consent. In other cases, the Council is required to gain your consent to process your special categories of personal data. If the Council asks for your consent to process a special category of personal data, then we will explain the reason for the request. You do not have to consent or can withdraw consent later.

Who is responsible for protecting a person's personal data?

LPC 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: clerk@latton-pc.gov.uk
- Phone: 07460420646
- Correspondence: The Parish Clerk, 29 Doubledays, Cricklade, Wilts, SN6 6AU

Information provided to us

Personal information such as name, address, email address, phone number that is provided to us will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with LMPC, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Council is able to keep their personal data accurate and up to date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

Data Security

LPC takes the security of HR-related personal data seriously. The Council has internal procedures and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the Council engages third parties to process personal data on our behalf, such parties do so based on written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Individual Rights

As a data subject, individuals have several rights.

Access to Information: an individual has the right to request access to the information we have on them. This will normally be in electronic form. If additional copies are required, the Council may charge a fee, which will be based on the administrative cost to the Council of providing the additional copies.

To make a subject access request, you should send the request to the Clerk or Chairman of the Council. In some cases, the Council may need to ask for proof of identification before the request can be processed. The Council will inform you if we need to verify your identity and the documents we require.

If a subject access request is manifestly unfounded or excessive, the council is not obliged to comply with it. Alternatively, the Council can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is

Latton Parish Council Data Protection Policy

likely to be manifestly unfounded or excessive where it repeats a request to which the Council has already responded. If an individual submits a request that is unfounded or excessive, the Council will notify them that this is the case.

Information Correction: If an individual believes that the information we have about them is incorrect, they may contact us so that we can update it and keep our data accurate.

Information Deletion: If an individual wants the Parish Council to delete the information they hold about them, they can request this, and we will investigate to see whether it is legal and appropriate for us to do so.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they can flag this with the Council for investigation.

To ask the Council to take any of these steps, you should send the request to the Clerk or Chairman of the Council.

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, Chairman or the Information Commissioners Office.

Adopted by Latton Parish Council October 2023