



# TAKELEY PARISH COUNCIL

## Information & Data Protection Policy

### Introduction

In order to conduct its business, services and duties, Takeley Parish Council processes a wide range of data, relating 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 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.

Takeley Parish Council has adopted procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisation's it works with and members of the public. 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.

Takeley Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners 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 all information which is not



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personal or confidential, it will be prepared to make it available to partners and members of the Parish's communities.

## **Protecting Confidential or Sensitive Information**

Takeley 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<sup>th</sup> May 2018 and, like the Data Protection Act 1998 before them, 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 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 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**



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

That may be an employee, prospective employee, associate or prospective associate of Takeley Parish Council or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, 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.

**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, employer, 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



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- aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

Takeley 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
- Fulfill functions with regard business activities to partners e.g. Essex County Council or Uttlesford District Council, however only for the query or resolution of purpose the public may have originally outlined, unless otherwise notified under acceptance to the respondent. (NB our partners will also have their own independent data processing policy).
- Fulfil its duties in operating the business premises including hire or security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers.
- process information including the recording and updating details about individuals who contact it for information, or 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 work to fulfil its objects and purposes.
- carry out Council administration.



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**The 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 e.g., finding answer to a public query.
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Parish 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 a person's personal data?**

Takeley 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: [clerk@takeleyparishcouncil.co.uk](mailto:clerk@takeleyparishcouncil.co.uk)
- Phone: 01279-902434
- Correspondence Address: (See website)

Note: Takeley Parish Council has been notified by the County Association that the Government has confirmed that a Data Protection Officer is not applicable to parish councils.



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Takeley Parish Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and 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.

## **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 us to contact, respond to or conduct the transaction requested by the individual. By transacting with (Takeley Parish Council), 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 Takeley Parish 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.

## **The Councils Right to Process Information**

General Data Protection Regulations (and Data Protection Act)

Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Council.

## **Information Security**

Takeley Parish Council cares to ensure the security of personal data. We will only keep your data for the purpose it was collected





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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 13) 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 have on them. They can do this by contacting our Parish Clerk or Data Protection Officer:

**Information Correction:** If they believe that the information, we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: Parish Clerk

**Information Deletion:** If the individual wishes Takeley Parish Council to delete the information about them, they can do so by contacting: Parish Clerk

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Parish Clerk

Takeley Parish Council does not use automated decision making or profiling of individual personal data.

Takeley Parish Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

### **Making Information Available.**

Takeley Parish Council and its committees give notice of future meetings either on the parish noticeboard (Old School Community Centre), or the council's formal website. The parish council does not



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have a statutory duty to publish information in multiple mediums or locations but may if it should choose to consider

alternative communication processes for operational or improved public engagement reason. This will be at the discretion of the council.

Takeley Parish Council resolve to be open about the provision of public data appreciating it will be integral to the Council's engagement with residents so that it drives accountability.

All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving 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.

The 2014 Regulations also amend 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 designate a separate area to ensure that children, the vulnerable and members of the public who initially object to being filmed are protected without undermining the broader purpose of the meeting. Such notification is placed on the council's agenda.

**Timely:** data will be published as soon as possible following council approval that the information is accurate.