

DATA PROTECTION POLICY



Whitwick Parish Council registered on 8 August 2011 under the Data Protection Act as a Data Controller, registration number Z2743425, and at all times use our best endeavours to comply with the terms of the Act in all our dealings with your personal data. As a local authority Whitwick Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 1998 and General Data Protection Regulation 2016. In 2018 it has re-assessed what data is held, the sources of data, how and where it is stored and who it is shared with. It has assessed what action might improve the strict procedures already in operation and will develop procedures accordingly as new guidance becomes available. The council has a Retention of Documents and Records Policy which is also regularly reviewed.

Whitwick Parish Council recognises its responsibility to comply with regulations on the use of personal data. This does not have to be sensitive data; it can be as little as a name and address. Whitwick Parish Council does not sell data or operate mailing lists for commercial gain. It does not endeavour to capture personal data from its website activities as the primary aim is to make council information available to the widest possible audience.

The above Acts set out how to handle personal information and protect individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The Data Protection Act applies to anyone holding personal information about people electronically or on paper.

1. This Privacy Policy is available to you because Whitwick Parish Council is the data controller for your data.
2. Personal data is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other local legislation relating to personal data and rights such as the Human Rights Act.
3. The council will process some or all of the following personal data where necessary to perform its tasks:
 - Names, titles, and aliases, photographs;
 - Contact details such as telephone numbers, addresses, and email addresses;
 - Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history,

academic/professional qualifications, hobbies, family composition, and dependants;

- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning sexual life or orientation.

4. Whitwick Parish Council will comply with data protection law and recognises its responsibility to be open with people when taking personal details from them. This means that councillors and staff must be honest about why they want a particular piece of personal information. If, for example, a member of the public gives their phone number to staff or a member of Whitwick Parish Council, this will only be used for the purpose it has been given and will only be disclosed as described to you e.g. with the relevant authority (often another tier of local government or the local police). Personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that staff and councillors have clearly explained to you in an open and honest manner and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

5. This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is possible that we will need to share your data with some or all of the following (but only where necessary):

- Our agents, suppliers and contractors. For example, we may in future ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

6. You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- The right to access personal data we hold on you
- The right to correct and update the personal data we hold on you
- The right to have your personal data erased
- The right to object to processing of your personal data or to restrict it to certain purposes only
- The right to data portability
- The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained.
- The right to lodge a complaint with the Information Commissioner's Office.

For more information, the council will follow ICO guidance when considering Subject Access Requests.

7. Transfer of data abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

8. Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

9. We keep this Privacy Policy under regular review, as indicated at the top of the page.

10. Please contact the Parish Manager if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints.

Disclosure of personal information

If an elected member of the council, for example a Councillor needs to access personal information to help carry out their duties, this is acceptable. They are only able to access as much personal information as necessary and it should only be used for that specific purpose. If, for instance, someone has made a complaint about over hanging bushes in a garden, a Councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry. They can only do this providing they represent the area that the subject lives in. However, before they access any sensitive personal information about a person, they would need consent to do this from the Parish Manager. Data should never be used for political reasons unless the data subjects have consented.

Confidentiality

Whitwick Parish Council councillors and staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

DATA BREACH PROCEDURE

A personal data breach is one that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

1. Notifying the Information Commissioners Office (ICO)

Currently, data breaches do not have to be routinely notified to the ICO or others although the ICO recommends that it is good practice so to do. However, guidance states that organisations should notify the Information Commissioners Office of a breach where it is likely to result in a risk to the rights and freedoms of individuals or if it could result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.

Data Breaches will be recorded using the ICO's online system: <https://ico.org.uk/for-organisations/report-a-breach/> and the following information should be provided:

- The potential scope and cause of the breach
- Mitigation actions the council plans to take
- Details of how the council plans to address the problem.

2. Notifying the Individual concerned

If a breach is likely to result in a high risk to the rights and freedoms of individuals (such as through identity theft) the council will notify those concerned.

3. Timescales

Under the GDPR, we are required to report a personal data breach, which meets the reporting criteria, and this will be the responsibility of the Parish Manager within 72 hours (of being made aware of the breach) to the Information Commissioner.

In line with the accountability requirements, all data breaches must be recorded by the parish council along with details of actions taken. This record will help to identify system failures and should be used to improve the security of personal data.

4. Notifying the council

If anyone (including a third party such as a payroll provider or bank) suspects that a data breach has occurred details of the alleged breach should be submitted immediately in writing to the Parish Manager.

Whitwick Parish Council receives professional advice to help it fulfil its legal responsibilities. Valuable sources of information and advice have contributed to this extended policy –the Information Commissioners Office, Leicestershire and Rutland Association of Local Councils, National Association of Local Councils and the Society of Local Council Clerks.