

HAMBLETON PARISH COUNCIL

DATA PROTECTION POLICY and INFORMATION PROTECTION POLICY

Introduction

Hambleton Parish Council recognises its responsibility to comply with the Data Protection Act 1988. The Act regulates the use of personal data. This does not have to be sensitive data: it can be as little as a name and address.

The Council will therefore follow procedures that aim to ensure that all employees, elected members, contractors, agents, consultants, partners, or other servants of the Council who have access to any personal data held by, on or behalf of, the Council, are fully aware of and abide by their duties and responsibilities under the Act.

The Data Protection Act

The Data Protection Act 1998 sets out standards for the handling of personal information and protecting individual's rights for privacy. The Act defines the word "data" as information which:

- a) Is being processed by means of equipment operating automatically in response to instructions given for that purpose
- b) Is recorded with the intention that it should be processed by means of such equipment
- c) Is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.
- d) Does not fall within paragraph a), b) or c), but forms part of an accessible record as defined by section 68, or
- e) Is recorded information held by a public authority and does not fall within paragraphs a) to d).

The Principles of Data Protection

The Act stipulates that anyone processing personal data must comply with Eight Principles of good practice. These are legally enforceable.

The Principles require that personal information:

1. **Shall be processed fairly and lawfully:** Personal information will only be collected from individuals if staff and Councillors have been open and honest about why the information is required.
2. **Data is processed for specific purposes only:** The information should only be used for the specific purposes disclosed.
3. **Data is relevant to what it is needed for:** The information will be monitored to ensure that only the data needed is held.
4. **Data is accurate and kept up to date:** Every effort will be made to ensure the information held is accurate and if not it will be corrected.
5. **Data is not kept longer than it is needed** – Information will be monitored on a regular basis and disposed of in a secure manner as appropriate.
6. **Data is processed in accordance with the rights of individuals:** Individuals will be informed, upon request, of all the personal information held about them.
7. **Data is held securely** – Only the Clerk can directly access the data. Councillors will be supplied with the relevant data on request. Information cannot be accessed by members of the public.
8. 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.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **sensitive personal data**.

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.

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.

In order to operate efficiently, the Council has to collect and use information about people with whom it works. This 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 the 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.

Storing and Accessing Data

Hambleton Parish Council recognises its legal responsibility to be honest about why a particular piece of personal information is needed and to protect its confidentiality by not disclosing it to anyone else. All personal information held by the Parish Council will be kept in a secure location and not available for public access. All such data stored on a computer will be password protected. Personal data will be monitored on a regular basis and shredded or deleted once it has served its purpose, is not needed any longer or is out of date. Except in exceptional circumstances and as agreed by the Council personal data will be kept for no longer than three years. The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data that is being held about them

- They will be sent all of the personal information that is being held about them
- There will be an explanation why it has been stored
- There will be a list of who has seen it
- It will be sent within 40 days

Disclosure of personal information

The Clerk is responsible for the safe storage of personal data. Information will be supplied to a councillor to help them carry out their duties, upon request. They will only receive as much information as necessary and they will only receive information relating to the area they represent. Data will not be used for political reasons unless the data subjects have consented.

Confidentiality

Hambleton 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.

Notification to the Information Commissioner

The Information Commissioner maintains a public register of data controllers.

The Parish Council is to be registered as such.

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

The Parish Clerk will review the Data Protection Register annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days.

To this end, any changes made between reviews will be brought to the attention of the Parish Clerk immediately

A fee to cover photocopying and postage charges will be charged to the person requesting the personal information. This fee will be agreed by the Council and amended in line with inflation from time to time. Currently this fee must not exceed £10.

Reviewed at a meeting held on 3rd January 2017

Chairman