



# Holybrook Parish Council

Proudly serving the residents of Holybrook Parish since 2000

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## General Data Protection Regulation Policy

### **POLICY STATEMENT**

Holybrook Parish Council recognises its responsibility to comply with General Data Protection Regulations.

### **IMPLEMENTATION**

This policy updates and enhances the Parish Council's Data Protection Policy and procedures to include the additional requirements of GDPR which will apply in the UK from 25<sup>th</sup> May 2018. This policy explains the duties and responsibilities of the Council and identifies how the Parish Council will meet its obligations.

### **DEFINITIONS AND MEANINGS**

'The Council' or 'Parish Council' shall refer to Holybrook Parish Council

GDPR: General Data Protection Regulation

ICO: Information Commissioner's Office

Data Controller: Determines the purposes and means of processing personal data.

Data Processor: A natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

### **IDENTIFYING THE ROLES AND MINIMISING RISK**

GDPR requires that everyone within the Parish Council must understand the implications of GDPR and that roles and duties must be assigned. The Parish Council is the Data Controller. Parish Council's under Section 7 of the Data Protection Act 2018 do not require a Data Protection Officer (DPO).

Personal data must be processed lawfully, fairly and transparently; collected for specified, explicit and legitimate purposes; be adequate, relevant and limited to what is necessary for processing; be accurate and kept up to date; be kept only for as long as is necessary for processing; and be processed in a manner that ensures its security.

The handling of information is seen as a high/medium risk to the Council (both financially and in terms of its reputation) and one which must be included in the Council's Risk Management Policy. Such risk can be minimised by undertaking an information audit; issuing privacy statements; maintaining privacy impact assessments (an audit of potential data protection risks with new projects); minimising who holds data protected information; ensuring the safe disposal of information; and the Parish Council undertaking training in data protection awareness.

GDPR requires continued care by the Council's staff and councillors in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the Parish Council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and to compensate the individual(s) who could be adversely affected. All suspected data breaches must be reported to the ICO as soon as is reasonably possible.

### **INFORMATION AUDIT**

Office staff must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the Parish Council will share that information. This will include information held electronically and/or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the Parish Council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy.

### **PRIVACY NOTICES**

Being transparent and providing accessible information to individuals about how the Parish Council uses personal data is a key element of the Data Protection Act 1998 and the General Data Protection Regulations (GDPR). The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what the Council does with their personal information. A privacy notice will contain the name of the Data Controller and appropriate officer; the purpose for which the information is to be used; and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice must be detailed on the information kept by the Parish Council. The Parish Council has adopted a privacy notice, although some changes could be needed depending on the situation, for example where children are involved.

## **CHILDREN**

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the Parish Council requires consent from young people, under 13, the Council must obtain a parent or guardian's consent to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

## **INDIVIDUALS' RIGHTS**

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed.
- the right of access.
- the right of rectification.
- the right to erasure.
- the right to restrict processing.
- the right to data portability.
- the right to object.
- the right not to be subject to automated decision-making, including profiling.

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometimes known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected, and data portability must be completed free of charge. Data portability refers to the ability to move, copy or transfer data easily.

If a request is received to delete information, the Clerk must respond to this request within a calendar month. The Clerk has the delegated authority from the Parish Council to delete information.

If a request is considered manifestly unfounded then the request can be refused.

## **DATA BREACHES**

One of the duties assigned to the delegated officer is the investigation of any breaches. Personal data breaches should be reported to the delegated officer for investigation. The officer will conduct this with the support of the Human Resources Committee and/or the Clerk (if the Clerk is not the delegated officer). Investigations must be undertaken within one calendar month of the report of a breach. The ICO will be advised of a breach (within 3 working days) where it is likely to result in a risk to the rights and freedoms of individuals; if,

for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly. It is unacceptable for non-authorised users to access IT using employees' log-in passwords or to use equipment while logged on. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Parish Council, for example, the discussion of internal council matters on social media sites could result in damage to the Parish Council's reputation and to individuals.

### **ACTION TO BE TAKEN**

The main actions arising from this policy are:

- A copy of this policy will be made available on the Parish Council's website. The policy will be considered as a core policy of the Council.
- Privacy notices must be issued.
- Data Protection will be included in the Parish Council's Risk Management Policy.
- The Clerk's contract and Job Description will be amended to include additional responsibilities relating to Data Protection.
- An information audit will be conducted and reviewed at least annually, or when projects and services change.

### **POLICY REVIEW**

This policy will be reviewed at least annually or when further advice is issued by the ICO. All employees, volunteers and councillors are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Parish Council.

This policy was approved and adopted by Holybrook Parish Council at its meeting held on:

<b>Original Copy</b>	<b>Date of review approval</b>	<b>Version number</b>	<b>Date of next review</b>
June 2018	Monday 13 <sup>th</sup> May 2024	V3	May 2025