



Holybrook Parish Council

Proudly serving the residents of Holybrook Parish since 2000

The Parish Office
Beansheaf Community Centre
Charrington Road
Calcot
Reading RG31 7AW

Tel: 0118 9454339
e-mail: clerk@holybrook-pc.gov.uk
www.holybrook-pc.gov.uk

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 have applied in the UK from 25th May 2018 and were subsequently updated 1st January 2021 following the UK's exit from the EU. 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. Under the UK GDPR, Parish Councils are not automatically required to appoint a Data

Protection Officer (DPO) unless they process large volumes of sensitive personal data or monitor individuals systematically. Holybrook Parish Council does not require a 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, which must be completed free of charge, applies where the processing is based on consent or contract carried out by automated means. 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 qualifying breach within 72 hours of the Council becoming aware of it and 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:

Original Copy	Date of review approval	Version number	Date of next review
June 2018	12 th May 2025	V4	May 2026