



Itchen Valley Parish Council

Itchen Valley GDPR/Data Protection Policy

Purpose of the policy and background to the General Data Protection Regulation

This policy explains to councillors, Parish Clerk and the public about GDPR. 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.

Data Protection Policy

Itchen Valley Parish Council recognises its responsibility to comply with the Data Protection Act 1998 and the General Data Protection Regulation. The Act and Regulation regulate the use of personal data. This does not have to be sensitive data, it can be as little as a name and address.

The Data Protection Act:

The Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used. The Data Protection Act applies to anyone holding information about people electronically or on paper.

The General Data Protection Regulation:

The General Data Protection Regulation 2018 says that the information provided to people about how we process their personal data must be concise, transparent, intelligible and easily accessible, written in clear and plain language, particularly if addressed to a child and free of charge.

Itchen Valley Parish Council has several procedures in place to ensure that it complies with The Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation 2018 (GDPR) when holding personal information.



Itchen Valley Parish Council

Itchen Valley Parish Council has appointed the Parish Clerk as the designated Data Protection Officer. The Parish Clerk will receive training for this role, as required.

Collecting Data

Itchen Valley Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number to the Parish Clerk or an Itchen Valley Parish Council member, this will only be used for the purpose it has been given and will not be disclosed to anyone else. Data may be collected via the Parish Council's website.

Storing and Accessing Data

Itchen Valley Parish Council may hold information about individuals such as their addresses and telephone numbers. These are kept in a secure location at the Parish Clerk's place of residence and are not available for the public to access. All data stored on a computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

The Parish Council is aware that people have the right to access any information that is held about them. If a person requests to see any data that is being held about them:

- They must be sent all the information that is being held about them
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within one month
- Requests that are manifestly unfounded or excessive may be refused or a charge made
- If a request is refused, a reason must be given.

If an individual requests that their data is rectified or erased, this will be carried out. (See link – Subject Access Request Form) Appendix 3.



Itchen Valley Parish Council

Disclosure of Information

If an elected member of the council, for example a councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose. If for instance someone has made a complaint about overhanging 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. Data should never be used for political reasons unless the data subjects have consented.

Confidentiality

Itchen Valley Parish Council Clerk 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.

If a data breach is identified the ICO must be informed and an investigation will be conducted.

Identifying the roles and minimising risk

GDPR requires that everyone within the council must understand the implications of GDPR and that roles and duties must be assigned. The Itchen Valley Parish Council Finance & General Purposes Committee is the data controller and has appointed the Clerk as Data Protection Officer (DPO). It is the DPO's duty to undertake an information audit and to manage the information collected by the council. A council must adhere to the issuing of privacy statements, dealing with requests and complaints raised and the safe disposal of information.

GDPR requires continued care by everyone within the council, councillors, clerk and contractors, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the 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. Therefore, the handling of information is seen as high/medium risk to the council (both financially and reputationally) and one which must be included in the Risk Management Policy of the council. Such risk can be



Itchen Valley Parish Council

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 and the council undertaking training in data protection awareness.

Data breaches

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the council. Investigations must be undertaken within one month of the report of a breach. Procedures are in place to detect, report and investigate a personal data breach. The ICO will be advised of a breach (within 3 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.

Parish Clerk and councillors must be careful not to use IT in any way that can be deemed unacceptable conduct, for example the discussion of internal council matters on social media sites could result in reputational damage for the Council and to individuals.

Privacy Notices

Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the DPA and the GDPR. The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what a council does with their personal information. A privacy notice will contain the name and contact details of the data controller and Data Protection 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 Audit kept by the council. The council has adopted a privacy notice to use – see link and appendix 2. All privacy notices must be verifiable.



Itchen Valley Parish Council

Information Audit

The DPO 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 council will share that information. This will include information held electronically 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 council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted.

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

Individuals now have a right to have their personal data erased (sometime 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 done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

If a request is received to delete information, then the DPO must respond to this request within a month. If a request is considered to be manifestly unfounded then the request could be refused, or a charge may apply. The charge will be as detailed in the council's Freedom of Information Publication Scheme. The council will be informed of such requests.



Itchen Valley Parish Council

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 council requires consent from young people under 13, the council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

Summary

The main actions arising from this policy are:

- The Council must be registered with the ICO.
- A copy of this policy will be available on the Council's website. The policy will be considered as a core policy for the Council.
- An information audit will be conducted and reviewed at least annually or when projects and services change.
- Copy of the Itchen Valley Parish Council Privacy Notices are shown on the Parish Council's website see- link and Appendix 2.
- Data Protection will be included on the Council's Risk Management Policy.

This policy document is written with current information and advice. It will be reviewed at least annually or when further advice is issued by the ICO.

Clerk, contractors and councillors are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Council.

Reviewed: 1 November 2019

Adopted by Council: 7 November 2019

Minute Number: 19.0371

Signed: Chairman Cllr P Appleby

Date: 7 November 2019