

Information & Data Protection Policy

Introduction

Aldenham Parish Council (APC) is fully committed to comply with the requirements of the Data Protection Act 2018. 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 or on behalf of the council, are fully aware of and abide by their duties and responsibilities under the Act.

In order to conduct its business, services and duties APC processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services we offer, its mode of operations and other information we are required to make available to the public.
- Confidential information and data not yet in the public arena such as draft policies and procedures.
- Confidential information about other organisations or contractors because of commercial sensitivity.
- Personal data concerning APC current, past and potential employees, councillors and volunteers.
- Personal data concerning individuals who contact APC for information, to access services provided by APC or to make comment/complaint.

APC will adopt procedures regarding the data it handles and will respect the confidentiality of both its own data and that belonging to any partner organisations including members of the public. In some cases, APC will have contractual obligations towards confidential data as well as specific legal responsibilities for personal and sensitive information under the Data Protection Act 2018.

APC will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, APC will be prepared to make this data available to partners and the wider community.

Protecting Confidential or Sensitive Information

Sensitive data includes information about racial or ethnic origin; political opinions; religious or other beliefs; trade union membership; medical information; sexual orientation; genetic and biometric data; or information related to offenses or alleged offences where it is used to uniquely identify an individual.

The Data Protection Act 2018 ensures that there is a balance between the rights of the individuals and APC as a public body which has legitimate reasons for using public information.

The Six Data Protection Principles

The Acts stipulate that anyone processing personal data must comply with **Six Principles** of good practice, which this policy seeks to adhere to. These are:

1. That the data is used fairly, lawfully and transparently
2. That the data is used for specified, explicit purposes
3. That the data is used in a way that is adequate, relevant and limited to only what is necessary
4. That the data is accurate and, where necessary kept up to date.
5. That the data is kept for no longer than is necessary
6. That the data is handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss destruction or damage.

APC processes personal data in order to:

- Fulfils its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- Monitor its activities including the equality and diversity of its activities.
- Fulfil its duties in operating its business premises including security.
- Assist regulatory and law enforcement agencies
- Process information including the recording and updating details about APC employees, councillors, partners and volunteers.
- Process information including the recording and updating details about individuals who contact APC for information, or to access a service, or make a complaint.
- Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the council.
- Carry out council administration.

APC will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing.
- Processing is necessary for the performance of a contract or agreement with the individual.
- Processing is required under a legal obligation.
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and APC will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for APC to contact, respond or conduct the transaction requested by the individual. By transacting with APC, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy., however, where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that APC is able to keep their personal data accurate and up to date. The personal information will not be shared or provided to any other third party except where absolutely necessary or be used for any purpose other than that for which it has been provided.

Information can be provided to APC in person at the council offices, by hard copy letters, and by e-mail or via the APC website contact form. APC as administrator of the website ensures all data held is secure as access is restricted and password protected.

APC's right to process information

These are covered under General Data Protection Regulations (and Data Protection Act) Article 6 (1)(a), (b) and (e)

- Processing is with consent of the data subject or
- Processing is necessary for compliance with a legal obligation or
- Processing is necessary for the legitimate interests of the Council.

Information Security

APC ensures the security of personal data by making sure that all information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and policies.

APC will only keep data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

If there is a breach of security, the PCM must contact the Information Commissioner's Office (ICO) within 72 hours of becoming aware of it and a log detailing the breach must be maintained. Individuals known as Data Subjects must be informed of the breach if their rights and freedoms are at risk.

Children

APC will not process any data relating to a child (under13) without the express parental/guardian consent of the child concerned.

Rights of a Data Subject to be informed

APC informs the public of their rights through its generic privacy notice which is displayed on the website.

An individual known as a data subject has a right to request access to the information that APC hold on them which is called a subject access request. They can do this by contacting the Data Protection Officer (PCM). This information is provided free of charge within one month of the request, this can be extended to two months if the request is complex.

If an individual believes that the information APC holds about them is incorrect, they may contact the Data Protection Officer so that it can be updated to ensure their data held is accurate. This correction must be carried out within one month of this request and two months if the request is complex.

If an individual wishes APC to delete the information about them, they can request this by contacting the Data Protection Officer. This is not an absolute right and will only apply in certain circumstances.

If an individual contests the accuracy of the data or objects to the processing of it, they can do so by contacting the Data Protection Officer. Likewise, if the individual believes that their data is not being processed for the purpose it has been collected for, they may object by contacting the Data Protection Officer.

If the individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Data Protection Officer or the Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 123 1113 or e-mail casework@ico.org.uk.

This policy was adopted by Aldenham Parish Council at its meeting of ----- and will be reviewed when necessary.

THIS POLICY MUST BE COMPLIED WITH AT ALL TIMES.