

CHAGFORD PARISH COUNCIL

DATA PROTECTION POLICY

Purpose

Chagford Parish Council is committed to being transparent about how it collects and uses the personal data of staff, and to meeting our data protection obligations. This policy sets out the council's commitment to data protection, and your rights and obligations in relation to personal data in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This policy applies to the personal data of current and former job applicants, employees, workers, contractors, and former employees, referred to as HR-related personal data. This policy does not apply to the personal data relating to members of the public or other personal data processed for council business.

The council has appointed the Clerk, as the person with responsibility for data protection compliance within the council. Questions about this policy, or requests for further information, should be directed to them.

Data Protection Officer. It is not necessary for the council to have a Data Protection Officer.

Definitions

"Personal data" is any information that relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information. It includes both automated personal data and manual filing systems where personal data are accessible according to specific criteria. It does not include anonymised data.

"Processing" is any use that is made of data, including collecting, recording, organising, consulting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data as well as criminal convictions and offences.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Special categories of data

The council will only process special categories of your personal data (see above) on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement;
- where it is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent;
- where you have made the data public;
- where it is necessary for the establishment, exercise or defence of legal claims;
- where it is necessary for the purposes of occupational medicine or for the assessment of your working capacity;
- where it is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates to only members or former members provided there is no disclosure to a third party without consent;

- where it is necessary for reasons for substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards;
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If the council processes special categories of your personal data in line with one of the above bases, it does not require your consent. In other cases, the council is required to gain your consent to process your special categories of personal data. If the council asks for your consent to process a special category of personal data, then we will explain the reason for the request. You do not have to consent or can withdraw consent later.

Awareness

All councillors will be made aware of the Data Protection Policy, and the requirements of the GDPR.

All need to be aware of the impact of a breach. The Data Protection Policy needs to be adopted by a formal resolution at a Council meeting and reviewed annually.

Accountability

Data handling processes will be reviewed on an annual basis and the clerk will regularly check for changes in data protection laws that require changes to our processes. Chagford Parish Council is registered with the Information Commissioner's Office and has adopted this Data Protection Policy.

Information we hold

The Parish Council keeps personal data that is necessary for the legitimate interests of the organisation. We keep names, job titles, email addresses, phone numbers and home addresses of those who we have need to be in regular contact with.

Data comes from those who we work with, or who supply data to us in order for us to collaborate or inform. We do not share data outside the EEA without specific, explicit permission.

The council will update HR-related personal data promptly if you advise that your information has changed or is inaccurate. You may be required to provide documentary evidence in some circumstances.

Data protection by design

Personal data is not left displayed on screen.

Personal data can be deleted upon request from a subject.

Personal data is not given out to other parties unless specific explicit permission has been obtained. This includes the use of blind carbon copy on any group emails outside the organisation.

Personal data shown on papers that are required to be made public (such as correspondence and meeting papers) is redacted before being made public, unless specific explicit permission has been obtained.

Any staff employed will be given data protection advice and training before being granted access to personal data.

All those within the organisation (councillors) are aware of the importance of data protection.

The clerk will regularly check the contact details that we hold and delete anything that is inaccurate or no longer relevant.

Council has no need for a Data Protection Impact Assessment as our processing is unlikely to result in a high risk to the rights and freedoms of individuals. This will be reviewed regularly.

Lawful Basis for processing data

We process data because it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Consent

When consent is required to share data outside of the organisation, the subject will be contacted, and consent will be clearly requested. This consent will be recorded in a document so that it can be presented for a data protection audit.

Children

Council does not hold data relating to children.

Freedom of Information Requests

These must be responded to within 20 working days. Fees as outlined in Council's Freedom of Information Guide. It is reasonable to enquire why information is requested in order to better satisfy the request. Requests will be satisfied by the Clerk.

Communicating Privacy Information

Privacy notices will be made available on our website.

Individuals Rights

Steps will be taken to ensure that the rights of the individual will be maintained. The GDPR includes the following rights:

- the right to be informed,
- the right of access,
- the right to rectification,
- the right to erasure,
- the right to restrict processing,
- the right to data portability,
- the right to object
- rights in relation to automated decision making and profiling.

Requested data must be provided in a structured, commonly used form. It must also be provided free of charge. If personal data concerns more than one individual, it must be considered whether providing the information would prejudice the rights of any other individual.

Subject Access Requests

Subject access requests must be responded to within a reasonable time frame, no longer than a month. This can be extended by a further two months if requests are complex or numerous, but individuals must be informed. No fee may be charged. Requests will be satisfied by the Clerk.

Data Breaches

In the event of a significant breach of data such as a hack, or mistake regarding the sharing of personal data, any potential victim will be informed as soon as possible.

International

Chagford Parish Council does not operate outside of the United Kingdom.

General Data Protection Principles

This applies to both automated personal data and manual filing systems.

In accordance with the following data protection principles the council:

- processes personal data lawfully, fairly and in a transparent manner
- collects personal data only for specified, explicit and legitimate purposes
- processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing
- keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay
- keeps personal data only for the period necessary for processing
- adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage

The council will tell you of the personal data it processes, the reasons for processing your personal data, how we use such data, how long we retain the data, and the legal basis for processing in our privacy notices.

The council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it. The council will not process your personal data if it does not have a legal basis for processing.

The council keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

This policy was adopted by Chagford Parish Council on

Signed by

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Chairman

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