



Langton Matravers Parish Council

Data Protection Policy

Introduction

Langton Matravers Parish Council (LMPC) is committed to a policy of protecting the rights and privacy of staff, volunteers, suppliers and other data subjects whose data is stored and/or processed by the council.

Principles

As required by the GDPR, LMPC will register with the Information Commissioner's Office (ICO) and will be responsible for, and be able to demonstrate, compliance with the 6 principles of GDPR that data shall be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- kept no longer than is necessary
- processed securely

Lawful basis

As a public authority all of LMPC's processing is covered by the lawful basis of "Public Task" However, in addition, the council has decided to include the lawful bases of "Contract" and "Legal Obligation".

Reasons/purposes for processing information

The Council process personal information to enable it to:

- deliver the functions and services of a parish council
- support and manage our employees and volunteers
- maintain our own accounts and records
- administer council property

For the avoidance of doubt, LMPC will not use automated individual decision-making system or profiling systems as part of its processing.

Data Sharing and Data Retention

Where necessary LMPC shares information with:

- family, associates and representatives of the person whose personal data is being processing

- other councils
- current, past or prospective employers
- central and local government
- healthcare professionals
- social and welfare organisations
- courts and tribunals and coroners
- suppliers (including professional advisors)
- voluntary and charitable bodies
- press and the media
- financial organisations

LMPC will not share data directly or indirectly with marketing or market research organisations other than those that may be required by central government or higher tiers of local authority.

LMPC will hold data for no longer than is necessary. Though the Council may, in the public interest, continue to hold some data for archival, statistical and/or research purposes. The Council's personal data retention schedule is attached as Annex 1

Processing of Special Category and Criminal Offence data

LMPC recognises its legal obligations when processing sensitive data. It will therefore only collect, store and process such data when it is necessary for the purposes of carrying out its obligations and exercising specific rights in the field of employment, social security, and social protection law.

Right of Data Subjects to be informed

LMPC will publish a number of documents on the council web site. These will include: the data processing statement, privacy notices (PNs), the data protection policy and security policy. Staff PNs will also be included in appropriate induction packs. Sole trader will be made aware of the supplier PN at the time of the first purchase order. Allotment tenants and cemetery applicants will be made aware of their respective PNs at the time of the first tenancy/cemetery agreement.

Other Data Subject Rights

LMPC recognises an individual's right to request access to their own data and in certain circumstances to seek: rectification, erasure, processing restrictions, data porting as well as the right to object. LMPC will, after confirming the identity of the individual, seek to handle such requests within a reasonable period of time, which will be no longer than a month unless the request is particularly onerous. LMPC may refuse a request if it is unfounded, repetitious or vexatious, in such a case LMPC will advise the individual of their right to register a complaint with the ICO. LMPC will not levy a charge to process an individual's request except in those cases where the request is manifestly unfounded, excessive and/or repetitious, in which case a reasonable charge will be levied that takes account of the administrative costs.

An Individual's right to access is not unlimited. Individuals do not have the right to access data that might adversely affect the rights and freedom of others. This includes information relating to LMPC's right to establish and exercise a defence of a legal claim and may also include data relating to succession planning.

LMPC will seek to rectify incorrect data as soon as possible. However, an individual's right to rectification does not apply to information which is recorded as an opinion, as may be the case in staff appraisals. An individual's right to erasure and to restrict processing does not apply if processing is covered by the legitimate and lawful purpose of "public task". For all "data porting" requests LMPC will use its best endeavours to make that data, which was provided by the data subject, available to the new data controller in a suitable format.

Individuals have grounds to object to the publication of their visual image and their data being used for direct marketing purposes. In the former case, LMPC will, prior to the publication of any images on the council web site or other publication, inform relevant parties of their right to object to the inclusion of their image. LMPC will use all reasonable endeavours to temporarily cease processing data, which is subject to an objection, unless they can demonstrate compelling legitimate grounds for not doing so or the processing is necessary for establishment, exercise or defence of legal claims. Any temporary cessation will continue until the Council's investigation is complete. If the objection is upheld then the temporary cessation becomes permanent otherwise processing can re-commence.

Contracts and International data transfers

LMPC will not transfer personal data outside the EEA except to those countries or international organisation which are deemed by ICO to provide adequate levels of protection. When LMPC uses a third party to process data on its behalf it will enter into a contract with the processor. The contract will set out the subject matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subject and the obligations and rights of the controller. The contract will contain the following clauses requiring the processor to:

- only act on the written instructions of LMPC;
- ensure that people processing the data are subject to a duty of confidence;
- take appropriate measures to ensure the security of processing;
- only engage sub-processors with the prior consent of the controller;
- assist the council in allowing data subjects to exercise their rights under GDPR;
- assist the council in meeting its obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;
- delete or return all personal data to LMPC as requested at the end of the contract;
- submit to audits and inspections;
- provide LMPC with whatever information it needs to ensure that they are both meeting their Article 28 obligations;
- tell LMPC immediately if it is asked to do something infringing the GDPR or other data protection law of the EU or a member state;
- undertake processing within the EEA unless they are an international organisation that has been accredited by the ICO or the processing will be undertaken in a country that has been approved by the ICO.

Data Protection by Design

LMPC will ensure that privacy and data protection is a key consideration when:

- building new systems for storing or accessing personal data;
- developing policy or strategies that have privacy implications;
- embarking on a data sharing initiative;
- using data for new purposes.

Data Protection Impact Analysis (DPIA)

LMPC will undertake a DPIA before it begins any type of processing which is “likely to result in a high risk”. That is where there is a potential for a widespread or serious impact on individuals.

Responsibilities

The policy applies to all staff, volunteers and Councillors of LMPC. Staff are responsible for compliance with the GDPR, any breach is considered to be a breach of contract and may result in disciplinary procedures. The Council and clerk will promote a positive culture of compliance, providing appropriate training as and when required.

Parish Clerk

The parish clerk will

- inform and advise the Council and employees about their obligations to comply with the GDPR;
- monitor compliance with the GDPR together with the data protection and security policies, raising awareness of data protection issues, training staff and conducting internal audits;
- advise on and monitor DPIAs;
- cooperate with the ICO and
- be the first point of contact for the ICO and for individuals whose data is processed;
- report data breaches

Data Breaches

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. When a personal data breach has occurred, the clerk will establish the likelihood and severity of the resulting risk to people’s rights and freedoms. If it’s likely that there will be a risk then the clerk will notify the ICO within 72 hours. If the breach is likely to result in a high risk of adversely affecting individuals’ rights and freedoms, the clerk will also inform those individuals without undue delay.

Security

LMPC will ensure the confidentiality, integrity and availability’ of its systems & services and the personal data processed within them. The Council’s measures to restore access and availability to personal data in a timely manner in the event of a physical or technical incident can be found in the Council’s security policy.

Personal Data Retention Schedule

Langton Matravers Parish Council seeks to hold personal data for no longer than is reasonable. It is required by law to retain certain information for minimum periods of time. The Council may, in the public interest, continue to hold some data for archival, statistical and/or research purposes or when necessary retain data for the purpose of the establishment, exercise or defence of legal claims.

TYPE OF RECORD	RETENTION PERIOD
Legal Records	Indefinite
Finance Records	Current financial year plus a further 6 years
Employee Records except salary records and work related injuries interview related records of unsuccessful applicants <i>disciplinary records</i>	Date last employed plus a further 7 years <i>Indefinite</i> <i>Date of interview plus 6 months</i> <i>In accordance with council policies</i>
Complaint records	Date of resolution plus a further 6 years