

## **COMPTON DANDO PARISH COUNCIL**

### **DATA PROTECTION POLICY including PRIVACY NOTICE**

This Data Protection Policy was adopted by the Council on 15<sup>TH</sup> August 2017

#### **Introduction**

The Parish Council collectively is responsible for ensuring personal and sensitive data is retained correctly. The Council has registered with the ICO and only the Clerk will be the Data Controller and will be responsible for storing all personal data. Individual Councillors will not hold any personal data.

In 2003 Compton Dando Parish Council registered with the Information Commissioner's Office (ICO) to ensure that Parish Council data is kept properly.

This policy sets out the Council's responsibility to comply with the Data Protection Act 1998. The Act regulates 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 standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The Act defines the word "data" as information which:

- a) Is being processed by means of equipment operating automatically in response to instructions given for that purpose
- b) Is recorded with the intention that it should be processed by means of such equipment
- c) Is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.
- d) Does not fall within paragraph a), b) or c), but forms part of an accessible record as defined by section 68, or
- e) Is recorded information held by a public authority and does not fall within any paragraphs a) to d).

#### **Data Protection Act Principles**

The Act stipulates that anyone processing personal data must comply with eight principles of good practice. These Principles are legally enforceable and require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met.
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.
4. Shall be accurate and where necessary, kept up to date.
5. Shall not be kept for longer than is necessary for that purpose or those purposes.
6. Shall be processed in accordance with the rights of data subjects under the Act.
7. Shall be kept secure i.e. protected by an appropriate degree of security.

8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and “sensitive” personal data. Personal data is defined as, data relating to a living individual who can be identified from:

That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

In order to operate efficiently, The Parish Council on occasion has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means there are safeguards within the Data Protection Act to ensure this.

Compton Dando Parish Council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998, and has a number of procedures in place to ensure that it complies with the Data Protection Act 1988 when holding personal information.

### **Storing and accessing data**

Compton Dando Parish Council recognises its responsibility to be open and transparent with people when taking personal details from them and must be honest about why they want a particular piece of personal information.

Compton Dando Parish Council may hold personal information about individuals such as their addresses and telephone numbers. These will be securely kept within the

Parish Councils files and are not available for public access. All data stored on a computer used for Parish Council work is password protected. Once data is not needed any more, is out of date or has served its use and falls outside the minimum retention time of Council's document retention policy, it will be shredded or securely deleted from the computer.

All Data Subjects have the right to access the information the Parish Council holds about them. Compton Dando Parish Council will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

The Privacy and Electronic Communications Regulations (PECR) sit alongside the Data Protection Act. These regulations give people specific privacy rights in relation to electronic communications.

There are specific rules on:

- marketing calls, emails, texts and faxes;
- cookies (and similar technologies);
- keeping communications services secure; and
- customer privacy as regards traffic and location data, itemised billing, line identification, and directory listings.

### **Notification to the Information Commissioner**

The Information Commissioner maintains a public register of data controllers. The Parish Council is registered as such. The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence. The Parish Clerk will review the Data Protection Register annually, prior to notification to the Information Commissioner. Any changes to the register must be notified to the Information Commissioner, within 28 days. To this end, any changes made between reviews will be brought to the attention of the Parish Clerk immediately.

### **Data relating to Planning applications**

The Town and Country Planning (Development Management Procedure) (England) Order 2015, allows for personal data (e.g. addresses) to be published, so there is not the same restriction on this type of data.

The General Data Protection Regulation (GDPR) is a new law that will replace the Data Protection Act 1998 and will apply in the UK from 25 May 2018. The government has confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

Policy adopted at the Parish Council meeting on 15<sup>th</sup> August 2017.

Signed .....

Date.....

Signed.....

Date.....

**COMPTON DANDO PARISH COUNCIL**  
**PRIVACY NOTICE**

**Information Collected**

1. Compton Dando Parish Council has the need to use addresses, email addresses and telephone numbers to correspond with:
  - 1.1. Bath & North East Somerset Council
  - 1.2. Agents representing/ members of the public who submit planning applications to Bath & North East Somerset Council
  - 1.3. Organisations which the Parish Council and Clerk are members of
  - 1.4. Members of the public and parishioners
  - 1.5. Trades people and businesses for the purchase of equipment necessary for the functioning of the Parish Council.
  - 1.6. Organisations that the Parish Council have applied to for grants to help fund projects in the Parish.
  - 1.7 Past and prospective employees

**When you contact us**

The information you provide (personal information such as name, address, email address, phone number, organisation) will be processed and stored to enable us to contact you and respond to your correspondence, provide information and/or access our facilities and services.

**Individual's Rights**

No data is collected for the functioning of the Parish Council, other than that stated in paragraph 1. (1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7)

No details would be passed onto a third party without the agreement of the person or business that the email address or telephone number relates to, thus protecting an individual's rights.

**The Councils Right to Process Information**

General Data Protection Regulations 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 performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

## **Information Security**

Compton Dando Parish Council has a duty to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Copies of these policies can be requested.

We will only keep your data for the purpose it was collected for and only for as long as is necessary. After which it will be deleted. (You may request the deletion of your data held by Compton Dando Parish Council at any time).

## **Children**

We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

## **Access to Information**

You have the right to request access to the information we have on you. You can do this by contacting the Clerk:

Mrs S Smith, 28 Kenilworth Drive, Willsbridge, Bristol BS30 6UP

[comptondando-parishcouncil@outlook.com](mailto:comptondando-parishcouncil@outlook.com)

Telephone: 07746930582

## **Information Correction**

If you believe that the information, we have about you is incorrect, you may contact us so that we can update it and keep your data accurate. Please contact the Clerk (details above).

## **Information Deletion**

If you wish Compton Dando Parish Council to delete the information about you please contact the Clerk (details above).

## **Right to Object**

If you believe that your data is not being processed for the purpose it has been collected for, you may object by contacting the Clerk (details above).

## **Rights Related to Automated Decision Making and Profiling**

Compton Dando Parish Council does not use any form of automated decision making or the profiling of individual personal data.

**Conclusion:** In accordance with the law, we only collect a limited amount of information about you that is necessary for correspondence, information and service provision. We do not use profiling, we do not sell or pass your data to third parties. We do not use your data for purposes other than those specified. We make sure your data is stored securely. We delete all information deemed to be no longer necessary. We constantly review our Privacy Policies to keep it up to date in protecting your data. (You can request a copy of our policies at any time).

## **Complaints**

If you have a complaint regarding the way your personal data has been processed you may make a complaint to (Your Council Name) Data Information Officer: (Officers Name and contact details) and the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113

**How permission will be gained and recorded**

1. Permission in writing, preferably email would be the main form of requesting permission. The individual, organisation or business will be asked to positively 'opt-in'.

**Visitors to the Compton Dando Parish Council <https://comptondandopc.org.uk/>**

No data is collected from visitors to the website. Cookies are not used on the website.

The Privacy notice was adopted 19<sup>th</sup> June 2018:

Signed.....

Date.....

Signed.....

Date.....