



# **Kings Worthy Parish Council**

Data Protection Policy

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**Approved: T.B.C.**

## 1. Introduction

- 1.1 This is the Data Protection Policy for Kings Worthy Parish Council and applies to all employees, councillors, public representatives and third parties acting on the Parish Council's behalf.
- 1.2 The Council may need to collect, use and store certain types of information about the people we deal with in order to carry out our duties as a local authority. We may also collect information when the Parish Council carries out business related activities, such as hiring of sports facilities. In addition, the Parish Council may be required by law to collect and use specific types of personal information to comply with statutory requirements. Personal information will be dealt with properly and securely however it is collected, recorded and used – whether in electronic, video graphic, photographic or paper format. All data will be secured in a locked cabinet/cupboard and where possible, encrypted.
- 1.3 The Parish Council holds the lawful and correct treatment of personal information as being of the up most importance to maintain a strong level of confidence between the Council and the people we deal with. All information will be dealt with in accordance with the Data Protection Act 2018, UK General Data Protection Regulation and any other related legislation.
- 1.4 The Council is therefore fully committed to the eight Data Protection principles, set out in Part 3 Chapter 2 of the Data Protection Act (DPA).

## 2. Data Protection Principles

- 2.1 Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
  - (a) at least one of the conditions in Part 2 is met, and
  - (b) in the case of sensitive personal data, at least one of the conditions in Part 3 is also met.
- 2.2 Personal data 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.
- 2.3 Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- 2.4 Personal data shall be accurate and, where necessary, kept up to date.
- 2.5 Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 2.6 Personal data shall be processed in accordance with the rights of data subjects under this Act namely;
  - **Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting our Clerk.
  - **Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate, by contacting the Clerk.
  - **Information Deletion:** If the individual wishes the Council to delete the information about them, they can do so by contacting the Clerk.

- **Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk.

The Town Council does not use automated decision making or profiling of individual personal data.

- 2.7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 2.8 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### 3. What the Parish Council will do

#### 3.1 Kings Worthy Parish Council will:

- Observe the regulations with regards the collection and use of personal information.
- Process information in accordance with the Councils right to process information contained within General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) namely;
  - Processing is with consent of the data subject, or
  - Processing is necessary for compliance with a legal obligation.
  - Processing is necessary for the legitimate interests of the Council.
- Collect and utilise any personal information, only to enable the Council to carry out it's duties as a local authority or to enable the Council to comply with any legal requirements, namely to:
  - Fulfil 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 the business premises including security
  - Assist regulatory and law enforcement agencies
  - Process information including the recording and updating of details about its Councillors, employees, partners and volunteers.
  - Process information including the recording and updating details about individuals who contact it 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.
  - Undertake research, audit and quality improvement work to fulfil its objects and purposes.
  - Carry out Council administration.
  - Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time

- Meet required legal obligations to specifically identify the purpose(s) for which information is used namely:
  - The Council 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 in order 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 the Parish Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
  - Required by law to process the data for employment purposes
  - A requirement in order to protect the vital interests of the individual or another person
- Ensure the any information we use is accurate and kept up to date.
  - Ensure that personal information is not kept for any longer than we need to (and in accordance with our Retention Policy).
  - Guarantee that any personal information held is done so as to allow a person(s) to exercise their rights under the DPA/GDPR (these include, but are not limited to, the right to be informed that processing is being undertaken, the right to access information that we hold about them, the right to prevent processing in certain circumstances and the right to correct, rectify, block or have erased, information which is not correct.
  - Ensure that security measures are taken, both physically, procedurally & organisationally, to protect against destruction, loss or abuse of personal data.
  - Ensure that personal information is not transferred to a country or territory European Economic Area without suitable safeguards.
  - Maintain a central register of any data protection breaches and ensure that the Council investigates all breaches that are reported, in accordance with the timeframes set out the in DPA/GDPR, and take appropriate measures to prevent any recurrence of said breach. These measures are listed in Appendix 2 of this document.
  - Ensure that Kings Worthy Parish Council's Data Protection Registration is kept up to date (the Registration number is **Z8753681**).
  - Review this policy on an annual basis and any safeguards that relate to it, to ensure that the contents are still relevant and effective.
  - Ensure any CCTV systems are operated in compliance with the DPA/GDPR.
  - Ensure the privacy of our both employees and people that we deal with.
  - **Ensure we do not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.**

3.2 Kings Worthy Parish Council will also ensure that:

- The Person with responsibility for data protection in the Council is the Data Protection Lead, which is the Parish Clerk.

- Ensure Employees, Councillors, public representatives and third parties acting on the Parish Council's behalf manage and handle personal information understand that they are responsible for following good data protection practice.
- Anyone managing and/or handling personal information are appropriately trained to do so.
- Anyone managing and handling personal information is supervised appropriately.
- Anyone wanting to enquire about the handling personal information knows what to do.
- Queries about handling personal information are dealt with promptly and politely.
- An annual review and audit is carried out of the way personal information is managed.
- Methods of handling personal information are regularly assessed.

#### 4. SUMMARY

4.1 When we ask you for information, Kings Worthy Parish Council will:

- Ensure you are informed as to why we need it.
- Ensure it is appropriately protected and make sure only those authorised has access to it.
- Ensure you are aware that you have a choice about giving us personal information.
- Let you know if we need to share the information with other organisations in order to provide you with a better level of service and also whether you can say no.
- Make sure we only keep personal information for as long as necessary and it is disposed of, as per our Retention Policy.

4.2 In return we ask you to:

- Ensure you give us accurate information.
- Tell us as soon as possible of any changes to information held about you.
- Tell us as soon as possible if you notice any mistakes in the information we hold about you. Doing this this aids us in keeping our information up to date.

#### 5. FURTHER INFORMATION

5.1 If you wish to be supplied with personal information we hold about you (known as a subject access request), or if you have any queries or complaints – please write to:

Parish Clerk  
 Kings Worthy Parish Council  
 Lionel Tubbs Hall & Kings Worthy Community Centre  
 Fraser Road, Kings Worthy  
 Winchester, Hampshire  
 SO23 7PJ

Alternatively, you can also contact the Data Protection Officer by email on:  
[clerk@kingsworthy-pc.gov.uk](mailto:clerk@kingsworthy-pc.gov.uk)

5.2 If you would like to see Kings Worthy Parish Council's Data Protection Registration details, as notified to the Information Commissioner, you can do so by visiting the Information Commissioner's website ([www.ico.org.uk](http://www.ico.org.uk)) and simply enter the Council's registration number **Z5730734** in the appropriate box.

5.3 For independent advice about data protection, please contact the Information Commissioner.

**Online:** <https://ico.org.uk/global/contact-us>

**By Post:**

The Information Commissioner's Office  
Wycliffe House, Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**By Phone:** 0303 123 1113

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## Appendix 1 - Data Protection Terminology

- **Data subject** - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of BTC or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.
- **Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.
- **Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.
- **Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. Town Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.
- **Data processor** - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.
- **Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:
  - organising, adapting or altering it
  - retrieving, consulting or using the information or data
  - disclosing the information or data by transmission, dissemination or otherwise making it available
  - aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

## Appendix 2 - Data breach policy

Any and data breaches of the General Data Protection or Data Protection Act, including a breach of any of the data protection principles will be reported to the Clerk as soon as it is discovered. Once notified, the Clerk shall assess:

- The extent of the breach;
- The risks to the data subjects as a consequence of the breach;
- Any security measures in place that will protect the information;
- Any measures that can be taken immediately to mitigate the risk to the individuals.

Unless the Clerk concludes that there is unlikely to be any risk to individuals from the breach, said breach will be reported to the Information Commissioner's Office within 72 hours of the breach having come to the attention of the Parish Council. The Clerk will take advice from the Information Commissioner's Office when making this conclusion.

The report made to the Information Commissioners Office will include details of the breach which will include:

- The volume of data at risk;
- The number of data subject affected;
- The categories of data covered by the breach
- The contact person for any enquiries;
- The likely consequences of the breach;
- Any measures, either proposed or already taken, to address the breach;

If the breach is likely to result in a high risk to the affected individuals, the Clerk will inform the data subject(s) of the breach without undue delay.

Data subjects shall be told:

- The nature of the breach;
- Who to contact with any questions;
- The measures taken to mitigate any risks;

The Clerk shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by Parish Council and a decision made about implementation of those recommendations.