



# Sway Parish Council

Jubilee Field Pavilion, Station Road, Sway, SO41 6BE  
01590 718116  
clerk@sway-pc.gov.uk

*Created: May 2018  
Adopted: May 2018  
Next review: May 2019*

## **Data Protection and Information Policy**

### **1. Purpose**

Data is a major asset that Sway Parish Council has a duty and responsibility to protect. The purpose and objective of this Data Protection Policy is to specify the means of information handling and transfer within the Council.

### **2. Scope**

2.1 The Data Protection Policy applies to all Councillors, Committees, Employees of the Council, contractual third parties and agents of the Council who have access to Information Systems or information used for Sway Parish Council's purposes.

2.2 Data takes many forms and includes:

- hard copy data printed or written on paper
- data stored electronically
- communications sent by post / courier or using electronic means
- stored tape or video
- recorded speech

### **3. Information Storage and Security**

3.1 The Parish Council will 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. All electronic information will be stored on centralised, cloud-based facilities to enable resilient back up.

3.2 Information will not be held that breaches the GDPR 2018 or formal notification and guidance issued by Sway Parish Council. All personal identifiable information will be used in accordance with the Caldicott Principles.

3.3 Records management and retention procedures as outlined in the risk assessment and GDPR action plan will be followed.

3.4 Databases holding personal information have a defined security and system management process for records and documentation as per the risk management scheme.

3.5 Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

3.6 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.



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3.7 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.

## 4. Disclosure of Information - Computer and Paper Based

4.1 The disclosure of personal information to other than authorised personnel is forbidden. If there is suspicion of a Member or employee treating confidential Council information in a way that could be harmful to the Council or to the data subject, then it is to be reported to the Data Control Officer (Clerk) who will take appropriate action.

4.2 Do not remove printed information from the Parish Office without the express consent of the information owner.

4.3 Protectively marked, personal or sensitive documents are not to be left unattended and, when not in use, are to be locked away and accessed only by authorised persons.

4.4 The disposal method for waste computer printed output and other media of a secure nature is by use of a shredder in the Parish Office. Councillors should pass such material to the Clerk for shredding.

4.5 Distribution of information should be via the most secure method available.

## 5. Disclosure of Information – Telephone and E-mail

Where this involves the exchange of sensitive information then the following procedures will be applied:

### Telephone calls:

5.1 Verify the identification of members before disclosing information. If in doubt, return their call using a known telephone number.

5.2 For external callers, verify their identity and their need to know the requested information. Telephone them back before releasing information and ask the caller to provide evidence of their identity (this could be passport, driving license, household bill).

5.3 Ensure that you are authorised to disclose the information requested.

5.4 Ensure that the person is entitled to be given this information.

5.5 Ensure that the information you give is accurate and factual.

### Email:

5.6 Personal or sensitive information is at risk if sent outside of the Council's network.

5.7 If an e-mail is sent to an address that is not a Council domain address the email will be delivered through the public network and the message may be left at several locations on its journey and could be deliberately intercepted.

5.8 Email should not be used for sending personal or sensitive information unless technical measures are in place to keep the message secure.

5.9 The sender should be satisfied of the identity of the recipient, if in doubt the email should not be sent and alternative methods should be used.



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5.10 Any Councillor's email contact with a member of the public shall be considered as belonging to the Council and subject to its Freedom of Information and Subject Access Request procedures.

## 6. Sharing of Personal Information

6.1 Information relating to individuals shall not be shared with other authorities without the agreement of the Data Control Officer.

6.2 Staff should be aware of their responsibilities to be able to justify the sharing of information and to be able to maintain security when transferring information in person, by email, phone or post.

## 7. Range of Data

7.1 In order to conduct its business, services and duties, Sway Parish Council processes a 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 it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors and volunteers.
- Personal data concerning individuals who contact the council for information, to access its services or facilities or to make a complaint.

7.2 Sway Parish Council will manage responsibly all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

7.3 Sway Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

7.4 The Council 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, it will be prepared to make it available to partners and members of the community. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.



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## 8. The Councils Right to Process Information

8.1 General Data Protection Regulations 2018 Article 6 (1) (a) (b) and (e) provide the Council the right to process information when:

- 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.

## 9. Protecting Confidential or Sensitive Information

9.1 Sway Parish Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

9.2 The General Data Protection Regulation (GDPR) seeks to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Parish Council with legitimate reasons for using personal information.

This policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### Data Protection Terminology

**Data subject** - means the person whose personal data is being processed.

**Personal data** - means any information relating to a person or data subject that can be used directly or indirectly to identify the person.

**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. Parish 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.



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**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.

9.3 Sway Parish Council processes personal data in order 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 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.
- assist regulatory and law enforcement agencies.
- process information including the recording and updating 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.

9.4 Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

9.5 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

9.6 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



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## Who is responsible for protecting a person's personal data?

Sway Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the General Data Protection legislation. The Council has delegated this day-to-day responsibility to the Parish Clerk.

### Contact Details

Email: clerk@sway-pc.gov.uk

Phone: 01590 718116

Correspondence: The Parish Clerk, Parish Office, Jubilee Field, Station Road, Sway SO41 6BE

## 10. Diversity Monitoring

10.1 Sway Parish Council may monitor the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring may be used for monitoring purposes and may be published and passed to other bodies.

10.2 The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

## 11. Information provided to us

11.1 The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual.

11.2 By transacting with Sway Parish Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where the data audit indicates, specific written consent will be sought.

11.3 It is the responsibility of those individuals (11.2 above) to ensure that the Parish Council is able to keep their personal data accurate and up-to-date.

11.4 The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.



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## **12. Children**

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

## **13. Rights of a Data Subject**

13.1 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 Parish Clerk and following the Subject Access Request Policy.

13.2 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. Please contact the Parish Clerk.

13.3 Information Deletion: If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Parish Clerk.

13.4 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 Parish Clerk or Data Protection Officer.

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

13.6 Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Parish Clerk or the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

13.7 The Council will always give guidance on personnel data to employees through the Employee internal procedure.

13.8 The Council will ensure that individuals about whom personal information is kept are aware of their rights and have easy access to that information on request.

## **14. Making Information Available**

14.1 The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

14.2 In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish.



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14.3 All formal meetings of Council are subject to statutory notice being given on notice boards and the Website. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council meeting. Details can be seen in the Council's Standing Orders, which are available on its website or at the Parish Office.

14.4 Occasionally the Council may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

14.5 The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council but could include urgent action taken after consultation with the Chairman, such as emergency repairs in advance of Council. In other words, decisions which would have been made by Council had the delegation not been in place.

14.6 The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

14.7 The Council will be pleased to make special arrangements where possible on request for persons who do not have English as their first language or those with hearing or sight difficulties.

## **15. Disclosure Information**

The Council will as necessary undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information.