



## Hail Weston Parish Council Information & Data Protection Policy

### Introduction

In order to conduct its business, services and duties, Hail Weston Parish Council (HWPC) processes a wide range of information and data. In broad terms, this can be classified as:

- Information shared in the public arena about the services it offers and its mode of operations and data it is required to make available to the public.
- Confidential information or data not yet in the public arena such as draft policies.
- Confidential information about other organisations, e.g. due to commercial sensitivity.
- Personal data concerning current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact HWPC for information, to access its services or facilities, or to make a complaint.

HWPC will adopt policies and procedures to help it to manage, responsibly, all information and data which it handles. It will respect confidentiality and will process data in line with UK data protection legislation. HWPC will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

HWPC has adopted this policy to meet its obligations under UK data protection law and to ensure high standards of transparency and accountability. It will be as transparent as possible about its operations and where information is not personal or confidential it will be made publicly available. Details of information which is routinely made available is contained in HWPC's Publication Scheme which is based on the statutory model publication scheme for local councils.

### Processing personal or sensitive data

HWPC 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 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 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 of 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.

This policy requires that personal data held or processed by HWPC must be:

- Collected only for clearly specified and legitimate purposes.
- Used only for the purpose for which it was gathered.
- Accurate and, where necessary, kept up to date.
- Kept for no longer than is necessary.
- Processed securely, using appropriate technical or organisational measures including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## **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.

**Partner** - means anyone we work with as we deliver services such as local council groups, other local services and contractors.

**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.

**Vital interests** - Personal data may be processed to protect the 'vital interests' of the data subject, e.g. in a life or death situation it is permissible to use a person's medical or emergency contact information

without their consent.

HWPC will ensure that at least one of the following conditions is met before personal information is processed:

- Positive consent of the data subject has been given
- Processing is necessary for the performance of a contract or agreement with the data subject
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to the public interest

In the case of processing sensitive personal data, HWPC will ensure that at least one of the following conditions is also met:

- Explicit consent of the data subject has been obtained.
- There is a lawful requirement to process the data for employment purposes.
- There are reasons of substantial public interest (where rights of individuals are protected).

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

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

- Email: [clerk@hailweston.org.uk](mailto:clerk@hailweston.org.uk)
- Phone: **01480 215880**
- Correspondence: The Parish Clerk, **5 Orchard Close, Hail Weston, St Neots, Cambs.**

The Town Council has also appointed an external Data Protection Officer to ensure compliance with Data Protection legislation who may be contacted at: [clerk@hailweston.org.uk](mailto:clerk@hailweston.org.uk)

Personal information provided to us such as name, address, email address or phone number will be stored and processed so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with HWPC, data subjects are deemed to be giving consent for the personal data they provide to be used in accordance with this policy. However, wherever possible specific consent will be sought. 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.

#### **Data Security**

HWPC will ensure the security of personal data. We make sure that personal data is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is achieved through appropriate technical measures including through application of the HWPC Management of data storage and transfer policy.

We will only keep data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted. For further detail see the HWPC retention and disposal policy.

Personal data will not be transferred to a country or territory outside the European Economic Area except where an adequate level of protection for the rights and freedoms of data subjects is ensured.

#### **Rights of a Data Subject**

HWPC will ensure that individuals about whom personal information is kept are aware of their rights and have easy access to that information on request. The Council offers guidance relating to personal data to employees, councillors, partners, volunteers and members of the public through Privacy Notices.

**Access to Information:** an individual has the right to request access to the data we have on them. They can do this by contacting our Parish Clerk: [clerk@hailweston.org.uk](mailto:clerk@hailweston.org.uk)

**Information Correction:** If a data subject believes that data we hold about them is incorrect, they may contact us so that we can update it and keep their data accurate. They can do this by contacting our Parish Clerk: [clerk@hailweston.org.uk](mailto:clerk@hailweston.org.uk).

**Information Deletion:** If the individual wishes the Hail Weston Parish Council to delete the data we hold about them, they can do this by contacting our Parish Clerk: [clerk@hailweston.org.uk](mailto:clerk@hailweston.org.uk).

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they can object by contacting our Parish Clerk: [clerk@hailweston.org.uk](mailto:clerk@hailweston.org.uk).

HWPC does not use automated decision making or profiling of individuals using personal data.

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

HWPC will always give guidance on personnel data to employees through the Employee handbook.

### **Children**

We will not process any data relating to a child under 13 years of age without the express consent of their parent or guardian.

### **Making information available to the public**

The Publication Scheme is a means by which HWPC 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 HWPC and its role within the community.

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

All formal meetings of HWPC are subject to statutory notice being given on the notice board on the High Street and the Website ([www.hailweston.org.uk](http://www.hailweston.org.uk)). HWPC 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. HWPC welcomes public participation and has a public participation session on each Council meeting. Details can be seen in HWPC's Standing Orders, which are available on its Website or at its Offices.

Occasionally, HWPC 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.

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

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. HWPC 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.

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

### **Disclosure Information**

HWPC will as necessary undertake checks on both staff and Councillors 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. It will include an appropriate operating procedure in its integrated quality management system.

### **Data Transparency**

HWPC has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin HWPC’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

**Demand led:** new technologies and publication of data should support transparency and accountability

**Open:** the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

**Timely:** data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance with which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. Hail Weston Parish Council may exceed this turnover but will never the less ensure the following information is published on its Website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements

- Internal Audit Reports
- List of Councillor responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

Adopted by Council: Hail Weston Parish Council

Review Date: 20/5/19