

## **GILBERDYKE PARISH COUNCIL**

### **DATA PROTECTION POLICY**

Gilberdyke Parish Council needs to collect and use certain types of information about the Data Subjects who come into contact with it in order for it to carry out its work. This personal information must be collected and dealt with appropriately, whether on paper, on a computer or recorded on other media. There are safeguards to ensure this occurs as set out in data protection laws and regulations

**Please note that this policy may be subject to further amendments following the passage of the new Data Protection Bill 2018 through Parliament.**

*The following list of definitions below of the technical terms used in this document is intended to aid understanding of this policy.*

**Data Controller:**

The person, who either alone or with others, decides what personal information Gilberdyke Parish Council will hold and how it will be held or used.

**Data Protection Act 2018 (the Act):**

The UK legislation that provides a framework for responsible behaviour by those using personal information.

**General Data Protection Regulation 2016**

Regulation in EU law on data protection and privacy for all individuals, within the European Union.

**Data Protection Officer:**

The person(s) responsible for ensuring that Gilberdyke Parish Council follows its data protection policy and complies with the Data Protection laws and regulations.

**Data Subject/Service User:**

An individual whose personal information is being held by, or processed by Gilberdyke Parish Council.

**“Explicit” Consent:**

Is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing of personal information about him/her. Explicit consent is needed for processing sensitive data – see definition below.

**Notification:**

Notifying the Information Commissioner about the data processing activities of Gilberdyke Parish Council as certain activities may be exempt from notification.

**Information Commissioner:**

The UK Information Commissioner is responsible for implementing and overseeing Data Protection laws and regulations.

**Processing:**

This means the collecting, amending, handling, storing, disclosing and deleting of personal information.

**Personal data:**

Personal data is any information about a living individual which allows them to be identified directly or indirectly from that data (e.g. a name, address, date of birth, telephone number, photograph, video, email address and posts on social media). The processing of personal data is governed by legislation relating to

personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR"), the Data Protection Act 2018 and other legislation relating to personal data and rights such as the Human Rights Act.

**Sensitive Data means data about:**

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade union membership
- Physical or mental health
- Sexual life
- Criminal record
- Criminal proceedings relating to a Data Subject's offences
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**Data Controller:**

Gilberdyke Parish Council as a corporate body is the Data Controller which means that it determines what purposes personal information held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold and the general purposes that this data will be used for. The Clerk to the Council represents the council as data controller. Individual councillors are not data controllers.

The council is registered as the data controller, number Z2185553 with the Information Commissioner

**Disclosure:**

Gilberdyke Parish Council may share data with other agencies such as the local authority, other public authorities, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows Gilberdyke Parish Council to disclose data (including sensitive data) without the Data Subject's consent.

These are:

- Carrying out a legal duty or as authorised by the Secretary of State
- Protecting vital interests of a Data Subject or other person
- The Data Subject has already made the information public
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- Monitoring for equal opportunities purposes, eg, race, disability or religion
- Providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent, eg, where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Gilberdyke Parish Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom the Parish Council deals. Gilberdyke Parish Council intends to ensure that personal information is treated lawfully and correctly. To this end, Gilberdyke Parish Council will adhere to the Principles of Data Protection as detailed in the Data Protection Act 2018 and the GDPR.

**Specifically, the Principles require that personal information:**

- Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met
- Shall be obtained only for one or more of the purposes specified in the law and shall not be processed in any manner incompatible with that purpose or those purposes
- Shall be adequate, relevant and not excessive in relation to those purposes
- Shall be accurate and, where necessary, kept up to date

- Shall not be kept longer than is necessary
- Shall be processed in accordance with the rights of Data Subjects under the law
- Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information
- 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 information.

**Gilberdyke Parish Council will, through appropriate management, ensure strict application of its criteria and controls by:**

- Observing fully conditions regarding the fair collection and use of information
- Meeting its legal obligations to specify the purposes for which information is used
- Collecting and processing appropriate information and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements
- Ensuring the quality of information used
- Ensuring that the rights of people about whom information is held can be fully exercised under the Act. These include;
  - (a) The right to be informed that processing is being undertaken
  - (b) The right of access to one's personal information
  - (c) The right to prevent processing in certain circumstances and
  - (d) The right to correct, rectify, block or erase information which is regarded as wrong information
- Taking appropriate technical and organisational security measures to safeguard personal information
- Ensuring that personal information is not transferred abroad without suitable safeguards
- Treating people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Setting out clear procedures for responding to requests for information

**Data Collection: Informed consent**

**Informed consent is when:**

- A Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- They give their consent

Gilberdyke Parish Council will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person or by completing a form

**When collecting data Gilberdyke Parish Council will ensure that the Data Subject:**

- Clearly understands why the information is needed
- Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- As far as is reasonably possible, grants explicit consent, either written or verbal, for data to be processed
- Is, as far as is reasonably practicable, competent enough to give consent and has given so freely without any duress, and
- Has received sufficient information on why their data is needed and how it will be used.

**Data Storage:**

Information and records relating to service users will be stored securely and will only be accessible to authorised personnel.

Information will be stored for only as long as it is needed or required by statute and will be disposed of appropriately

It is Gilberdyke Parish Council's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation and which has been passed on or sold to a third party.

**Data Access and Accuracy:**

All Data Subjects have the right to access the information Gilberdyke Parish Council holds about them. Gilberdyke 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.

**In addition, Gilberdyke Parish Council will ensure that:**

- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manages and uses personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information, and
- All personnel are aware that a breach of the rules and procedures identified in this policy may lead to action being taken against them

*This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection laws and regulations.*

In case of any queries or questions in relation to this policy please contact:

The Clerk to Gilberdyke Parish Council: [gilberdykeclerk@aol.com](mailto:gilberdykeclerk@aol.com) Tel 07968 009443

The Parish Clerk c/o Sunnycroft, Clementhorpe Road, Gilberdyke HU15 2UD