Hockley Heath Parish Council

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Data Protection Policy

For Hockley Heath Parish Council

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1. Introduction

In order to conduct its business, services and duties, Hockley Heath Parish Council processes a wide 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 it for information, to access its services or facilities or to make a complaint

Hockley Heath Parish Council will adopt procedures and 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.

Hockley Heath 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.

Hockley Heath Parish 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 Councillor's communities. 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, available on the Parish Council website as follows:
http://www.hockleyheathparishcouncil.gov.uk/admin/legal/freedom-of-information/.

Hockley Heath Parish Council has a responsibility to hold, obtain, record, use and store all personal data relating to an identifiable individual in a secure and confidential manner. This Data Protection Policy applies to all Parish Council employees, Councillors, volunteers, and contractors. This Policy provides a framework within which the Parish Council will ensure compliance with the requirements of the General Data Protection Regulation Act (2018) and will underpin any operational procedures and activities connected with the implementation of the Act and meet high standards.

The General Data Protection Regulation (GDPR) which became law on 25th May 2018 and will, like the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the interests of those such as the Parish Council with legitimate reasons for using personal information. The 2018 GDPR Act aims to give people more control over how organisations use their data and to ensure data protection law is almost identical across the EU.

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

2. Reasons for Processing Personal Data

Hockley Heath 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 with other organisations, and maintaining information required by law
• Fulfil its duties in the operation of the village assets, such as the recreation ground and the Pavilion
• Assist regulatory agencies
• Process information including the recording and updating details of 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 to fulfil the objectives and purposes of the Parish Council
• Undertake research, audit and quality improvement work to fulfil its objects and purposes
• Carry out Council administration

In relation to CCTV installed at the Pavilion hall the system will not be used to invade the privacy of any individual, except when carried out in accordance with the law (please see CCTV Policy). The system will be used for the following:

- To reduce fear of crime by persons using Parish Council owned areas so they can do so without fear of intimidation.
- To reduce vandalism of property and to prevent, deter and detect crime and disorder.
- To assist the Police, the Parish Council and other Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders by examination and using retrievable evidence.
- To deter potential offenders by publicly displaying the existence of CCTV including signage.
- To assist all emergency services in carrying out their lawful duties.

3. Fair Process of Data

The Parish 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

4. Responsibilities

Hockley Heath Parish Council is the Data Controller and must ensure that any processing of personal data for which they are responsible complies with the Act.

Hockley Heath Parish Council will ensure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures/antivirus and appropriate policies. The Parish Council 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.

An individual has a right to request that their personal data is deleted. Upon receipt of a request for erasure, Hockley Heath Parish Council will delete personal data unless there is a legal obligation to retain the personal data.

5. Information Provided to Hockley Heath Parish Council

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for the Parish Council to contact, respond to or conduct the transaction requested by the individual. By transacting with Hockley Heath 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 wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Parish Council has accurate and up-to-date personal data by advising of changes, i.e. change of address. Individuals who believe that the information we have about them is incorrect may contact us so that we can update it and keep their data accurate. **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.**

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the Parish Council requires consent from young people under 13, the Council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus will be written in language that children will understand.

6. The Parish Council's Right to Process Information

Hockley Heath Parish Council has a right to process data in accordance with its business activities. The lawful bases for processing are set out in Article 6 (1) (a) (b) and (e) of the GDPR. At least one of these must apply whenever personal data is processed:

- Consent**:** the individual has given clear consent to process their personal data for a specific purpose
- Contract**:** the processing is necessary for a contract held with the individual, or because they have asked for specific steps before entering into a contract
- Legal obligation**:** the processing is necessary to comply with the law (not including contractual obligations)
- Vital interests**:** the processing is necessary to protect someone's life
- Public task**:** the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law
- Legitimate interests**:** the processing is necessary for legitimate interests of the Council

7. Storage and Retention of Data

Personal data may exist in paper format or electronically. Paper documents are secured in lockable cabinets accessible by the Parish Clerk only. All electronic data is securely password protected with anti-virus software.

Different types of information will be kept for differing time periods in accordance with the Parish Council's legal obligations on documentation retention.

8. Rights of a Data Subject to Access Information

Individuals have a number of rights under the GDPR as follows:

- Request what information the Parish Council holds on them; they can do this by contacting the Parish Clerk
- Ask what the information is used for
- Receive a copy of the information
- Ask the purposes for which the Parish Council uses the information and any other persons/organisations to whom it is disclosed
- Request that any inaccurate data is corrected
- The right to object
- The right to withdraw consent
- Request erasure of information

9. Breach of Policy

Compliance with the Act is the responsibility of all Councillors and members of staff. Any deliberate or reckless breach of the policy may lead to disciplinary action and, where appropriate, legal proceedings.

Any individual who believes that the Parish Council has breached any of the requirements of the Data Protection Act 1998, including the GDPR 2018, should raise the matter with the Data Protection Officer for Hockley Heath Parish Council, (Clare Wood). Alternatively, a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF; casework@ico.org.uk / Tel: 0303 123 1113

10. Data Protection Terminology

Consent	A positive, active, unambiguous confirmation of a data subject's agreement to have their data processed for a particular purpose. Consent must be easy to withdraw and must be freely given, provided on an opt-in basis rather than opt-out.
Data Subject	The person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate, 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	Any information relating to a natural person or data subject that can be used directly or indirectly to identify the person, i.e. a name, photo, address, date of birth, email address, bank details, and posts on social networking sites
Sensitive Personal Data	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	A person who determines the purposes for which and the manner in which any personal data is to be processed.

Data Processor	A person (other than an employee of the data controller) who processes the data on behalf of the Data Controller.
Processing Data	Obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data.
Privacy Notice	A notice from a Data Controller to a Data Subject describing how personal data will be used and what rights the Data Subject has.
Data Protection Officer	An individual working on behalf of the Data Controller with responsibility for the data protection within that organisation. For Parish Councils the Act permits the Clerk to be the Data Protection Officer also. If a conflict of interest arose the Parish Council would seek independent advice.