

SEEND PARISH COUNCIL – DATA PROTECTION POLICY

The General Data Protection Regulations come into force on 25th May 2018. This new law replaces the Data Protection Act 1998 and gives individuals more rights and protection regarding how their personal data is used by councils and puts greater emphasis on transparency and accountability. The GDPR also takes into account the changes in technology and how information is collected, eg an IP address can now be regarded as personal data.

Seend Parish Council supports these objectives and shall ensure that it adheres to the regulations in the processing of personal data in the day to day running of the Parish Council. These obligations apply both to the councillors and employees, namely the Clerk.

Data Controller and Data Protection Officer

Seend Parish Council is the Data Controller. It is registered with the Information Commissioner's Office.

The Clerk is Seend Parish Council's nominated Data Protection Officer. All queries relating to the processing of your data should be addressed to the Clerk, 61 Seend Cleeve, Melksham SN12 6PX or by email: clerk@seendparishcouncil.co.uk. Tel: 07706 850859.

The GDPR makes it clear that it is the controller, not the DPO, who is required to 'implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Regulation.

Your Personal Data – what is it

Personal data is any information about a living individual which allows them to be identified from that data (eg. name, email or postal address, photograph). An email address is now deemed personal data. Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual. The processing of personal data is governed by legislation relating to personal data which applies in the UK including the GDPR 2018 and other legislation relating to personal data and rights such as the Human Rights Act.

How we use your Data

Seend Parish Council will not process any data that you have not knowingly provided to us. When you contact Seend Parish Council, the information you provide (personal information such as name, address, email address, telephone number and the content of the correspondence) will be processed and stored so that it is possible for us to contact you, and respond to your enquiry. If the correspondence has been addressed to the Clerk, then it may need to be referred to the Chairman and other Parish Councillors. This is so that they can discuss the subject matter and provide an answer that the Clerk can give. Your personal information will never be given to a third party outside of the Parish Council.

Seend Parish Council will comply with the Data Protection Law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only for as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure.

Security

We will ensure our computer and manual systems comply with the principles of the GDPR and will train staff and Councillors involved in the processing of personal data accordingly.

Information Audit: In preparation for the new GDPR coming into force, Seend Parish Council has carried out an information audit, with the aim of ensuring that any personal information we hold on parishioners is accurate, up to date, and that there is still a need for its retention. Where it is deemed no longer required, it has been deleted or responsibly destroyed if it is in hard copy form. The Clerk and Councillors will carry out information audits on a regular basis.

Legal Basis for processing of your personal Data

Seend Parish Council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Parish Council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the Council's services. We may process your data if it is necessary for the performance of a contract with you or to take steps to enter into a contract, eg an allotment tenancy agreement, or to help resolve your query.

Consent – the GDPR puts much more emphasis on consent. Seend Parish Council will have to show there is a legal basis for the retention of your information or that consent has been given for the retention of personal data.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1) *The right to access personal data we hold on you*

At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.

There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2) *The right to correct and update the personal data we hold on you*

If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3) *The right to have your personal data erased*

If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.

When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) *The right to object to processing of your personal data or to restrict it to certain purposes only*

You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) *The right to data portability*

You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6) *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*

You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7) *The right to lodge a complaint with the Information Commissioner's Office.*

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area (“EEA”) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union.

Breaches in Security

Data Controllers must report certain types of data breaches to the ICO without ‘undue delay’, and where possible no later than 72 hours after having become aware of the breach. An individual who has suffered damage as a result of a breach can claim compensation from the Data Controller or the Data Processor.

Changes to this policy

We keep this policy under regular review and will place any updates on this web page www.seendparishcouncil.co.uk. This notice was approved by Seend Parish Council on 24th April 2018

Contact Details:

Please contact us if you have any questions about our Data Protection Policy and Privacy Notice or about the personal data we hold about you or to exercise all relevant rights, queries or complaints.

The Data Controller: Seend Parish Council

Data Protection Officer: Mrs Sue Bond. clerk@seendparishcouncil.co.uk.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.