



GENERAL DATA PROTECTION REGULATION (GDPR) POLICY

Author: JH

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PURPOSE OF THE POLICY AND BACKGROUND TO THE GENERAL DATA PROTECTION REGULATION

Personal data must be processed lawfully, fairly and transparently; collected for specified, explicit and legitimate purposes; be adequate, relevant and limited to what is necessary for processing; be accurate and kept up to date; be kept only for as long as is necessary for processing and be processed in a manner that ensures its security.

This policy updates any previous data protection policy and procedures to include the additional requirements of GDPR which applied in the UK from May 2018. The Council will therefore follow procedures that aim to ensure that the Parish Clerk, elected members, contractors or other servants of the Council who have access to any personal data held by or on behalf of the Council, are fully aware of and abide by their duties and responsibilities under the Act.

IDENTIFYING THE ROLES AND MINIMISING RISK

GDPR requires that everyone within the Council must understand the implications of GDPR and that roles and duties must be assigned. The Council is the data controller and the Clerk /RFO is the Data Protection Officer (DPO). It is the DPO's duty to manage the information collected by the Council, the issuing of privacy statements, dealing with requests and complaints raised and also the safe disposal of information. Appointing the Clerk as the DPO must avoid a conflict of interests, in that the DPO should not determine the purposes or manner of processing personal data.

GDPR requires continued care by Councillors and the Parish Clerk, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the Council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.

Therefore, the handling of information is seen as medium risk to the Council (both financially and reputationally) and one which must be included in the Risk Management Policy of the Council. Such risk can be minimised by issuing privacy statements, minimising who holds data protected information and Councillors/Clerk undertaking training in data protection awareness if necessary.

THE PRINCIPLES OF DATA PROTECTION

These principles are legally enforceable and require that personal information:

1. Should be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. Should be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Should be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Should be accurate and where necessary, kept up to date;
5. Should not be kept for longer than is necessary for that purpose or those purposes;
6. Should be processed in accordance with the rights of data subjects under the Act;
7. Should be kept secure i.e. protected by an appropriate degree of security;
8. Should not be transferred to a country or territory unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data and also makes a distinction between personal data and "sensitive" personal data.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data
- That data and other information, which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious or other beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life
- Criminal proceedings or convictions

INDIVIDUALS' RIGHTS

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling.

If a request is received to delete information, then the DPO must respond to this request within a month. The DPO has the delegated authority from the Council to delete information.

CHILDREN

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 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 aged 13 plus, must be written in language that they will understand.

DATA BREACHES

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the Parish Council and investigations must be undertaken within one month of the report of a breach.

The Information Commissioners Office (ICO) will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly.

It is unacceptable for the Clerk or Councillors to use social media in any way that may cause problems for the Council, for example the discussion of internal council matters on social media sites could result in reputational damage for the Council and to individuals.

PRIVACY NOTICES

Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice which informs individuals about what a Council does with their personal information.

A privacy notice will contain the name and contact details of the data controller and Data Protection Officer, the purpose for which the information is to be used and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. The Council will adopt a privacy notice to use and all privacy notices must be verifiable (see Appendix 1).

CONSENT TO USE PERSONAL DATA

Please refer to the consent form in Appendix 2 which is to be used when members of the public are approached to be added to new PC communications.

APPENDIX 1

Privacy Notice

This document sets out the type of personal information we collect (or are supplied with). It tells you how the information is held, who we share it with and how it will be used. All personal data collected (or supplied) will be treated in accordance with current data protection laws in the UK.

What information do we collect and what information are we supplied with?

- We do not keep records of personal details when you contact the PC. If you have chosen to share your contact details they will only be kept for as long as the dialogue continues with the Council.
- We collect email addresses of individuals who wish to be communicated with via the Colton Link, these are collected via the website when individuals choose to subscribe to the newsletter and are automatically removed when the individual unsubscribes.
- We collect and use contact information from Councillors and the Clerk for internal purposes of communication only.
- We are supplied with a copy of the *Register of Electors* by Westmorland and Furness Council which is used only by the Parish Clerk during periods of elections.
- We do not sell personal information to other organisations.

How do we use your information?

We use your personal information (email address) in the following ways:

- To process enquiries and applications (e.g. grant applications)
- To provide services to residents including sending you information about current and future services. This includes mailing lists for newsletters and Colton Link.
- To carry out consultation to help us develop the Community Plan and to improve our communications.
- To collect or process payments.

Who might we share the information with?

- We might share brief contact information with members of Westmorland and Furness Unitary Council where we consider this may be necessary or helpful to resolve a complaint. We would seek your explicit consent to this.
- If you write to us your letter will be shared with Councillors and anonymised when referred to in Parish Council meeting minutes
- If you are in debt to us, your details may be passed to a debt recovery agency for the purpose of recovering the debt.
- Your information may be used to detect and prevent fraud in respect of public funding and we may release information to the police and other law enforcement agencies for crime prevention and detection purposes if required to do so.

How long do we keep data?

- Our retention and disposal document is available from our website <https://coltonparishcouncil.org.uk/Retention-and-disposal-policy>. Any changes made to this policy and our data protection/information will be publicised on the website and by other communication channels where appropriate.

- Where you exercise your right to removal of your personal data, we will continue to maintain a core set of personal data to ensure we do not contact you inadvertently in the future.

How can I access the information you hold about me?

- You are entitled to know what personal information the council holds about you and how that information is processed.
- You are entitled to ask for your personal data to be corrected where you believe it is inaccurate.

Please make any queries, requests or complaints to:

Parish Clerk, Colton Parish Council, clerk@coltonparishcouncil.org.uk

If you are dissatisfied with the handling of your request or complaint, you have a right to speak to the Information Commissioner. There is no charge for making an appeal.

Contact details are: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A

APPENDIX 2

CONSENT FORM

Your privacy is important to us and we would like to communicate with you about the council and its activities. To do so we need your consent. Please fill in your name and address and other contact information below and confirm your consent by ticking the boxes below

[If you are aged 13 or under your parent or guardian should fill in their details below to confirm their consent]

Name
Address
.....
.....
Signature
Date

Please confirm your consent below. You can grant consent to any or all of the purposes listed **(please tick each box that you grant consent)**. You can find out more about how we use your data from our "Privacy Notice" which is shown in Appendix 1 above

You can withdraw or change your consent at any time by contacting the Parish Clerk: clerk@coltonparishcouncil.org.uk

- We may contact you to keep you informed about what is going on in the Council's area or other local authority areas including news, events, meetings, clubs, groups and activities. These communications may also sometimes appear on our website, or in printed or electronic form
- We may contact you about groups and activities you may be interested in participating in.
- We may use your name and photo in our newsletters, bulletins or on our website
- We may retain your personal information when submitted for applications i.e. grant applications etc
- We may contact you via email/phone/post from information supplied on sign in sheets when attending public meetings and events

Keeping in touch **(please tick the boxes below to grant consent)**:

- ☐ Yes please, I would like to receive communications by email
- ☐ Yes please, I would like to receive communications by post