



# THAXTED PARISH COUNCIL

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## DATA PROTECTION POLICY

### 1. Introduction

1.1 During the course of our activities, Thaxted Parish Council will collect, store and process Personal data about our employees, customers, suppliers and other third parties, and we recognise that the correct and lawful treatment of this Data will maintain confidence in the organisation and will provide for successful business operations. Data Users are obliged to comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary action.

1.2 The types of Personal Data that Thaxted Parish Council may be required to handle include information about current, past, prospective: beneficiaries, supporters, volunteers, suppliers and others that it communicates with. Thaxted Parish Council will also Process Personal data (which may be held on paper, electronically or otherwise) about its employees and it recognises the need to treat this data in an appropriate and lawful manner. Thaxted Parish Council complies with the Data Protection Act of 1998 ("the Act") and its subsequent amendment in 2002 and the legal safeguards specified within the Act. It also complies with other regulations relating to Personal data, including but not limited to, the Privacy & Electronic Communications Regulations 2003.

1.3 The named Data Protection Officer for Thaxted Parish Council is the Clerk, **Dena Ludford**, whose role it is to see that this Policy is adhered to. Any questions about the operation of this Policy or any concerns that it has not been followed should be directed to the **Chairman** in the first instance.

1.4 Thaxted Parish Council is registered under the 1998 Data Protection Act – no Z8568342, security number 10529996.

1.5 The purpose of this Policy is to set out the basis on which the Thaxted Parish Council will handle and process Personal data we collect from Data Subjects or that is provided to us by Data Subjects or other sources. This Policy does not form part of any employee's contract of employment and may be amended at any time.

### 2. Definitions

2.1 **Data** is information which is stored electronically, on a computer, or in certain paper-based filing systems.

2.2 **Data controllers** are the people who, or organisations which, determine the purposes for which, and the manner in which, any personal data is Processed. They are responsible for establishing practices and policies in line with the Act. The Thaxted Parish Council is the data controller of all Personal data used by the Thaxted Parish Council for its own purposes.

2.3 **Data processors** include any person or organisation that is not a data user that Processes Personal data on the Thaxted Parish Council's behalf and on the Thaxted Parish Council's instructions. Employees of the Thaxted Parish Council are excluded from this definition but it could include the Thaxted Parish Council's suppliers who handle Personal data on the Thaxted Parish Council's behalf.

2.4 **Data subjects** for the purpose of this policy include all living individuals about whom we holds personal data save for our employees. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.

2.5 **Data users** are those of our employees whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.

2.6 **Personal data** means data relating to a living individual who can be identified from that data (or from that data and other information in our possession). Personal data can be factual (for example, a name, address or date of birth) or it can be an opinion about that person, their actions and behaviour.

2.7 **Processing** is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data including organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring Personal data to third parties. "**Process**" and "**Processed**" shall be construed accordingly.

2.8 **Sensitive personal data** includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition or sexual life, or about the commission of, or proceedings for, any offence committed or alleged to have been committed by that person, the disposal of such proceedings or the sentence of any court in such proceedings. Sensitive personal data can only be Processed under strict conditions, including a condition requiring the express permission of the person concerned.

### 3.Data Protection Principles

3.1 All Personal data and Sensitive personal data collected and processed about individuals (both staff, volunteers, members and the general public) by the Thaxted Parish Council or anyone Processing Personal Data (including but not limited to support groups and volunteers) must comply with the 8 enforceable principles of good practice meaning that it must be:

- Processed fairly and lawfully.
- Processed for limited purposes only and in an appropriate way.
- It must be adequate, relevant and not excessive for the purpose
- Data collected must be accurate.
- It should not be kept for longer than required for the purpose.
- Processed in line with the individuals' rights.
- Kept securely.
- It must not be transferred to people or organisations situated in countries without adequate protection.

3.2 Personal data which Thaxted Parish Council means information from which you can be identified. It may include contact details, other personal information, photographs, expressions of opinion about you or indications as to our intentions about you.

## **4.Fair and Lawful Processing**

The Act is not intended to prevent the Processing of personal Data, but to ensure that it is done fairly and without adversely affecting the rights of the Data Subject. For personal 4.1 Data to be Processed lawfully, they must be Processed on the basis of one of the legal grounds set out in the Act. These include, amongst other things, the Data Subject's consent to the Processing, or that the Processing is necessary for the performance of a contract with the Data Subject, for the compliance with a legal obligation to which the Data Controller is subject, or for the legitimate interest of the Data Controller or the party to whom the Data is disclosed. When Sensitive personal data is being Processed, additional conditions must be met. When Processing personal Data as Data Controllers in the course of the Thaxted Parish Council's business, it will ensure that those requirements are met.

4.2 The Thaxted Parish Council will usually only Process your Personal data where you have given your consent or where the Processing is necessary to comply with the Thaxted Parish Council's legal obligations as Data Controller. In other cases, Processing may be necessary for the protection of your vital interests, for the Thaxted Parish Council's legitimate interests or the legitimate interests of others. The full list of conditions is set out in the Act.

4.3 The Thaxted Parish Council will only Process sensitive Personal Data about ethnic origin, political opinions, religious or similar beliefs, trade union membership, health, sex life, criminal proceedings or convictions, where a further condition is also met. Usually this will mean that you have given your explicit consent, or that the Processing is legally required for employment purposes. The full list of conditions is set out in the Act.

4.4 When Processing Personal data or Sensitive personal data, the Thaxted Parish Council, as Data Controller, will ensure that the conditions of the Act are met.

## **5.Processing for Limited Purposes**

5.1 In the course of the Thaxted Parish Council's business, it may collect and Process the Personal data set out in the Schedule. This may include Data the Thaxted Parish Council receives directly from a Data Subject (for example by completing forms or by corresponding with us by mail, phone, email or otherwise) and Data it receives from other sources (including, for example, business partners, sub-contractors in technical, payment and delivery services, credit reference agencies and others). Thaxted Parish Council will also Process Personal data about staff for legal, personnel, administrative and management purposes and to enable Thaxted Parish Council to meet our legal obligations as an employer, for example to pay you, monitor your performance and to confer benefits in connection with your employment.

5.2 Thaxted Parish Council may Process Sensitive personal data relating to staff including, as appropriate:

- (a) information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions as to the employee's fitness for work;
- (b) the employee's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- (c) in order to comply with legal requirements and obligations to third parties.

5.3 Thaxted Parish Council will only Process Personal data for the purposes specifically permitted by the Act. The Thaxted Parish Council will notify those purposes to the Data Subject when it first collects the Data or as soon as possible thereafter.

## **6. Notifying Data Subjects**

6.1 If Thaxted Parish Council collects Personal data directly from Data Subjects, it will inform them about:

- (a) The purpose or purposes for which we intend to process that personal data.
- (b) The types of third parties, if any, with which we will share or to which we will disclose that personal data.
- (c) The means, if any, with which data subjects can limit our use and disclosure of their personal data.

6.2 If Thaxted Parish Council receives Personal data about a Data Subject from other sources, it will provide the Data Subject with this information as soon as possible thereafter.

6.3 The Thaxted Parish Council will also inform Data Subjects whose Personal data it processes that it is the Data Controller with regard to that Data, and who the Data Protection Compliance Manager is.

## **7. Adequate, relevant and non-excessive processing**

7.1 The Thaxted Parish Council will only collect and Process Personal data, including employee's Personal data, the extent that it is necessary for the specific purpose/s notified to the Data Subject.

## **8. Accurate Data**

8.1 Thaxted Parish Council will endeavour to ensure that Personal data it holds is accurate and kept up to date. The Thaxted Parish Council will check the accuracy of any Personal data at the point of collection and at regular intervals afterwards. Thaxted Parish Council will take reasonable steps to destroy or amend any Data that is inaccurate or out of date. Employees should notify Thaxted Parish Council if their personal details change or they become aware of any inaccuracies in the Personal data which Thaxted Parish Council holds about them.

## **9. Data Retention**

9.1 Thaxted Parish Council will not keep Personal data longer than is necessary for the purpose or purposes for which they are collected. This means that Thaxted Parish Council will take reasonable steps to destroy or erase from its systems, all Data which is no longer required. **For guidance on how long certain data is likely to be kept before being destroyed, contact the Head of Information Governance and Quality Assurance.**

## **10. Processing in line with your Rights**

10.1 Thaxted Parish Council will process all Personal data in line with Data Subject's rights, in particular their right to:

- (a) Request access to any Personal data which the Thaxted Parish Council holds about them;

- (b) Prevent the Processing of their Data for direct-marketing purposes;
- (c) Ask to have inaccurate data amended;
- (d) Prevent Processing that is likely to cause unwarranted substantial damage or distress to themselves or anyone else;
- (e) Object to any decision that significantly affects you being taken solely by computer or other automated Process.

## **11 Data Security**

11.1 Thaxted Parish Council will ensure that appropriate security measures are taken against unlawful or unauthorised Processing of Personal data, and against the accidental loss of, or damage to, Personal data.

11.2 Thaxted Parish Council has in place procedures and technologies to maintain the security of all Personal data from the point of collection to the point of destruction. The Thaxted Parish Council will only transfer Personal data to a Data Processor if he agrees to comply with those procedures and policies, or if he puts in place adequate measures himself.

11.3 Thaxted Parish Council will maintain data security by protecting the confidentiality, integrity and availability (for authorised purposes) of the Personal data defined as follows:

- (a) Confidentiality means that only people who are authorised to use the Data can access it.
- (b) Integrity means that Personal data should be accurate and suitable for the purpose for which it is processed.
- (c) Availability means that authorised users should be able to access the Data if they need it for authorised purposes. Personal data should therefore be stored on the [Thaxted Parish Council's] central computer system instead of individual PCs.

11.4 Security procedures include:

- (a) Entry controls. Any stranger seen in entry-controlled areas should be reported.
- (b) Secure lockable desks and cupboards. Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)
- (c) Methods of disposal. Paper documents should be shredded. Digital storage devices should be physically destroyed when they are no longer required.
- (d) Equipment. Data users must ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

## **12 Transferring Personal data to a country outside the EEA**

12.1 We may transfer any Personal data we hold to a country outside the European Economic Area ("EEA"), provided that one of the following conditions applies:

- (a) The country to which the Personal data are transferred ensures an adequate level of protection for the Data Subjects' rights and freedoms.

(b) The Data Subject has given his consent.

(c) The transfer is necessary for one of the reasons set out in the Act, including the performance of a contract between the Thaxted Parish Council and the Data Subject, or to protect the vital interests of the Data Subject.

(d) The transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims.

(e) The transfer is authorised by the relevant Data Protection authority where the Thaxted Parish Council has adduced adequate safeguards with respect to the protection of the Data Subjects' privacy, their fundamental rights and freedoms, and the exercise of their rights.

12.2 Subject to the requirements above, Personal data which the Thaxted Parish Council holds may also be processed by staff operating outside the EEA who work for the Thaxted Parish Council or for one of its suppliers. That staff maybe engaged in, among other things, the fulfilment of contracts with the Data Subject, the Processing of payment details and the provision of support services.

### **13. Disclosure and Sharing of Personal Information**

13.1 Thaxted Parish Council may share Personal data it holds with any member of its group, as defined in section 1159 of the UK Companies Act 2006. The Thaxted Parish Council will not disclose employees' Personal data to a third party without consent unless it is satisfied that it is legally entitled to the data. Where the Thaxted Parish Council does disclose employees' Personal data to a third party or Data Processor, it will have regard to the 8 data protection principles.

13.2 Thaxted Parish Council may also disclose Personal data it holds to third parties:

(a) In the event that it sells or buys any business or assets, in which case it may disclose Personal data it holds to the prospective seller or buyer of such business or assets.

(b) If it or substantially all of our assets are acquired by a third party, in which case Personal data it holds will be one of the transferred assets.

13.3 If Thaxted Parish Council is under a duty to disclose or share a Data Subject or employees' Personal data in order to comply with any legal obligation, or in order to enforce or apply any contract with the Data Subject, its employees or other agreements; or to protect Thaxted Parish Council's rights, property, or safety of its employees, customers, or others. This includes exchanging information with other companies and organisations for the purposes of fraud protection and credit risk reduction.

13.4 Thaxted Parish Council may also share Personal data it holds with selected third parties for the purposes set out in the Schedule.

### **14. Dealing with Subject Access Requests**

14.1 Data Subjects must make a formal written request for information the Thaxted Parish Council holds about them. If an employee wishes to know what Personal data the Thaxted Parish Council holds about them, they must make a formal written request for the information with an accompanying fee of £10. All such written requests should be forwarded to the **Clerk**

14.2 Employees who receive a written request should forward it to the **Clerk** immediately.

14.3 When receiving telephone enquiries, Thaxted Parish Council will only disclose Personal data it holds on its systems if the following conditions are met:

- (a) Thaxted Parish Council will check the caller's identity to make sure that information is only given to a person who is entitled to it.
- (b) Thaxted Parish Council will suggest that the caller put their request in writing if the Thaxted Parish Council is not sure about the caller's identity and where their identity cannot be checked.

14.4 Thaxted Parish Council's employees will refer a request to their line manager or the **Clerk or Chairman** for assistance in difficult situations. Employees should not be bullied into disclosing personal information

14.5 For further information please refer to the Subject Access Request Policy.

## **15. Staff members**

15.1 Members of staff are responsible for both their own personal details and the processing in line with the Act of our members, volunteers and stakeholders.

Members of staff should, in regard to their own data:

- a) Know what information is held about them and why. Any request should be in writing or electronically sent with the appropriate fee if one is to be charged. The data controller must comply with the Data Subject access request promptly, and in any event, within 40 days.
- b) Be aware of how they can gain access to the information.
- c) Ensure that information held about them is accurate and up to date.
- d) Be responsible for informing relevant person of any changes to their details.

15.2 Members of staff when Processing and storing data should ensure that personal data:

- a) That you process is held securely.
- b) Is not disclosed either verbally or in writing to any unauthorised third party.
- c) Is kept in locked filing cabinets / drawers.
- d) If held on computer, should be password protected.

## **16. Support groups and volunteers**

Who use or collect data will be required to sign a data protection form agreeing to abide by the Act and to keep any data about group or society members strictly confidential. Information about individuals will only be released to those group members who have signed the above form by the Operations department.

## **17. Changes to this Policy**

We reserve the right to change this policy at any time. Where appropriate, we will notify data subjects of those changes by mail or e-mail.

**Staff must not:**

- a) Access Personal data not needed for their work.
- b) Use data for any purpose it was not explicitly obtained for.
- c) Keep data that would embarrass or damage the Thaxted Parish Council should it be disclosed.

- d) Process sensitive Personal data unless they are certain they are entitled to or have consent to.
- e) Leave any Personal data on the desk at the end of the working day.
- f) Leave Personal data on their computer screen if leaving the office for short periods.
- g) Disclose information about Personal data collected or the Thaxted Parish Council itself to those outside the Thaxted Parish Council.
- h) Hoard names and addresses on their computers unless the individual concerned is aware of this.

**Staff must:**

- a) Obtain consent for holding information as appropriate e.g. sensitive information (as defined above) such as religion, ethnicity, sexuality, criminal records etc all require explicit consent which is usually in writing.
- b) Ensure that people are offered the opportunity to 'opt' out of mailing/direct marketing if they wish.
- c) Ensure security arrangements for both manual and computer held data are in place.
- d) Regularly review the data they hold and delete if it is no longer required. It is not appropriate to store data in case it 'might' be needed again.

All Data Subjects have rights under the Act and Thaxted Parish Council will uphold these by ensuring the Data Subjects' right to

Gain access to information held about them.

- a) Prevent their details being held.
- b) Prevent Processing of their details for direct marketing.
- c) Receive compensation if their rights are contravened.
- d) Rectify, block, erase or destroy information held about them.
- e) Ask the Commissioner to assess whether the Act has been contravened.



*Adopted June 2017*

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