

INFORMATION & DATA PROTECTION POLICY

Reviewed and agreed September 2024

1 Introduction

In order to conduct its business, services and duties, Upton Grey Parish Council (the Council) processes data relating to its own operations and some which it handles on behalf of partners. Upton Grey Parish Council will responsibly manage 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. The Parish Council will periodically review and revise this Policy in the light of experience, input from data subjects and guidance from the Information Commissioners Office.

Regarding all information which is NOT personal, the Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. 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.

2 Protecting confidential or sensitive information

Upton Grey Parish Council will be required to at times, keep and process personal information about both employees and the public. It has therefore adopted this policy to meet its legal obligations and to ensure high standards.

The General Data Protection Regulations (GDPR) 2018 – following on from the Data Protection Act 1998 – seek to strike a balance between the rights of individuals and the requirements of those such as the Parish Council with legitimate reasons for using personal information.

The 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 it is 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.

3 Data Protection terminology

Data subject - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of the Council or someone transacting with the Council in some way, or an employee, member or volunteer.

Personal data - means any information relating to a data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes 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 - means a person who determines the purposes for which and the manner in which any personal data is to be processed.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data
- aligning, combining, blocking, erasing or destroying the information or data regardless of the technology used.

The Council processes personal data in order to:

- fulfil its duties as an employer
- process information including the recording and updating details about its members, employees, partners and volunteers
- process information including the recording and updating details about individuals who contact the Council for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires
- undertake research, audit and quality improvement work
- carry out Council administration.

The Council will not share personal data without consent of the individual.

- 4. Who is responsible for protecting a person's personal data?** The Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Parish Clerk.
- 5. Personal data provided to us** – will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Council, individuals are deemed to be giving consent for their personal data, as provided, to be used in accordance with this Policy. However, where possible and relevant, specific written consent will be sought. It is the responsibility of individuals to ensure that the Council is able to keep their personal data accurate and up-to-date where so required. 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. Data will only be kept for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.
- 6 The Council's Right to Process Information**
(General Data Protection Regulations and Data Protection Act Article 6(1)(a)(b)(e))
 - processing is with consent of the data subject
 - processing is necessary for compliance with a legal obligation
 - processing is necessary for the legitimate interests of the Council.
- 7 Children** – No data relating to a child (under 13) will be processed without the expressed parental / guardian consent of the child concerned.
- 8 Rights of a data subject**
 - The right to access data relating to them held by the Council
 - The right to require the Council to update data relating to them
 - The right to require the Council to delete data relating to them
 - The right to object – if believe their data is not being processed for the purpose for which it has been collected
 - The right to complain to the Council, or the Information Commissioners Office casework@ico.org.uk, Tel 0303 123 1113.

9 Making information available – The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for a specific request. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community. In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available.

All formal meetings of Council and its committees are subject to statutory notice being given; all are open to the public and press, and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website. Minutes from all formal meetings, including the confidential parts are public documents.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters where details of commercial / contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

10 Data Transparency – Public data The Council will act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

Public data means the objective, factual data on which policy decisions are based and on, on which public services are assessed, or which is collected or generated in the course of public service delivery. The Code will therefore underpin the Council's decisions on the release of public data and ensure it is proactive in pursuing best practice as it develops.

The principles of the Code are

- Demand led – publication of data should support transparency and accountability
- Open – the provision of public data will be integral to the Council's engagement with residents
- Timely – data will be published as soon as possible following production.