

## Clifton upon Dunsmore Parish Council

### DATA MANAGEMENT POLICY (25 MAY 2018)

#### **Scope of the policy**

Clifton upon Dunsmore Parish Council is committed to protecting your privacy. All public and private organisations are legally obliged to protect any personal information they hold.

We operate in accordance with the Freedom of Information Act 2000, and the Data Protection Act 1998, the provisions of which have now been enhanced and strengthened by the General Data Protection Regulation (GDPR) 2018.

The Parish Council is registered as a Data Controller and Data Processor with the Information Commissioner's Office. Our registration number with the Information Commissioner's office is Z7927160 and may be viewed at Information Commissioner's Office website.

For more details on the Data Protection and Freedom of Information Acts please contact the Information Commissioner's Office. <https://ico.org.uk/>

#### **Responsibilities**

As the Data Controller, the Parish Council has a corporate responsibility to maintain its records and record management systems in accordance with the regulatory framework. The person with overall responsibility to the Data Controller, (as the Data Processor) is the Clerk to the Parish Council.

The person responsible for data processing will give guidance for good records management practice and will promote compliance with this policy, and in accordance with its Document Retention and Disposal Policy so that information will be retrieved easily, appropriately and timely.

#### **What do we mean by personal data?**

The GDPR covers any personal data which concerns a living and identifiable individual and includes such things as name, address, age or telephone number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

#### **What do we mean by sensitive personal data?**

The GDPR defines sensitive personal data as "special categories of personal data" The special categories specifically include genetic data, and biometric data where processed to uniquely identify an individual.

Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to its processing.

#### **What personal data used for**

As a Data Controller:

- The Parish Council holds details of the Electoral Register for the Parish.
- The Parish Council holds details of regular contacts for local groups and contractors.
- The Parish Council holds details of residents who have responded to consultations
- The Parish Council holds details of those who have volunteered to participate in parish council events
- The Parish Council holds details of users of the parish councils services; i.e. allotments and grazing land
- The Parish Council holds information in relation to planning applications and any comments made.

*Please note that this list is not exhaustive and we may need process personal data for other purposes, which will need to be recorded by the use of a Data Consent form*

### **How we store and manage personal data**

- The Council only stores personal data when volunteered to us by you or when they form part of public record within the Council's Minutes.
- The information is held and managed by the Council Clerk.
- The Council records are kept at the Clerk's working location which is their home, or in the case of historical documents in the County Council archive.
- Electronic data is held on a password-protected Council laptop, with encryption software, which remains the property of the Parish Council.
- Data is deleted when no longer required and in accordance with its document retention and disposal policy 2018.
- All disposed paper data is shredded prior to disposal.

### **What is the legal basis for holding personal data?**

- Clear consent has been given by the subject to process personal data for a specific purpose;
- Clear consent has been given so that we can keep the subject informed about news, events, activities and services;
- Processing is necessary in order that we comply with the law (not including contractual obligations);
- Processing is necessary in order to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.
- Processing is necessary for carrying out obligations under employment; and
- there is no disclosure to a third party without consent.

### **Who can view personal data**

- It may be necessary for the Council to view certain personal data when considering planning applications and queries.
- It may be necessary for the Council to view certain data to enable it to make contact with service users and volunteers.
- It may be necessary for the Council to view certain personal data to enable it to make a decision on the awarding of contracts for the supply of services.
- Your personal information will NOT be disclosed to third parties unless required by law or your prior written consent is sought.

### **How will we make contact with a data subject?**

- The Council may use personal data to contact with a data subject by email, by social media (private messenger) by telephone or in writing.
- Personal data will NOT be sold or disclosed to any third parties unless required by law or with the written consent of the data subject.

### **Individuals rights and personal data**

The General Data Protection Regulations include the following rights for individuals:

- The right to request a copy of your personal data which the Parish Council holds about you;
- The right to request that the Parish Council corrects any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for [data controller] to retain such data;
- The right to withdraw your consent to the processing at any time
- The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable) [Only applies where the processing is based

on consent or is necessary for the performance of a contract with the data subject and in either case the data controller processes the data by automated means].

- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable) [Only applies where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics]
- The right to lodge a complaint with the Information Commissioners Office.

### **How can a data subject obtain a copy of personal data held?**

Under the GDPR, individuals will have the right to obtain:

- confirmation that their data is being processed;
- access to their personal data; and
- other supplementary information – this largely corresponds to the information that should be provided in a privacy notice

The Council will be as open as we can in terms of giving access to personal data. Individuals can find out if we hold any personal data held about them by making a 'subject access request' under the GDPR.

- A person whose personal data is held is entitled to be informed by Clifton upon Dunsmore Parish Council whether any data is held on him / her and to: a description of the data; and a copy of the information in an intelligible form.
- The person is also entitled to request and receive information pertaining to: the purposes for which the data is being held; the recipients or classes of recipients to whom it may be disclosed; and the source of the data.
- If the data has been processed by a computer in order to arrive at a decision and the outcome of such processing significantly affects the person concerned is entitled to be informed of the logic behind the decision – making process.
- Where the processing of personal data causes unwarranted and substantial damage or distress the person is entitled to send a notice to Clifton upon Dunsmore Parish Council requiring such processing to cease. Clifton upon Dunsmore Parish Council must, within 1 month, send the individual a written notice stating that the request has been complied with or the reasons why the request is unjustified. Inadequate compliance with a notice may be remedied by court order.
- The person also has the right to have wrong information corrected, blocked from processing or erased

**Policy adopted 9 April 2018**

**Signed:**

**Date:**

All correspondence should be addressed to THE DATA CONTROLLER: Clifton Upon Dunsmore Parish Council. c/o 24 Harebell Way Rugby Warwickshire CV23 0TT.  
[clerk@cliftonupondunsmore.org.uk](mailto:clerk@cliftonupondunsmore.org.uk) [www.cliftonupondunsmore.org.uk](http://www.cliftonupondunsmore.org.uk)