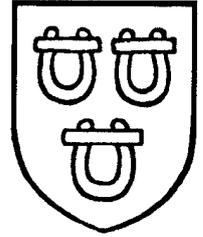


**ANDERTON PARISH COUNCIL**



***GENERAL DATA  
PROTECTION REGULATIONS  
(GDPR)  
- DATA PROTECTION POLICY***

**MAY 2018**

## **1) Purpose of the Policy and Compliance with the General Data Protection Regulations (GDPR) (2018).**

This policy explains to councillors, staff and to the public the compliance of the council to GDPR. Under GDPR any personal data held by the council 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 of the council to include the additional requirements of GDPR which apply within the UK from May 2018.

The policy explains the duties and responsibilities of the council and it identifies the means by which the council will meet its obligations, identify roles and minimise risk. GDPR requires that everyone within the council must understand the implications of GDPR and that roles and duties are assigned. The council will be the Data Controller and will nominate a suitable individual to act as the Data Protection Officer (DPO) for the council.

The role of the DPO is to monitor the council's compliance with the regulations. The DPO has the authority to instruct an information audit and must ensure that this Data Protection Policy is reviewed annually. The DPO will also deal with any data related requests and complaints made to the council, including instigating appropriate actions and ensuring the safe disposal of any data. GDPR requires continued care by everyone within the council, both councillors and staff, 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 ICO.

Anderton Parish Council fully endorses the principles of the General Data Protection Regulations and is committed to compliance with the requirements of GDPR. The council will therefore follow procedures which aim to ensure that all employees and elected members, who may have access to any personal data held by or on behalf of the council, are fully aware of and abide by the rules under the GDPR.

## **2) Legitimacy Basis**

Anderton Parish Council regards the lawful and appropriate treatment of personal information as very important to its successful operations and essential to maintaining confidence between the council and those with whom it carries out business. The council needs to hold limited information about people with whom it works or corresponds in order to operate and carry out its functions. These may include members of the public, current and past councillors and organisational contacts. In addition the council may be required by law to collect and use information in order to comply with the requirements of central government. Any personal information will be handled and dealt with properly however it is collected, recorded and used and whether it is on paper, in digital form or recorded by other means.

When dealing with personal data the council will ensure that:

- It is processed fairly and lawfully
- It is processed for specified purposes only and is relevant to need
- It is accurate and up to date
- It is not kept longer than required
- It is processed in accordance with individual rights
- It is held securely

All employees, volunteers and councillors are expected to comply with this policy at all times in order to protect privacy, confidentiality and the interests of the council.

### **3) Data Processed by Anderton Parish Council**

#### **3.1) Personal Data**

Data obtained from councillors when they are elected or co-opted onto the council (names, addresses, phone numbers, email addresses etc) and that which is required to complete the statutory Declaration of Interests.

Data obtained from members of the public and business contacts (names, email or postal addresses of anyone contacting the council via this route), and making contact with the council for specific purposes.

The Parish Clerk will take reasonable steps to ensure that the information is kept up to date. If in electronic form this data will be held in a password protected environment. If in hard copy it will be held in a secure cabinet purely for use by the council in communicating with the individual.

#### **3.2) Sensitive Data**

The GDPR refers to personal data particularly sensitive to an individual as sensitive data. The council does not record any sensitive data regarding individuals with the possible exception of council member's interests which by law have to be declared upon election to the council.

#### **3.3) Data Collection**

The council does not undertake data collection.

#### **3.4) Information Storage**

Information is held by the Parish Clerk. Emails are stored in a secure password protected environment on a suitably protected computer. Written letters are held within a suitably secure storage area at the residence of the Parish Clerk

#### **3.5) Information Sharing**

No data or information is shared or transferred by the council other than within the council members themselves for legitimate council business. No personal data is shared outside of the elected councillors.

#### **3.6) Access to Data**

The Parish Clerk is the only person to have access to the stored data. In certain cases councillors may have access to the data to allow them to carry out their legitimate tasks for the organisation. If an elected member of the council needs to access information to help carry out their duties, this is considered an acceptable use. They must only access as much information as is necessary and it must only be used for that specific purpose.

#### **3.7) Checking Stored Data**

Councillors and any other relevant interested parties must communicate with the Parish Clerk if they wish to know what data is held about them. External requests for access to the data must be made via the Parish Clerk. All electronic devices holding or having access to data are suitably protected.

#### **3.8) Removal of Data**

Personal data relating to a councillor is normally kept until a councillor retires, resigns or is not re-elected, with the possible exception of data kept for historical purposes.

Personal data relating to other individuals is only retained pending resolution of the individual enquiry or for ongoing business engagement purposes.

#### **3.9) Policy on Photographs**

The council will seek permission when taking photographs in the event of use on social media.

#### **4) Compliance Monitoring**

Under GDPR the council has a statutory requirement to appoint a Data Protection Officer (DPO). The council will confirm a suitable individual each year at its AGM to undertake this role. The nominated DPO will ensure an annual review is undertaken to confirm compliance with the above procedures.

A copy of this policy will be displayed on the council's website. This policy and procedures will be considered as a core policy for the governance of the council. It will be reviewed at least annually or when further advice is issued by the ICO.

#### **5) Individuals' Rights**

The GDPR gives rights to individuals whose personal data is held by an organisation. In summary these rights include:-

- The right to be informed
- The right of access
- The right to rectification (of incorrect data)
- The right to erasure
- The right to restrict processing
- The right to data portability (in an accessible form)
- The right to object
- The right not to be subject to automated decision-making including profiling

An individual who believes the council holds personal data on them may make a request to the council regarding the above rights free of charge. If a request is received to delete information the DPO must respond to this request within one month. The DPO has the authority to order that information be erased from the council holding.

If a request is considered to be manifestly unfounded then the request could be refused or a charge may be applied. The charge will be as detailed in the council's Freedom of Information Publication Scheme. The council will be informed of such requests.