

BRINTON AND SHARRINGTON PARISH COUNCIL

DATA PROTECTION POLICY

Brinton and Sharrington Parish Council ("the Council") as Data Controller is committed to ensuring compliance with the Data Protection Act 2018 and the UK General Data Protection Regulations 2021

The Council appoints a Data Protection Officer who is the Clerk

The Data Protection Act 2018 and the UK General Data Protection Regulations ("the Act and Regulations") set out a framework of rights and duties which safeguard personal data. Personal data is information relating to a living individual who can be identified from the data. The Regulations balances the legitimate needs of organisations to collect and process data against the rights of individuals to respect for their privacy.

The Parish Council recognises the importance of personal data to its business and the importance of respecting the privacy rights of individuals. This Policy sets out the principles which it will apply to the processing of personal data.

In this Policy "processing" means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- (a) organisation, adaptation or alteration of the information or data;
- (b) retrieval, consultation or use of the information or data;
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available;
- (d) or alignment, combination, blocking, erasure or destruction of the information or data

and "processed" shall be construed accordingly.

In this policy "personal data" meant data that relates to a living individual who can be identified either from that data and/or other information that is in the possession of, or is likely to come into the possession of, the data controller. This includes any 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.

It is the responsibility of, and applies to, the Clerk and Councillors to implement this Policy.

The Information Commissioner who oversees compliance and promotes good practice requires all data controllers who process personal data to be responsible for their processing activities and comply with the eight Data Protection Principles of “good information handling”.

The Data Protection Principles

Article 5 of the UK GDPR sets out seven principles to be complied with when personal data is processed. These principles are set out as follows.

1. *Personal data shall be processed fairly, lawfully and in a transparent manner*
2. *Personal data shall be obtained only for one or more specified and lawful purposes and must not be further processed in any manner incompatible with those purposes.*
3. *Personal data shall be adequate, relevant and limited to what is necessary*
4. *Personal data shall be accurate and where necessary kept up to date.*
5. *Personal data shall not be kept for longer than is necessary*
6. *Appropriate technical and organisational measures must be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.*
7. *Personal data shall be processed in accordance with the rights of data subjects (accountability). These rights are:*
 - *The right to be informed*
 - *The right of access*
 - *The right to rectification*
 - *The right of erasure*
 - *The right to restrict processing*
 - *The right to data portability*
 - *The right to object*
 - *Rights in relation to automated decision making and profiling*

This policy applies to all personal data held by Brinton Parish Council however it is collected, recorded and used and whether it is on paper records or computer records.

1. Disclosure

The Clerk and Councillors will not disclose personal data held by the Parish Council. Personal data will not be disclosed to anyone internally or externally, unless the person disclosing the information is fully satisfied that the requestor is authorised and legally entitled to the information.

Personal data may be disclosed to authorised persons if required, under one of the exemptions from particular UK GDPR provisions that are contained within the Data Protection Act 2018. Examples of exemptions are:

- National security
- Crime and taxation
- Audit functions
- Bank of England functions
- Functions designed to protect the public
- Orders made in relation to health, education and social work
- Regulatory activity
- Research , history and statistics
- Information made available to the public by or under enactment
- Disclosures required by law
- Disclosures made in connection with legal proceedings
- Domestic purposes (personal data processed only for the purposes of that individual's personal, family or household affairs)
- Protection of the rights of others

Access to and use of personal data held by the Parish Council is only permitted to the Clerk and Councillors for the purpose of carrying out their official duties. Use or disclosure for any other purpose is prohibited and any breach may result in disciplinary or legal proceedings.

Personal data is confidential and confidentiality will be preserved in compliance with the Data Protection Principles.

If personal data is lost, stolen or otherwise compromised, it is important that the Data Protection Officer/Clerk is contacted without delay. Where there has been a data breach, the Parish Council has a duty to find out what data has been lost or stolen, to mitigate the loss and to take steps to notify persons affected. If serious, there is also a duty to contact the Information Commissioner's Office.

Brinton and Sharrington Parish Council does not process sensitive personal data (as defined in the Act).

Data will only be processed for the purpose for which it was collected and will not be used for additional purposes without the consent of the data subject.

The Parish Council will endeavour to ensure that information kept is accurate and relevant. Where it is found that information is inaccurate, remedial steps will be taken. The Parish Council will hold an "Information Audit" prepared by the Data Protection Officer of personal

data held and the reason it is held. The Parish Council will issue Privacy Notice/s as required by the General Data Protection Regulations

Personal data will be kept no longer than is necessary (see our Retention of Documents information on our website) and will be kept securely.

2. The Right of Subject Access

A written request received by the data controller (Brinton and Sharrington Parish Council) from an individual wishing to access the rights under the provision of the Regulations is known as a “subject access request”. The Regulations give an individual the right to request access to any “personal data” that they believe may be held about them. The Parish Council may charge a fee of up to £10 for every request and will require proof of identification.

If the Parish Council does hold the requested information, then it will provide a written copy of the information held by it and details of any disclosures which have been made, if any. The information requested will be provided promptly and in any event within 40 calendar days of receipt of the subject access. If such information is not being held/processed the requestor will be informed so within the 40 day limit. There are some circumstances where the information requested contains information that relates to another person. Unless the other person gives their permission, or it is reasonable in all the circumstances to provide the information without permission, the Parish Council is entitled to redact third party information or where necessary, withhold this information. There are other circumstances where the Parish Council can withhold information under the Regulations. For example, if it would put at risk a criminal investigation or catching an offender.

If the data subject believes that Brinton and Sharrington Parish Council has not responded correctly and is not happy with the Parish Council’s response, they are able in the first instance to request an internal review and/or to complain to the Information Commissioner’s Office.

3. Further Information

The Parish Council’s Data Protection Officer and Clerk (see website for contact details) is the first point of contact on any of the issues mentioned in this policy document. The Data Protection Officer will be responsible for dealing with all individual and external enquiries.