

WOLSTON PARISH COUNCIL

DATA PROTECTION POLICY AND PRINCIPLES

Rev 1

December 2012



Wolston Parish Council

Data Protection Policy and Principles

Note:

The advice in this topic note is based on Wolston Parish Council's understanding of the law and practice at the present time and is not intended to be a comprehensive statement, and no liability can be accepted for any error, omissions or inaccuracies contained therein.

The Data Controller for Wolston Parish Council is the Clerk to the Council.

This Data Protection Policy and Principles was approved and adopted by Wolston Parish Council on 6th December 2012, Minute 2012/130

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STATEMENT OF POLICY

Wolston Parish Council recognises its responsibility to comply with the Data Protection Act 1998. The act regulates the use of personal data. This does not have to be sensitive data; it can be as little as a name and address.

The Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The Data Protection Act applies to anyone holding personal information about people electronically or on paper.

As a local authority Wolston Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 1998 when holding personal information. The Parish Council has also notified the Information Commissioner that it holds personal data about individuals.

WOLSTON PARISH COUNCIL IS COMMITTED TO THE EIGHT DATA PROTECTION PRINCIPLES.

The principles are set out below.

1 DATA MUST BE OBTAINED FAIRLY AND LAWFULLY

Information should be 'fairly processed' i.e. when you collect the information from individuals you should be honest and open about why you want it.

- *Wolston Parish Council will have legitimate grounds for collecting and using personal data.*
- *The data will not be used in ways that could have unjustified adverse effects on the individuals concerned.*
- *The Parish Council will be transparent about how they intend to use the data and will not do anything unlawful with the data.*

2 DATA MUST BE HELD ONLY FOR SPECIFIC AND LAWFUL PURPOSES AND NOT PROCESSED IN ANY MANNER INCOMPATIBLE WITH THOSE PURPOSES

You must have a legitimate reason for processing the data. You should explain (in most cases in writing): who you (the data controller) are - giving the name of your Council; what you intend to use the information for and to whom you intend to give the personal data. This may be a specific third party, or a may be a more general description such as "other Councils' etc..

- *Wolston Parish Council will be clear about why they are obtaining personal data and what they intend to do with it, and where necessary will give privacy notices to individuals when collecting their personal data.*
- *The Parish Council will notify the Information Commissioner if required and will ensure that if the data is to be used for any purpose that is different to or in addition to the original specified purposes, that the new use and disclosure is fair and transparent.*

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3 DATA MUST BE RELEVANT, ADEQUATE AND NOT EXCESSIVE FOR THOSE PURPOSES

Data users should monitor the quantities of data held and ensure that they hold neither *too much* nor *too little*. Hold only the data which you actually need.

- *Information held about individuals will only be sufficient for the purpose the Parish Council is holding it for in relation to that individual.*
- *The Parish Council will not hold more information that is required for the set purpose and will consider each individual and circumstances separately.*

4 DATA MUST BE ACCURATE AND WHERE NECESSARY KEPT UP TO DATE

Personal data should be accurate. If it is not, it must be corrected.

- *The Parish Council will take reasonable steps to ensure the accuracy of any personal information obtained, and will ensure that the source of any personal data is clear.*
- *Consideration will be given to any challenges to the accuracy of information and the Parish Council will consider whether it is necessary to update the information.*

5 DATA MUST NOT BE KEPT FOR LONGER THAN NECESSARY

Only in exceptional circumstances should data be kept indefinitely. In order to comply with the principle you should have a system for the removal of different categories of data from your system after certain periods, for instance, when the information is no longer required for audit purposes.

- *When Personal data is obtained, the Parish Council will consider how long the personal data needs to be retained for. The purpose/purposes of the information will be considered for deciding whether (and for how long) to retain data.*
- *Information that is no longer required will be securely deleted/disposed of. If information goes out of date it will be updated, archived or securely deleted.*
- *Information that is part of Parish Council records, such as Parish Council minutes, may be kept indefinitely. Letter or correspondence from or to individuals will be archived in correspondence folders.*

6 DATA SHOULD BE PROCESSED IN ACCORDANCE WITH THE RIGHTS OF DATA SUBJECTS UNDER THE ACT

This means that individuals must be informed, upon request, of all the information held about them. They can prevent the processing of data for direct marketing purposes and are entitled to compensation if they have been caused damage by any contravention of the Act.

The Parish Council will give a 'right of access' to a copy of the information comprised about an individual.

The Parish Council understands that individuals can object to data being held about them and that individuals can have inaccurate personal data rectified, erased or destroyed.

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7 SECURITY PRECAUTIONS IN PLACE TO PREVENT THE LOSS, DESTRUCTION OR UNAUTHORISED DISCLOSURE OF THE DATA

Data controllers should ensure that they *provide* adequate security for the data taking into account the nature of the data, and the harm to the data subject that could arise from disclosure or loss of the data. A system of passwords should be in use to ensure that only staff who are authorised can gain access to personal data. Passwords should be changed fairly frequently.

Councils should have established, written procedures setting out who is authorised to access which records and for what purpose.

- *The Parish Council have sufficient security to fit the nature of personal information held, with relevant back up.*

8 NOT TO TRANSFER DATA OUTSIDE THE EUROPEAN ECONOMIC AREA UNLESS YOU ARE SATISFIED THAT THE COUNTRY IN QUESTION CAN PROVIDE AN ADEQUATE LEVEL OF SECURITY FOR THAT DATA

Sensitive Data

The Data Protection Act 1998 defines eight categories of sensitive personal data. These are:

- a. the racial or ethnic origin of data subjects;
- b. their political opinions;
- c. their religious beliefs or other beliefs of a similar nature;
- d. whether they are a member of a trade union;
- e. their physical or mental health or condition, their sexual life;
- f. the commission or alleged commission by them of any offence, or
- g. any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.

If you hold personal data falling into these categories it is likely that you will need the explicit consent of the individual concerned. You will also need to ensure that your security is adequate for the protection of sensitive data.

- *The Parish Council have sufficient systems in place to fit the nature of the personal information held.*

MANUAL DATA

The Data Protection Act 1998 also covers some records held in paper form. Such records need not be notified to the Commissioner, but should be handled in accordance with the data protection principles. Manual records are covered by the Act if they form part of a relevant filing system. It is for data controllers to assess their manual records.

If the Parish Council receives a written subject access request, it must deal with it promptly, and in any case within 40 days from the date of receipt. If further information is required before a response can be

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made, the 40 days will begin when this further information is received. The Parish Council is entitled to ask for a fee of not more than £10 and the 40 days does not begin until this is received. In response to a subject access request individuals are entitled to a copy of the information held about them, both on computer and as part of a relevant filing system. They also have the right to receive a description of why their information is processed, anyone it may be disclosed to, and any information available to the Parish Council about the source of the data.

The Data Controller for Wolston Parish Council is the Clerk to the Council.

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email: clerk.wolstonpc@wolston.me.uk

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6th December 2012

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