

RADWAY PARISH COUNCIL

GDPR

Date of Adoption	Review date
May 2023	May 2024

Purpose of the policy and background to the General Data Protection Regulation

This policy explains to councillors, employees and the public about GDPR. Personal data 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 to include the additional requirements of GDPR which apply in the UK from May 2018. The Government have confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This policy explains the duties and responsibilities of the council and it identifies the means by which the council will meet its obligations.

IDENTIFYING THE ROLES AND MINIMISING RISK

GDPR requires that everyone within the Parish Council must understand the implications of GDPR and that roles and duties must be assigned. The Parish Council is the Data Controller. The Data Protection Officer (DPO) is the Parish Clerk.

Personal data 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.

Any risks in the handling and storage of data can be minimised by undertaking an Information Audit; issuing privacy statements; minimising who holds data protected information; ensuring the safe disposal of information; and the Parish Council undertaking training in data protection awareness.

GDPR requires continued care by the Clerk and councillors in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the Parish Council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.

INFORMATION AUDIT

The Data Protection Officer must undertake an Information Audit which details the personal data held, where it came from, the purpose for holding that information and with whom the Parish Council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the Information Audit will be

reviewed at least annually or when the Parish Council undertakes a new activity. The Information Audit review should be conducted ahead of the review of this policy and the reviews minuted.

PRIVACY NOTICES

Being transparent and providing accessible information to individuals about how the Parish Council uses personal data is a key element of the Data Protection Act 1998 and the General Data Protection Regulations (GDPR). The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what the Council does with their personal information. A privacy notice will contain the name and contact details of the Data Controller and Data Protection Officer; the purpose for which the information is to be used; and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice must be detailed on the Information Audit kept by the Parish Council.

CHILDREN

There is special protection for the personal data of a child, although Radway Parish Council rarely holds any personal information about children. The age when a child can give their own consent is 13. If the Parish Council requires consent from young people under 13, the Council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

INDIVIDUALS' RIGHTS

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed.
- the right of access.
- the right of rectification.
- the right to erasure.
- the right to restrict processing.
- the right to data portability.
- the right to object.
- the right not to be subject to automated decision-making, including profiling.

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometime known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

If a request is received to delete information, then the DPO must respond to this request within a month. The DPO has the delegated authority from the Parish Council to delete information. If a request is considered to be manifestly unfounded then the request can be refused . Any charges applicable will be detailed in the Council's Freedom of Information Publication Scheme.

DATA BREACHES

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the Personnel Committee. Investigations must be undertaken within one month of the report of a breach. The ICO will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly. It is unacceptable for non-authorized users to access IT using employees' log-in passwords or to use equipment while logged on. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Parish Council, for example the discussion of internal Council matters on social media sites could result in damage to the Parish Council's reputation and to individuals.

SUMMARY

The main actions arising from this policy are:

- A copy of this policy will be made available on the Parish Council's website. The policy will be considered as a core policy of the Council.
- Privacy notices must be issued.
- Data Protection will be included in the Parish Council's Risk Management Policy.
- An Information Audit will be conducted and reviewed at least annually, or when projects and services change.

POLICY REVIEW

This policy will be reviewed every three years or when further advice is issued by the ICO. All employees and councillors are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Parish Council.