

Nettleton Parish Council – Data Protection Policy & Procedures

1. Introduction

The General Data Protection Regulation (GDPR) takes effect on 25th May 2018. It replaces the existing law on data protection (Data Protection Act 1998). It gives individuals more rights and protection regarding how their personal data is used. The regulation applies to all levels of local government, including parish councils.

This document sets out the practical measures that Nettleton Parish Council will take to comply with this law, as seems appropriate for a small parish council. It will be revised as and when necessary and in particular when new guidance is received on the application of GDPR to parish councils.

The Clerk is responsible for implementing this Policy. The Clerk and Councillors are responsible for complying with the Procedures.

Items shown in italic in this document are guidance notes and are not part of the Policy.

2. Definitions

Definitions for Parish Council purposes are given below.

Personal Data: "Personal Data" is any information about a living person which can identify them. This includes e-mail address, phone number and postal address.

Sensitive Personal Data covers matters such as racial origin, political or religious beliefs, health conditions, etc. *Seems unlikely to be relevant to the PC as this type of data is not held.*

Data Controller (DC) is the person or organisation who determines the how and what of data processing, in this the DC is the Parish Council.

Data Processor (DP) is any person who processes data on behalf of the data controller. *Note that there is some confusion in parish councils at present as to whether both Clerk and councillors are DP's – or whether the processing carried out by them is under their DC role.*

Processing is anything done with or to personal data.

Data subject is the person to whom the processing activities relates.

Data Privacy Policy. This is a statement that must include identity of the DC, contact details of the DPO, the purposes of the processing information, the period data is held for and individuals statutory rights. *It should be published and will be put on the web site.*

Privacy Notice is a notice describing how personal data will be used and what rights the data subject has.

Consent is a positive confirmation of a person's agreement to have their data used for a particular purpose. *Note that a tick box response is not adequate.*

Data Protection Officer (DPO): The DPO's role is to assist the PC in applying the regulations and to monitor compliance and carry out audits. *See comments under the policy statement.*

Information Commissioner's Office (ICO) is the regulator in charge of data protection and privacy issues.

3. Data Protection Policy

The Parish Council (PC) will comply with the General Data Protection Regulation (GDPR) in a manner that is appropriate to the Parish Council's operations. The PC will follow the following principles:

- a) Obtain consent from individuals to hold and use their personal data.
- b) Collect, hold and use personal data only as is appropriate for carrying out the duties of the PC.
- c) Keep the personal data secure.
- d) Keep personal data only for as long as it is needed for carrying out the duties of the PC and delete it when no longer needed.
- e) Allow individuals to see their personal data when requested.

The Clerk will register the Parish Council as Data Controller with the ICO.

The Parish Council will appoint a Data Protection Officer, if possible as a shared service with other parish councils. *Further guidance is awaited on this matter from the ICO and NALC. Note that neither the clerk nor a councillor can be the DPO.*

4. Data Protection Procedures

The Clerk and Councillors use their personal computers on Parish Council business and, typically, Councillors use their personal e-mail addresses for correspondence with residents. *It is acknowledged that would be prohibitively expensive for the PC to provide computers and e-mail addresses to all Councillors.*

The practical measures that shall be taken by the Clerk and by Councillors are as follows:

- a) Audits: Conduct an audit of personal data that they hold. Data that is no longer required or is out of date shall be deleted.
- b) Consent: Obtain consent for holding e-mail addresses, phone numbers and postal addresses for use on PC business. *Note that information held for personal contacts is not affected.*
- c) Computer security: Ensure that their computer has security and anti-virus software installed and that it is kept up to date and that access to the computer is controlled by password.
- d) Physical security: Ensure that paper copies of parish council documents that contain personal data are kept securely. *Note that most of the documents that are kept in paper form, such as minutes of meetings, planning applications, etc., are public documents and therefore no specific security measures are needed.*
- e) E-mail addresses: The Parish Council has 3 e-mail addresses in the form [.gov.uk](mailto:xxx@xxx.gov.uk) provided through the website. These are allocated for use by the Clerk, the Chairman and the Highways councillor. Councillors may use their personal e-mail addresses, subject to the guidelines given below.
- f) E-mails to residents on council business requesting action or involving complaints should be sent from a PC e-mail address by the Clerk or Chairman.
- g) Councillors may send e-mails to residents from their personal e-mail address only if they are satisfied that the resident concerned has given their consent to use of their e-mail address.
- h) If forwarding an e-mail from a resident, the name and address should be deleted unless it is clear that they wish their name to be forwarded. If in doubt their consent shall be obtained.
- i) Names of residents will not be included in meeting minutes unless they attend the meeting. *PC meetings are public events and consent is not required to include names of attendees.*

- j) If an invoice includes bank details, this data will be deleted if the invoice is circulated to Councillors.

APPENDICES

A. Privacy Notice

Any personal data held by Nettleton Parish Council will only be used as is appropriate for carrying out the duties of the Parish Council and to inform residents of items that may concern residents. The data will be held only for as long as it is needed for carrying out the duties of the Parish Council and will be deleted when no longer needed. The data will be held securely and individuals have the right to see their data when requested. NPC will not pass on personal data to a third party without the consent of the individual.

The above notice will be put on the website.

Sample statement to go on bottom of emails:

Due to the changes in Data Protection Law, could you please return consent for us to continue to hold your email address.

B. Consent Form for Nettleton Parish Council *This form needs further editing / consideration*

Your privacy is important to us and we would like the ability to communicate with you about the parish and local issues that may concern you. To do so we need your consent. Please fill in your name and address and other contact information below and confirm your consent by ticking the boxes below.

Name
Address
.....
Signature
Date

Please confirm your consent below. You can find out more about how we use your data from our “Privacy Notice” which is available on our website.

You can withdraw or change your consent at any time by contacting the Parish Clerk.

We may contact you to keep you informed about what is going on in the parish council’s area. These communications may also sometimes appear on our website.

Keeping in touch:

- Yes please, I would like to receive communications by email