

# WINGHAM PARISH COUNCIL DATA PROTECTION POLICY

Discussed and approved at a meeting of council on Monday 9 September 2019

## **Introduction**

In order to conduct relevant business, services and duties as a public authority, Wingham Parish Council processes a range of information relating to its own operations and some which it handles on behalf of partners.

This information can be classified as:

- Information shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public;
- Confidential information and data not yet in the public arena such as ideas or policies in the process of being decided;
- Information about other organisations that is confidential because of commercial sensitivity;
- Personal information concerning its current, past and potential employees, Councillors and volunteers;
- Personal information concerning individuals who contact the Parish Council for information, to access its services or facilities, or to make a complaint.

Wingham Parish Council will adopt procedures and manage responsibly all information which it handles and will respect the confidentiality of both its own information and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under Data Protection legislation.

## **Protecting Confidential or Sensitive Information**

Wingham Parish Council recognises it must at times, keep and process sensitive and personal information about employees and the public. The General Data Protection Regulations (GDPR) 2018 sets out 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. GDPR applies to anyone holding personal information about people, electronically or on paper.

When dealing with personal information, the Council will ensure that it is:

- Processed lawfully, fairly and transparently;
- Obtained for specified and lawful purpose and shall not be processed in any manner incompatible with the purpose;
- Adequate, relevant and not excessive for the purpose;
- Be accurate and up to date;
- Kept only for as long as is necessary for processing and be processed in a manner that ensures its security;
- Processed in accordance with the Data Subject's rights;
- Kept securely from unauthorised processing and accidental loss, damage or destruction. This requires that only the Clerk and Councillors have access to the information which should be stored securely so it cannot be accessed by members of the public.

## **Obtaining Information**

Wingham Parish Council recognises its responsibility to be open when acquiring personal information. This means that the Clerk and Councillors must be open and honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number or email address to the Clerk or a Councillor of the Wingham Parish Council, this will only be

used for the purpose it has been given and will not be disclosed to anyone else. Personal information will inevitably be provided when the 'Contact Us' form is used on the Parish Council's Website or when someone emails the Clerk directly. The Clerk's response email will include details of the Council's 'Email Contact Privacy Notice'.

The Council's 'Email Contact Privacy Notice' is published on the Council website.

### **Storing and Retention of Information**

Wingham Parish Council may hold information about individuals such as their addresses, email account details and telephone numbers. Personal information may exist in either paper format or electronically. Such information will be kept in a secure location at the Parish Clerk's place of residence and will not be available for the public to access:

- Paper documents with personal information will be kept in a locked cabinet;
- Personal data stored on a computer or a separate hard drive will be password protected.

Different types of information will be kept for differing time periods, depending on legal and operational requirements. See the council's 'Document Retention Policy' for further details.

### **Subject Access Requests (SARs)**

The Council is aware that people have the right to access any personal information that is held about them. Subject Access Requests (SARs) must be submitted in writing in hard copy or by email. If a person requests to see any information that is being held about them, the SAR response must detail:

- The information that is held about them;
- How and to what purpose personal information is processed;
- The period the Council tend to process it for;
- Anyone who has access to the personal information.

The response must be sent within 30 days and be free of charge unless, exceptionally, the Council receives so many requests from an individual that they are vexatious.

If a SAR includes personal information of other individuals, the Council must not disclose the personal information of the other individual. That individual's personal information may either be redacted, or the individual may be contacted to give permission for their information to be shared with the Subject.

Individuals have the right to have their information rectified if it is incorrect, the right to request erasure of the information, the right to request restriction of processing of the information and the right to object to information processing, although rules do apply to those requests.

### **Complaints**

Authorised persons must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise.

### **Breach of Policy**

Compliance with this Policy is the responsibility of all members and employees of Wingham Parish Council. Any breach of this Policy may lead to disciplinary action and, where appropriate, possible legal proceedings.

Any individual who believes that the Council has breached the General Data Protection Regulations (2018) should raise the matter with Kerry Coltham (Wingham Parish Council Clerk) either by email ([clerk@winghampc.kentparishes.gov.uk](mailto:clerk@winghampc.kentparishes.gov.uk)) or telephone 01227 722189.

Alternatively a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF; [casework@ico.org.uk](mailto:casework@ico.org.uk); Tel: 03031231113.