

THORPE WILLOUGHBY PARISH COUNCIL

DATA PROTECTION POLICY

Thorpe Willoughby Parish Council recognises its responsibility to comply with The General Data Protection Regulation (GDPR) 2018 and will endeavour to do so. The act regulates the use of and storage of personal data. This does not have to be sensitive data; it can be as little as a name and address.

The General Data Protection Regulation (GDPR)

The GDPR 2018 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used. The GDPR applies to anyone holding information about people electronically or on paper.

GDPR has two objectives:

1. Business having a clearer understanding of the laws around data protection
2. Individuals having protection of their data through a single comprehensive regulation.

GDPR states that personal data must be:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that personal inaccurate data is erased or rectified without delay.
5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed. Personal data may be stored for longer periods in so far as the personal data will be processed solely for archiving purposes in the public interest.
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Thorpe Willoughby Parish Council recognises its responsibility to be open with people when taking personal data from them and issue a privacy notice to the individual. (Two types of privacy notice will be provided one for residents and one for councillors, staff, and other role holders). This means that staff must be honest about why they want a particular piece of information.

Thorpe Willoughby Parish council has a number of procedures in place to ensure that it complies with the GDPR 2018 when holding personal information:

- All personal information is stored in a locked filing cabinet by the clerk and not available for public inspection.
- All information stored on the clerk's computer is password protected.

- Personal data that is no longer required or out of date will be shredded or deleted from the computer.
- Any Email attachment containing confidential information will be encrypted.
- CCTV monitors are in use on the village green, the information gathered will only be used when criminal activity is suspected to assist the police in their investigations.

The Parish Council recognises the individual rights according to GDPR:

- The right to be informed.
- The right to access.
- The right to rectification.
- The right to erasure.
- The right to restrict processing.
- The right data portability.
- The right to object.
- Rights in relation to automated decision-making and profiling.

An individual's consent to data processing must be a 'freely given, specific, informed and unambiguous indication of the individual's wishes'.

This will be achieved by Thorpe Willoughby Parish Council using a written statement detailing what information is requested and why, with an opt-in option.

However this will only apply to residents, because councillors and staff are required to provide any information asked for due to legislation 'A councillor does not have a free choice to withhold their consent to the processing of their personal data in connection with the roll they are performing in the council'.

This means that 'consent' is not an appropriate legal basis to process personal data for staff or councillors'.

Thorpe Willoughby Parish Council holds an Information Commissioner's Office (ICO) 'Certificate of Registration' and understands the GDPR requirements to notify the ICO regarding any data breach.

A breach is defined as: 'any action that results in the loss, alteration, destruction, disclosure or access of any personal data without the individual's consent'.

If a data breach occurs Thorpe Willoughby Parish Council is required by law to inform the ICO within 72 hours from the moment the breach is discovered.

This will be achieved by instigating a security incident response plan:

- The individual who recognised that a breach has occurred must first contact the clerk.
- If the clerk recognises a breach then the chairman must be contacted.
- A check will be made to establish if a breach has occurred by the councils breach response team which will consist of the clerk, the chairman, and three other people from roles across the council.
- If a breach has been made then the ICO will be informed.

This Policy was adapted and adopted for approval at the Annual Parish Council Meeting held on Monday, 14 May 2018 (Min No 18/5.2)

Signed by Chairman:

_____(Cllr Mrs S. M. Parkinson);

Dated: 14/05/2018

Signed by Clerk/RFO:

_____(Mr S M Peters);

Dated: 14/05/2018