



DATA PROTECTION POLICY

1. Personal Information and the Data Protection Act

- 1.1 The Council is subject to the requirements of the Data Protection Act 1998 which regulates the way in which certain personal information is held and used. While there are not many occasions when such information is processed this policy will guide how the Council will comply with the Act and follow good practice.
- 1.2 The Town Council will implement this policy in association with the Code of Conduct and employment conditions to protect the personal information of employees, members of the public and the Council where the information is not in the public domain.

2. Aims and Scope of this Policy

This policy is intended to:

- Ensure everyone is aware of their responsibility regarding the Data Protection Act 1998;
- Sets out the basic guidelines for employees and Members;
- Provide a list of definitions to assist in the understanding of the Act;
- Provide information on the types of employee information held by the Council.

3. Employee Information

- 3.1 Where the Town Council, or its agents, need to keep information for purposes connected with an employee's employment, including recruitment and termination information it will be kept throughout the period of employment and for as long as is necessary following the termination of employment.
- 3.2 Such records may include information gathered about a potential employee and any references obtained during recruitment; Details of terms of employment; Payroll, tax and National Insurance information; Performance information; Details of grade and job duties; Health records; Absence records, including holiday records and self certification forms; Details of any disciplinary investigations and proceedings; Training records; Contact names and

addresses; Correspondence with the organisation and other information provided to the organisation.

3.3 The Town Council believes these uses are consistent with our employment relationship and with the principles of the Act.

3.4 Any such information held within the Council whether by Members or officers is kept in the strictest confidence.

4. Guidelines and Principles

4.1 Non adherence or disregard to any of the points below will be seen as a breach of this policy and could invoke the disciplinary procedure or constitute a breach of the Code of Conduct.

4.2 To ensure compliance with the Data Protection Act 1998, the Council will:

1. Acknowledge the rights of individuals to whom personal data relates, and ensure that these rights may be exercised in accordance with the Act;
2. Ensure that both the collection and use of personal data is done fairly and lawfully;
3. Ensure that personal data will only be obtained and processed for the purposes specified;
4. Collect and process personal data on a need to know basis, ensuring that such data is fit for the purpose, is not excessive, and is disposed of at a time appropriate to its purpose;
5. Ensure that adequate steps are taken to ensure the accuracy and currency of data;
6. Ensure that for all personal data, appropriate security measures are taken, both technically and organisationally, to protect against damage, loss or abuse;
7. Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council and those suitable safeguards exist at all times.
8. All actions regarding data subject access requests will be logged. This audit trail will include details regarding the nature of the request, the steps taken to validate it, the information provided as well as any withheld, e.g. for legal reasons.
9. Treat all employee data with respect and will not obtain or disclose unauthorised, inappropriate or excessive information about individuals.

10. Respond to any information requests under the Data Protection Act within the 40 calendar day time frame.
11. Provide details of exemptions if they apply to a specific request.
12. Destroy or amend inaccurate information when it is brought to light.
13. Charge an administration fee of £10 for each request under the Data Protection Act 1998.

5. Responsibilities

- 5.1 The Town Council requires its employees, Members and agents to comply with the Data Protection Act in relation to the personal information obtained about Members; employees; applicants and contractors.
- 5.2 The Town Council, acting as custodians of personal data, will ensure that all personal data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the whole lifecycle, including:
 - the obtaining of personal data;
 - the storage and security of personal data;
 - the use of personal data;
 - the disposal / destruction of personal data.
- 5.3 The Town Clerk will ensure that any third party processing such information on behalf of the Town Council is obliged to put in place similar measures.
- 5.4 Members are bound by this policy and must adhere to the guidelines.

6. Freedom of Information

Under the Freedom of Information Act 2000, the Town Council has the responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them. All requests will be forwarded to the Town Clerk to respond as appropriate.

7. Data Protection

The Town Clerk is responsible for gathering and disseminating information and issues relating to information security, the Data Protection Act and other related legislation.

8. Definitions

8.1 Personal Data

Data relating to a living individual who can be identified from that information or from that data and other information in possession of the data controller. Includes name, address, telephone number and ID number. It also includes expression of opinion about the individual, and of the intentions of the data controller in respect of that individual.

8.2 Sensitive Data

Different from ordinary personal data (such as name, address, telephone) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. Sensitive data are subject to much stricter conditions of processing.

8.3 Data Controller

Any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed.

8.4 Data Subject

Any living individual who is the subject of personal data held by an organisation.

8.5 Processing

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: Obtaining and recording data, accessing, altering, adding to, merging, and deleting data, retrieval, consultation or use of data, disclosure or otherwise making available of data.

8.6 Third Party

Any individual/organisation other than the data subject, the data controller or its agents.

8.7 Relevant Filing System

Personal data as defined, and covered, by the Act can be held in any format, electronic (including websites and emails), paper-based, photographic, CCTV etc. from which the individual's information can be readily extracted.