

Tur Langton Parish Council

Data Protection and Information Security Policy

Data Protection

Tur Langton Parish Council recognises its responsibility to comply with the Data Protection Act 1998. The act regulates the use of personal data which does not have to be sensitive data; it can be as little as a name and address.

The Data Protection Act 1998 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 Data Protection Act applies to anyone holding information about people electronically or on paper.

In order to operate efficiently, Tur Langton Parish Council has to collect and use personal information about people. This personal information must be handled and dealt with properly.

In accordance with the Act the Parish Council has notified the Information Commissioner that it holds personal data about individuals.

The council will follow procedures that aim to ensure that the clerk and councillors are fully aware of and abide by their duties and responsibilities under the Data Protection Act 1998. This policy also applies to individuals volunteering for the council and any individual or organisation under contract to the council who have access to any personal information held by or on behalf of the council, referred to below as "other representatives"

To this end the council fully endorses and adheres to the Principles of Data Protection as set out in the Act. When dealing with personal data, the clerk, councillors and other representatives must ensure that:

Principle 1 - Data is processed fairly and lawfully and shall not be processed unless the Conditions for Processing are met – Personal Information will only be collected from individuals if the clerk, councillors or other representatives have been open and honest about why the information is required. The conditions for processing are set out in Schedules 2 and 3 of the Act and depend on whether the information is classed as personal data or "sensitive" personal data. More information about the Conditions for Processing can be found at https://ico.org.uk/media/for-organisations/documents/1607/the_guide_to_data_protection.pdf

Principle 2 - Data is processed for specific purposes only – The information should only be used for the specific purposes disclosed.

Principle 3 – Data is relevant to what is it needed for – The information will be monitored so that too much or too little is not kept; only data that is needed should be kept

Principle 4 – Data is accurate and kept up to date – every effort will be made to ensure the information held is accurate and if not it will be corrected.

Principle 5 – Data is not kept longer than it is needed – information will be monitored on a regular basis and disposed of in a secure manner as appropriate

Principle 6 – Data is processed in accordance with the rights of individuals – individuals will be informed, upon request, of all the personal information held about them

Principle 7 – Data is held securely – only the Parish Clerk can directly access the data. Councillors will be supplied with the relevant data on request. Information cannot be accessed by members of the public

Principle 8 - Sending personal data outside the European Economic Area - data will not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and “sensitive” personal data.

Personal data is defined as data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

Information Security

The purpose of the policy is to ensure the confidentiality, integrity and availability of information is maintained. Information exists in many forms including;

- printed or written on paper
- stored electronically
- published on the internet
- transmitted by post or electronically
- conversational and voice recorded

Storing and accessing data

Tur Langton Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that the Clerk, Councillors and other representatives must be honest about why they want a particular piece of personal information. If, for example, a member of the public gives their phone number to the clerk, councillor or other representative this will only be used for the purpose it has been given and will not be disclosed to anyone else without the person's permission.

Tur Langton Parish Council may hold information about individuals such as their addresses and telephone numbers. These will be kept in a secure location at the Parish Clerk's place of residence and are not available for public access. All data stored a computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer. The Parish Council is aware that people have the right to access any information that is held about them. If a person requests to see any data that is being held about them:

- They must be sent all of the information that is being held about them
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within 40 days

A fee to cover photocopying and postage charges will be charged to the person requesting the information. This fee will be agreed with the council and amended in line with inflation from time to time. Currently this fee must not exceed £10.

Disclosure of Information

If a councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose. If for instance someone has made a complaint about over hanging bushes in a garden, a councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry. Data should never be used for political reasons unless the data subjects have consented.

Confidentiality

The clerk and councillors must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

Non-disclosure

If correspondence is received containing personal information about an individual or the personal opinions of an individual the matter that needs to be considered by the Parish Council, the subject will be included on the agenda and/or reports without reference to any personal information/allegation and the information/allegation not be included in Council Minutes.

E-mail

Because of their written nature, e-mails should not be treated as an extension of the spoken word, as they are treated with greater authority. All e-mail messages are subject to Data Protection and Freedom of Information Legislation and can be used in evidence in legal proceedings. E-mails containing inaccurate information in the form of opinion or fact about an individual or organisation may result in legal action being taken against the person sending the e-mail and anyone forwarding the e-mail on to others.

Neither the Clerk, nor councillors acting on behalf of the Council, will forward emails from members of the public to another member of the public not mentioned in the e-mail or another body without permission.