

Kea Parish Council

General Data Protection Regulations Policy

Introduction

Kea Parish Council (“the council”) needs to collect and use certain types of information about people (“Data Subjects”) who come into contact with it in order to carry out their work. Personal information must be collected and dealt with in accordance with the General Data Protection Regulations 2018, whether the information is on paper, in a computer or recorded on other material.

Definitions

Data Controller – The person/people who decide what personal information the council will hold and how it will be used or held.

Data Subject – The person whose information is being held or processed by the council (for example: an employee, a contractor)

Processing – Means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – ie name and address.

Sensitive data – Data relating to race or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sexual life, criminal record or proceedings.

Data Controller

The council is the data controller and as such determines what personal information is held and how it is processed.

Disclosure

The council will not share personal information without the consent of the data subject. If the council wish to use personal information for a purpose other than that which consent was originally granted for, it will seek additional consent from the data subject. The data subject can withdraw their consent at any time.

The Council will process data with the seven principles of GDPR in mind;

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy

- Storage limitation
- Integrity and confidentiality (security)
- Accountability

And will adhere to the five lawful basis for processing;

• **Compliance with legal obligation:** The council is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

• **Contractual necessity:** We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

• **Consent:** Sometimes the use of your personal data requires your consent. On these occasions we will first obtain your consent to that use.

The other two legal bases that apply to the Parish Council are:

• **Vital interests:** It is possible to process personal information to protect an individual without their consent e.g. in a life or death situation where emergency contact information is needed

• **Public Interest:** When the Parish Council is acting in the public interest, personal data may be processed if it is necessary to undertake the tasks.

Data Collection

The council will ensure that the data subject clearly understands why their information is needed, what it will be used for and the consequences of withholding their consent to process their information. The council will ensure that consent is freely given.

Data Storage

Personal information will be stored securely and will only be accessible to authorised staff and councillors. Information will be stored only for as long as it is needed and will be disposed of appropriately and in line with the councils retention schedule.

Information Audit

The DPO must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted.

Individuals' Rights

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure

- the right to restrict processing
- right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling.

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometime known as the ‘right to be forgotten’) where their personal data is no longer necessary in relation to the purpose for which it was originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

Children

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the council requires consent from young people under 13, the council must obtain a parent or guardian’s consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

Summary The main actions arising from this policy are:

- The Council must be registered with the ICO.
- A copy of this policy will be available on the Council’s website. The policy will be considered as a core policy for the Council.
- An information audit will be conducted and reviewed at least annually or when projects and services change.
- Privacy notices must be issued.
- Data Protection will be included on the Council’s Risk Management Policy.

All employees, volunteers and councillors are expected to comply with this policy.

Adopted by Kea Parish Council

date:

Chairperson: Cllr Steve Chamberlain.....

Clerk: Mrs Emma Jenkin.....