

1. Carry out Data Audit
2. Is consent the right course
3. What are our legitimate interests
4. How sensitive is our consumer profiling
5. Is our privacy policy as clear as it can be



Eckington Parish Council General Data Protection Regulation Policy

The General Data Protection Regulation (“GDPR”) will take effect in the UK from 25 May 2018. It replaces the existing law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection regarding how their personal data is used by councils. Local councils and parish meetings must comply with its requirements, just like any other organisation.

This Policy was adopted by the Council on 14 May 2020 and will reviewed and updated when legislation changes or every four years.

Introduction

Eckington Parish Council needs to collect and use certain types of information about the Data Subjects who come into contact with it, in order to carry out its work. This personal information must be collected and dealt with appropriately, whether on paper, on a computer, or recorded on other material. Eckington Parish Council is registered with the ICO, the Clerk is the Data Controller and will be responsible for storing all personal data. Individual Councillors will not hold any personal data.

This policy sets out the Councils responsibility to comply with Data Protection Act 2018. The Act regulates the use of personal data. This does not have to be sensitive data; it can be as little as a name and address.

The Data Protection Act

The Data Protection Act was developed to give protection and lay down rules about how data about people can be used. The 2018 Act covers information or data stored on a computer or an organised paper filing system about living people. The basic way it works is by setting up rules that people have to follow.

Data Protection Act Principles

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless –
 - (a) at least one of the conditions in Schedule 2 is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.

3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

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
- Sexual life
- Criminal proceedings or convictions

Data Collection

Informed consent

Informed consent is when

- A Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent

Eckington Parish Council will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Eckington Parish Council will ensure that the Data Subject:

Clearly understands why the information is needed

Understands what it will be used for and what the consequences are should Data Subject decide not to give consent to processing

As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed.

Is as far as reasonably practicable, competent enough to give consent and has given so freely without any duress

Has received sufficient information on why their data is needed and how it will be used.

Eckington Parish Council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 2018 and has a number of procedures in place to ensure that it complies with the Data Protection Act 2018 when holding personal data.

Storing and accessing data

Eckington Parish Council recognises its responsibility to be open and transparent when taking personal details from them and must be honest about why they want a particular piece of information.

Eckington Parish Council may hold personal information about individuals such as their addresses and telephone numbers. These will be securely kept within the Parish Councils files and are not available for public access. All data stored on computers used for Parish Council work is password protected. Once data is no longer required, is out of date or has served its use and falls outside the minimum retention time of Council's document retention policy, it will be shredded or securely deleted from the computer.

All Data Subjects have the right to access the information the Parish Council holds about them. Eckington Parish Council will also take reasonable steps to ensure that this information is kept up to date by asking Data Subjects whether there have been any changes.

Notification to the Information Commissioner

The Information Commissioner maintains a public register of data controllers and Eckington Parish Council is registered as such. The Data Protection Act 1988 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do this is a criminal offence. The Parish Clerk will review the Data Protection Register annually, prior to notification to the Information Commissioner. Any changes to the register must be notified to the Information Commissioner, within 28 days. To this end, any changes made between reviews will be brought to the attention of the Parish Clerk immediately.

Data Relating to Planning Applications

The Town and County Planning (Development Management Procedure) (England) Order 2015, allows for personal data (e.g. addresses) to be published, so there is not the same restriction on this type of data.

Update of Policy

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998. It will also be reviewed annually in line with other parish documents.

In case of any queries or questions in relation to this policy please contact the Clerk of Eckington Parish Council, email clerk@eckington-pc.gov.uk