



Stapleford Abbots Parish Council

DATA PROTECTION & GDPR POLICY

Version: 1

June 2021

A Scope

This policy applies to the Stapleford Abbots Parish Council. Where the term ‘staff’ is used, this includes any staff (paid and voluntary) working for the Council. This policy is aimed at all Councillors and staff working for Stapleford Abbots Parish Council.

B Confidential Notice & Intellectual Property

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C Document Details

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| Policy | <i>Anti-Bribery Policy</i> |
| Policy Statement | <i>This document sets out a Data Protection & GDPR Policy for use by Stapleford Abbots PC</i> |
| Version Number | <i>1.1</i> |
| Version Date | <i>01/06/2021</i> |
| Review Date | <i>01/04/2023</i> |
| Author | <i>C Burnett</i> |
| Responsible Owner | <i>Stapleford Abbots Parish Council</i> |
| Approving Body | <i>Stapleford Abbots Parish Council</i> |

D Revision History

| Version | Revision Date | Details of Changes | Author |
|----------------|----------------------|---------------------------|---------------|
| 1.1 | 01/06/2021 | Current version | C Burnett |
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E Freedom of Information

If requested, this document may be made available to the public and persons outside the healthcare community as part of Stapleford Abbots Parish Council's commitment to transparency and compliance with the Freedom of Information Act.

F Accessibility

This document can be made available in other styles, formats, sizes, languages and media in order to enable anyone who is interested in its content to have the opportunity to read and understand it. Any such requests should be made to the Clerk.

G Dissemination

This policy will be disseminated to all staff. All staff will have to read this policy at publication and every time there is an update or change to the policy. The Stapleford Abbots Parish Councillors will have the overall responsibility for implementing the policy.

H Review

This policy will be reviewed every year or when new evidence, policy or guidelines come to light necessitating an update / change. The policy review and update will be the responsibility of the Stapleford Abbots Parish Council.

Introduction

Parish Councils are the first tier of governance and are the first point of contact for anyone concerned with a community issue. They are democratically elected local authorities and exist in England, Wales and Scotland.

Parish councils are responsible for managing their own budgets. They are financed through the precept, an amount of money calculated as an estimate for the coming financial year and collected as part of your Council Tax. Parish councils have a range of powers and duties in relation to the communities they serve.

The personal data that Stapleford Abbots Parish Council processes to provide these services relates to its electorate and other individuals as necessary, including staff and suppliers' staff.

This policy sets out Stapleford Abbots Parish Council's commitment to ensuring that any personal data, including special category personal data, which Stapleford Abbots Parish Council processes, is carried out in compliance with data protection law. Stapleford Abbots Parish Council processes the electoral data from all parish residents on the electoral register and is committed to ensuring that all the personal data that it processes is done in accordance with data protection law. Stapleford Abbots Parish Council ensures that good data protection practice is imbedded in the culture of our councillors, staff and our organisation.

Stapleford Abbots Parish Council's other data protection policies and procedures are (these should be considered and may not all be necessary):

- record at meetings policy
- privacy notices and policy (website, councillors, employees, electorate)
- personal data breach reporting process and a breach register
- data retention policy
- data protection impact assessment process

'Data Protection Law' includes the General Data Protection Regulation 2016/679; the UK Data Protection Act 2018 and all relevant EU and UK data protection legislation.

<https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

Scope

This policy applies to all personal data processed by Stapleford Abbots Parish Council and is part of Stapleford Abbots Parish Council's approach to compliance with data protection law. All Stapleford Abbots Parish Council councillors and staff are expected to comply with this policy and failure to comply may lead to disciplinary action for misconduct, including dismissal.

Data protection principles

Stapleford Abbots Parish Council complies with the data protection principles set out below. When processing personal data, it ensures that:

- it is processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency')
- it is collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes ('purpose limitation')
- it is all adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')
- it is all accurate and, where necessary, kept up to date and that reasonable steps will be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')
- it is kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed ('storage limitation')
- it is 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 ('integrity and confidentiality')

Stapleford Abbots Parish Council will facilitate any request from a data subject who wishes to exercise their rights under data protection law as appropriate, always communicating in a concise, transparent, intelligible and easily accessible form and without undue delay.

The Councils Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

- Processing is with consent of the data subject, or
- Processing is necessary for compliance with a legal obligation.
- Processing is necessary for the legitimate interests of the Council.

Children

We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

Process/procedures/guidance

Stapleford Abbotts Parish Council will:

- ensure that the legal basis for processing personal data is identified in advance and that all processing complies with the law
- not do anything with your data that you would not expect given the content of this policy and the fair processing or privacy notice
- ensure that appropriate privacy notices are in place advising staff and others how and why their data is being processed, and, in particular, advising data subjects of their rights
- only collect and process the personal data that it needs for purposes it has identified in advance
- ensure that, as far as possible, the personal data it holds is accurate, or a system is in place for ensuring that it is kept up to date as far as possible
- only hold onto your personal data for as long as it is needed, after which time Stapleford Abbotts Parish Council will securely erase or delete the personal data – SAPC's data retention policy sets out the appropriate period of time
- ensure that appropriate security measures are in place to ensure that personal data can only be accessed by those who need to access it and that it is held and transferred securely

Stapleford Abbotts Parish Council will ensure that all councillors and staff who handle personal data on its behalf are aware of their responsibilities under this policy and other relevant data protection and information security policies, and that they are adequately trained and supervised.

Breaching this policy may result in disciplinary action for misconduct, including dismissal. Obtaining (including accessing) or disclosing personal data in breach of Stapleford Abbotts Parish Council's data protection policies may also be a criminal offence.

Data Subject Rights

Stapleford Abbotts Parish Council has processes in place to ensure that it can facilitate any request made by an individual to exercise their rights under data protection law. Dedicated councillors have received training and are aware of the rights of data subjects. Councillors and the clerk can identify such a request and know who to send it too. Councillors who have undergone GDPR training are; Cllr Atkinson, Cllr Burnett, Cllr Jackson, Cllr Lowings and Parish Clerk E Thomas.

All requests will be considered without undue delay and within one month of receipt as far as possible.

Subject access: the right to request information about how personal data is being processed, including whether personal data is being processed and the right to be allowed access to that data and to be provided with a copy of that data along with the right to obtain the following information:

- the purpose of the processing
- the categories of personal data
- the recipients to whom data has been disclosed or which will be disclosed
- the retention period
- the right to lodge a complaint with the Information Commissioner's Office
- the source of the information if not collected direct from the subject, and
- the existence of any automated decision making

Rectification: the right to allow a data subject to rectify inaccurate personal data concerning them.

Erasure: the right to have data erased and to have confirmation of erasure, but only where:

- the data is no longer necessary in relation to the purpose for which it was collected, or
- where consent is withdrawn, or
- where there is no legal basis for the processing, or
- there is a legal obligation to delete data

Restriction of processing: the right to ask for certain processing to be restricted in the following circumstances:

- if the accuracy of the personal data is being contested, or
- if our processing is unlawful but the data subject does not want it erased, or
- if the data is no longer needed for the purpose of the processing but it is required by the data subject for the establishment, exercise or defence of legal claims, or
- if the data subject has objected to the processing, pending verification of that objection

Data portability: the right to receive a copy of personal data which has been provided by the data subject and which is processed by automated means in a format which will allow the individual to transfer the data to another data controller. This would only apply if Stapleford Abbotts Parish Council was processing the data using consent or on the basis of a contract.

Object to processing: the right to object to the processing of personal data relying on the legitimate interests processing condition unless Stapleford Abbotts Parish Council can demonstrate compelling legitimate grounds for the processing which override the interests of the data subject or for the establishment, exercise or defence of legal claims.

Special category personal data

This includes the following personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person
- an individual's health
- a natural person's sex life or sexual orientation
- criminal convictions or offences

Stapleford Abbotts Parish Council may become in possession of special category data of residents and third parties in carrying out its duties and responsibilities.

This policy sets out the safeguards we believe are appropriate to ensure that we comply with the data protection principles set out above. Stapleford Abbotts Parish Council also has a data retention policy which sets out how long special category data will be held onto.

Responsibility for the processing of personal data

The councillors and clerk of Stapleford Abbotts Parish Council take ultimate responsibility for data protection. If you have any concerns or wish to exercise any of your rights under the GDPR, then you can contact the Clerk in the following ways:

Name Elizabeth M Thomas

Address: 132 Bentley Drive, Church Langley, Harlow CM17 9QY

Email: staplefordabbottsparishcouncil@gmail.com

Telephone: 07599 249962

Monitoring and review

This policy was last updated on 19 May 2021 for adoption by the council June 2021 and shall be regularly monitored and reviewed, at least every two years.