**PRIVACY POLICY (FORMERLY DATA PROTECTION POLICY) – AUGUST 2019**

**INTRODUCTION**

In order to conduct relevant business, services and to perform its public duties, Bishopstone Parish Council processes a range of data relating to its own operations and some which it handles on behalf of partners, for example Swindon Borough Council.

In broad terms, this data can be classified as:

* Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
* Confidential information and data not yet in the public arena such as ideas or policies in the process of being decided.
* Information about other organisations that is confidential because of commercial sensitivity.
* Personal data concerning its current, past and potential employees, councillors and volunteers.
* Personal data concerning individuals who contact the Parish Council for information, to access its services or facilities or to make a complaint.

Bishopstone Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

Bishopstone Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the parish communities. Details of information which is routinely available can be found on the Bishopstone Parish Council website.

**PROTECTING CONFIDENTIAL OR SENSITIVE INFORMATION**

Bishopstone Parish Council recognises it must at times keep and process sensitive and personal information about employees and the public; it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards. This policy is based on the six principles set out in the GDPR Regulations as tailored in the Data Protection Act 2018 (see box below).

The Data Protection Act 2018 controls the use of personal information by organisations, businesses and government. Everyone responsible for using data has to follow the data protection principles and make sure the information is used fairly and lawfully.

**Six principles for processing of personal data**

The GDPR outlines six data protection principles that must be complied with when processing personal data. These principles relate to:

* Lawfulness, fairness and transparency - you must process personal data lawfully, fairly and in a transparent manner in relation to the data subject.
* Purpose limitation - you must only collect personal data for a specific, explicit and legitimate purpose. You must clearly state what this purpose is, and only collect data for as long as necessary to complete that purpose.
* Data minimisation - you must ensure that personal data you process is adequate, relevant and limited to what is necessary in relation to your processing purpose.
* Accuracy - you must take every reasonable step to update or remove data that is inaccurate or incomplete. Individuals have the right to request that you erase or rectify erroneous data that relates to them, and you must do so within a month.
* Storage limitation - You must delete personal data when you no longer need it. The timescales are set down in Bishopstone Parish Council’s Document Retention Policy.
* Integrity and confidentiality - You must keep personal data safe and protected against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

**DEFINITIONS**

**General Data Protection Regulation (GDPR) - f**rom 25th May 2018, the GDPR replaced the Data Protection Act 1998 and the new UK Data Protection Act 2018 updates the previous Act. The aim of the new Act and the GDPR is to give people more control over how organisations use their data and to ensure data protection law is almost identical across the EU.

**Data subject** – means the person whose personal data is being processed. This may be an employee, prospective employee, councillor or resident. Other data subjects and third parties may include contractors, suppliers, contacts, referees, friends or family members.

**Personal data** – means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** – includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, physical or mental health or condition, sexual orientation, genetic and biometric data or criminal proceedings or convictions.

**Data controller** – is a ‘person’ who determines the purposes for which and the manner in which any personal data is to be processed. A ‘person’ as recognised in law may be an individual, organisation or body of persons. Bishopstone Parish Council is a Data Controller.

**Data processor** – in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing** – refers to any action involving personal information, including obtaining, viewing, copying amending, adding, deleting, extracting, storing, disclosing or destroying information.

**Data Protection Officer** – is an individual working on behalf of the Data Controller with responsibility for the data protection within that organisation. Bishopstone Parish Council is not required to appoint a Data Protection Officer because it is exempt under section 7(3) of the DPA 2018 which says that parish councils in England are not public authorities for the purposes of the GDPR.

**REASONS FOR PROCESSING PERSONAL DATA**

Bishopstone Parish Council processes personal data in order to:

* Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
* Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
* Monitor its activities including the equality and diversity of its activities.
* Assist regulatory and law enforcement agencies.
* Process information including recording and updating details about its Councillors, employees, partners and volunteers.
* Process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
* Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
* Undertake research, audit and quality improvement work to fulfil its objects and purposes.
* Carry out Council administration.

Where appropriate and governed by necessary safeguards we may carry out the above processing jointly with other appropriate bodies from time to time.

**FAIR PROCESS**

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

* The individual has consented to the processing
* Processing is necessary for the performance of a contract or agreement with the individual
* Processing is required under a legal obligation
* Processing is necessary to protect the vital interests of the individual
* Processing is necessary to carry out public functions
* Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and the Parish Council will ensure that at least one of the following conditions is met:

* Explicit consent of the individual
* Required by law to process the data for employment purposes
* A requirement in order to protect the vital interests of the individual or another person.

**RESPONSIBILITIES**

Bishopstone Parish Council is the Data Controller. Any processing of personal data for the Parish Council’s legitimate purposes must comply with the Act. When processing personal data, Councillors and staff must:

* Fully observe conditions regarding the fair collection and use of information;
* Meet the Council’s legal obligations to specify the purposes for which information is used;
* Collect and process relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements;
* Ensure the quality of information used;
* Apply strict checks to determine the length of time that information is held;
* Ensure that the rights of the people whose information is held are able to be fully exercised under the Act;
* Take appropriate technical and organisational security measures to safeguard personal information;
* Ensure that personal information is not transferred abroad without suitable safeguards;
* Ensure that everyone managing and handling personal information –
	+ Fully understands they are contractually responsible for following good practice in terms of protection;
	+ Is adequately trained to do so;
	+ Is appropriately supervised.

**INFORMATION PROVIDED TO BISHOPSTONE PARISH COUNCIL**

Personal information such as name, address, email address, phone number provided to Bishopstone Parish Council, will be processed and stored so that it is possible for the Council to contact, respond to or conduct the transaction requested by the individual.

By transacting with Bishopstone Parish Council, individuals are deemed to be giving consent for the personal data they have provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure the Parish Council can keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

**THE COUNCIL’S RIGHT TO PROCESS INFORMATION**

General Data Protection Regulations Article 6 (1) (a) (b) and (e) and Data Protection Act 2018:

* 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.

**STORAGE AND RETENTION**

Personal data may exist in either paper-based format or electronically.

All paper-based documents are securely filed in a lockable cabinet at the home of the Clerk, accessible only by the Clerk and RFO. Archive documents are kept in a locked archive room at Bishopstone Village Hall, accessible by the Clerk and nominated councillors.

All electronic data is securely password protected.

Different types of information will be kept for differing time periods, depending on legal and operational requirements. See the council’s Document Retention Policy for further details.

**ACCESS TO INFORMATION**

Any employee, councillor, resident, customer or other data subjects have a right to:

* Ask what personal information the Council holds on them;
* Ask what this information is used for;
* Be provided with a copy of the information
* Be given details of the purposes for which the Council uses the information and any other persons or organisations to whom it is disclosed;
* Ask that any incorrect data held is corrected.

If the data subject believes that any personal information held is incorrect the individual may request that it be amended. The Council must advise the individual within 21 days whether or not the amendment has been made.

**BREACH OF POLICY**

Compliance with the Act is the responsibility of all councillors and members of staff. Any deliberate or reckless breach of the policy may lead to disciplinary action and, where appropriate, legal proceedings.

Any individual, who believes that the Council has breached any of the requirements of the Data Protection Act 2018, including the GDPR 2018, should raise the matter with Lesley Drewett (Parish Clerk) clerk@bishopstoneandhintonparva.org Tel: 01488 71828. Alternatively, a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF; casework@ico.org.uk / Tel: 0303 123 1113

Bishopstone Parish Council

Privacy Standard / Data Protection Policy

September 2019

Date of Review:

September 2020