



DATA PROTECTION POLICY

As adopted at a meeting of Meppershall Parish Council on 11th December 2017

1. INTRODUCTION

This policy applies to all employees, councillors and any third parties acting on the Council's behalf.

Meppershall Parish Council (the Council) will ensure that personal information is treated lawfully and correctly, adhering always to the principles of the Data Protection Act 1998 and any subsequent revisions.

2. THE DATA PROTECTION ACT 1998

The Data Protection Act 1998 (the Act) establishes a framework of rights and duties which are designed to safeguard personal data. This framework balances the legitimate needs of organisations to collect and use personal data for business and other purposes, against the right of individuals, known as 'data subjects' to respect for the privacy of their personal details. This is underpinned by eight 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 the 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 Information Commissioner is responsible for implementing and overseeing the Act. and their head office is based at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (Tel: 0303 123 1113 or 01625 545 745).

3. SCOPE / RIGHTS OF DATA SUBJECTS

As part of its role, the Council is required to gather and process information about people in the community in order to operate effectively. This will be carried out in accordance with the Data Protection Act 1998 and other related government legislation. This information may also be shared with other agencies involved in the provision of services, where the Council is legally required to do so.

The Council, as custodians of personal data, recognises its legal duty to ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held as paper documents or electronic means. This covers the following:

- Obtaining personal data.
- Storage and security of personal data.
- Use of personal data.
- Disposal/destruction of personal data.

The Council also has a responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them.

Data subjects have the right:

- To ask if the Council is processing any personal data about them.
- To be given a description of the personal data.
- To ask the Council the purpose of holding the information and to be given details of the purpose for which the information is used and to whom it is disclosed, if at all.
- To be provided with a copy of the information held.
- To ask for incorrect data to be corrected.
- To be given details of the source of the data held (where this is available).

4. PERSONAL DATA HELD

The information is held on a secure computer and in a secure manual filing system. Maintenance and security is the responsibility of the Council.

It is held for as long as is required by law. If there is no legal requirement to keep the records, they will be destroyed as soon as is practicable. Where there is a legal requirement to retain information, this is not normally more than six years.

The type of information which can be held without the consent of data subjects is:

- Carrying out a legal duty or as authorised by the Secretary of State.
- Protecting vital interests of a data subject or other person.
- The data subject has already made the information public.
- Conducting any legal proceedings, obtaining legal advice or defending any legal rights.
- Monitoring for equal opportunities purposes, e.g., race, disability or religion.
- Providing a confidential service where the data subject's consent cannot be obtained or
- where it is reasonable to proceed without consent, e.g., where the Council would wish to avoid compelling stressed or ill data subjects to provide consent signatures.

If a data subject wishes to see their information, they should write to the Council addressing correspondence to the Clerk by e-mail (clerk@meppershall.org). If they wish to send a letter through the post, they should contact the Clerk direct for her address. To ensure that information is released to the correct data subject concerned, there will be a need to provide proof of identity and other information which might be required such as date of birth.

The Council does not make a charge for requesting the information.

Once requested, the Council is obliged to provide the information within 40 days of receiving the written application.

If the data held is incorrect, data subjects can request that it be corrected, and this must be in writing or by e-mail, unless the data subject has a disability which would prevent this or make it unreasonably difficult for them. Such information must be corrected within 28 days of the request to make the amendment. If the correction is not made, the data subject can appeal to the Information Commissioner's Office.

5. COMPLAINTS

If data subjects are dissatisfied about any matter, they can complain to the Information Commissioner's Office. Complaints can be made if a data subject considers the Council has breached any of the requirements of the Data Protection Act and these include the following, but the list is not exhaustive:

- A breach of any of the Data Protection principles.
- Processing personal data without having notified the Commissioner.
- Failure to respond to any of the data subject's written notices.
- Processing personal data without a data subject's consent, where consent is necessary.
- Refusing to provide a data subject with the information requested.

The Commissioner will carry out an assessment of the Council's processing to establish whether the Council has complied with the Act. If the finding is that the Council has not complied, the Council will be issued with a notice requiring compliance.

The Information Commissioner's Office contact details are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 or 01625 545 745
<https://ico.org.uk/global/contact-us/email/>