

St Harmon Community Council

Privacy Policy (GDPR)

St Harmon Community Council complies with the General Data Protection Regulation (GDPR) which came into effect on the 25th May 2018. The GGPR, like the Data Protection Act 1998 before it, seeks to strike a balance between the rights of individuals and the, sometimes competing interests of those such as the Community Council with legitimate reasons for using personal information. GDPR requires that any personal data collected must be processed fairly and transparently as well as lawfully and securely.

We will not keep personal information longer than is necessary. This Policy explains how we use personal information and the ways in which we protect privacy. This information applies to all personal data collected by, for or on behalf of St Harmon Community Council and includes that collected by letter, e mail, face to face or telephone.

Introduction

In order to conduct its business, services and duties, St Harmon Community Council processes a wide range of data, relating to its own operations and some which it handles on behalf of others. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its operations and other information that it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organizations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees (such as the Clerk), Councillors, people with whom it has business or service connection, members of the community or wider public and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

St Harmon Community 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 others with whom it works 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.

The 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 organizations. 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 community. Details of information which is routinely available is contained in the Council's **Publication Scheme** which is based on the statutory model publication scheme for local councils.

Data Protection Terminology

Data subject - means the person whose personal data is being processed.

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.

Public data – means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g. Community Council) determines the purposes for which and the manner in which any personal data is to be processed.

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 information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

The Council will act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles in creating greater transparency through the publication of “Public Data” and is intended to help them meet obligations of the legislative framework concerning information. Data will be published as soon as possible following production.

The Council will publish on its website:

- End of year accounts
- Annual Governance Statements
- Internal and External Audit Reports
- List of Council members responsibilities and allowances
- Draft Minutes of Council meetings and committees within one month of the event
- Agendas and associated papers no less than three clear days before the meeting

Protecting Confidential or Sensitive Information

St Harmon Community Council recognises that it must at times, keep and process sensitive and personal information and has therefore adopted this Policy not only to meet its legal obligations but to ensure high standards.

The Policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- 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 organizational measures.

St Harmon Community 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 organizations, 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 the recording and updating details about its Councillors, employees, public 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.

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 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

Who is responsible for protecting a person's personal data?

St Harmon Community Council as a corporate body has ultimate responsibility for ensuring compliance with GDPR and Data Protection legislation. The Council has delegated this responsibility day to day to the its Clerk.

When the post of Clerk is vacant, the Chair and Vice Chair of the Council are the points of contact.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers and ensure that individuals on whom personal information is kept are aware of their rights and have access to that information on request.

Appropriate technical and organizational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas 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.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with St Harmon Community Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this Policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Council is able to 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 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.

Information Security

The Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted. This is detailed in our **Retention and Disposal Policy**.

Children

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

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information we have on them. They can do this by contacting our Clerk (or Chair / Vice Chair if no Clerk).

Information Correction: If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Clerk (or Chair / Vice Chair if no Clerk).

Information Deletion: If the individual wishes the Council to delete the information about them, they can do so by contacting the Clerk (or Chair / Vice Chair if no Clerk).

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk (or Chair / Vice Chair if no Clerk).

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Clerk (or Chair / Vice Chair if no Clerk) or the Information Commissioners Office casework@ico.org.uk Tel: 0303 123 1113.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The **Publication Scheme** is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The **Publication Scheme** is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish.

All formal meetings of Council and its committees are subject to statutory notice being given on the Council Noticeboards and its website. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. The Agenda for each meeting includes a statement of the Public Speaking Protocol and this is also available on the Council website.

Occasionally, the Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial or contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

Our Standing Orders (Section 1m) state that “photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council’s prior written consent”.

The Council may decide to audio or video record part or all of one of its meetings or committees. This is particularly likely to be the case if no Clerk is present to take the Minutes or if the event is being conducted using the means of “virtual participation” via digital technology. Prior to the start of any such recording, the Chair (or acting Chair) will state that the meeting is about to be recorded and any allow any person who does not wish to be included in the recording to leave the meeting.

The Council will endeavour to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

The Council will, as necessary, undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information

Adopted by St Harmon Community Council on

To be reviewed by: (Relevant date)