



PADSTOW TOWN COUNCIL DATA PROTECTION POLICY MAY 2018

Introduction

We hold personal data about our employees, residents, suppliers and other individuals for a variety of Council purposes.

This policy sets out how we seek to protect personal data and ensure that Councillors and Officers understand the rules governing their use of personal data to which they have access in the course of their work. In particular, this policy requires Officers to ensure that the Data Protection Officer (DPO) be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

Definitions

Business purposes	<p>The purposes for which personal data may be used by us:</p> <p>Personnel, administrative, financial, statutory and legislative purposes, payroll, consultations and business development purposes.</p> <p><i>Council purposes include the following:</i></p> <ul style="list-style-type: none">- <i>Compliance with our legal, regulatory and corporate governance obligations and good practice</i>- <i>Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests</i>- <i>Ensuring Council policies are adhered to (such as policies covering email and internet use)</i>- <i>Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of sensitive information, security vetting and checking</i>- <i>Investigating complaints</i>- <i>Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments</i>- <i>Monitoring staff conduct, disciplinary matters</i>- <i>Promoting Council services</i>- <i>Improving services</i>
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Personal data	<p>Information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, clients, suppliers and marketing contacts, members of the public, Council service users, residents, market traders, hirers, correspondents</p> <p><i>Personal data we gather may include: individuals' contact details, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, and CV, contact details, correspondence, emails, databases, council records</i></p>
Sensitive personal data	<p><i>Personal data about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings—any use of sensitive personal data should be strictly controlled in accordance with this policy.</i></p>

Scope

This policy applies to all Councillors and staff. You must be familiar with this Policy and comply with its terms.

This Policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time.

Who is responsible for this Policy?

The "Council" is the Data Controller which means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be processed and as such should ensure that this Policy is in place and adopted.

Our Data Protection Officer (DPO), Jayne Cole, Local Council Public Advisory Service has overall responsibility for the day-to-day implementation of this policy working with the Council Officers to ensure the same.

Our Procedures

Fair and lawful processing

We must process personal data fairly and lawfully in accordance with individuals' rights. This generally means that we should not process personal data unless the individual whose details we are processing has consented to this happening or at least one of the following (Article 6 – Lawfulness of Processing) applies:-

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;

- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

The Data Protection Officer's responsibilities:

- Keeping the Council updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies on a regular basis
- Assisting with data protection training and advice for all staff members and those included in this policy
- Answering questions on data protection from staff, council members and other stakeholders
- Responding to individuals such as members of the public, service users and employees who wish to know which data is being held on them by Padstow Town Council
- Checking and approving with third parties that handle the council's data any contracts or agreement regarding data processing

The Data Protection Officer should be satisfied that the Council Officers are working with their IT Supplier to:

- Ensure all IT systems, services, software and equipment meet acceptable security standards
- Checking and scanning security hardware and software regularly to ensure it is functioning properly
- Researching third-party services, such as cloud services the company is considering using to store or process data

Responsibilities of the Council Officers

- Approving data protection statements attached to emails and other correspondence
- Addressing data protection queries from the public, service provision and correspondence
- Coordinating with the DPO to ensure all newsletters and website adhere to data protection laws and the company's Data Protection Policy.

The processing of all data must be:

- Necessary to deliver our services
- In our legitimate interests and not unduly prejudice the individual's privacy

- In most cases this provision will apply to routine business data processing activities.

Our Privacy Notice:

- Sets out the purposes for which we hold personal data on customers, employees, residents and service users
- Sets out Padstow Town Council's right to process information under Article 6 of GDPR (Lawfulness of Processing)
- Highlights that our work may require us to give information to third parties such as expert witnesses and other professional advisers
- Provides that service users and correspondents have a right of access to the personal data that we hold about them

Sensitive personal data

In most cases where we process sensitive personal data we will require the data subject's *explicit* consent to do this unless exceptional circumstances apply, or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work, comply with burial legislation and allotment legislation). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

Accuracy and relevance

We will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the DPO, Jayne Cole, Local Council Public Advisory Service

Your personal data

You must take reasonable steps to ensure that personal data we hold about you is accurate and updated as required. For example, if your personal circumstances change, please inform the Data Protection Officer so that they can update your records.

Data security

You must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the DPO will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third party organisations.

Storing data securely

- In cases when data is stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it
- Printed data should be shredded when it is no longer needed. The Town Council uses a firm for larger scale disposal who manages the shredding and disposal of confidential/sensitive data. Councillors are required to

contact Council Officers to appropriately dispose of any confidential/sensitive data. A confidential waste bin is located in the Council Chamber.

- Data stored on a computer should be protected by strong passwords that are changed regularly. Staff to ensure that their passwords are secure. Information no longer required should be deleted/removed.
- Data stored on CDs or memory sticks must be locked away securely when they are not being used

The DPO must be satisfied with any cloud used to store data. Any issues to raise with Council Officers for Data Controller consideration.

- Servers containing personal data must be kept in a secure location, away from general office space
- Data should be regularly backed up in line with the council's backup procedures
- Data should never be saved directly to mobile devices such as laptops, tablets or smartphones
- All servers containing sensitive data must be approved and protected by security software and strong firewall.

Data Retention

We must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with our data retention guidelines. Padstow Town Council follow advice from NALC in this regard.

Subject Access Requests

Please note that under the Data Protection Act 2018 and GDPR, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If you receive a subject access request, you should refer that request immediately to the DPO. Who may ask you to help us comply with those requests.

Please contact the Data Protection Officer if you would like to correct or request information that we hold about you. There are also restrictions on the information to which you are entitled under applicable law.

Processing data in accordance with the individual's rights

You should abide by any request from an individual not to use their personal data for direct information purposes, such as newsletters, project updates and notify the DPO about any such request.

Do not send such material to someone electronically (e.g. via email) unless you have an existing business relationship with them in relation to the services the Council provide. If unsure, seek consent.

Please contact the DPO for advice on direct marketing before starting any new activity.

Training

All staff (who will be managing and processing data) and Councillors to receive training on this policy and Data Protection. New joiners to receive training as part of the induction process.

Further training will be provided at least every two years or whenever there is a substantial change in the law or our policy and procedure. Training will be provided as appropriate. Completion of training is compulsory.

GDPR and Data Protection Act Provisions

Privacy Notice - transparency of data protection

Being transparent and providing accessible information to individuals about how we will use their personal data is important for our organisation. Appended is Padstow Town Council's General Privacy Notice.

Conditions for processing

We will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically documented. All staff who are responsible for processing personal data will be aware of the conditions for processing. The conditions for processing will be available to data subjects in the form of a privacy notice.

Justification for personal data

We will process personal data in compliance with all six data protection principles.

We will document the additional justification for the processing of sensitive data and will ensure if the Council should at any time use any biometric and genetic data this will be considered sensitive.

Consent

The data that we collect is subject to active consent by the data subject. This consent can be revoked at any time.

Criminal record checks

Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

Data portability

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This must be done for free.

Right to be forgotten

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.

Privacy by design and default

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The DPO will be responsible for conducting

Privacy Impact Assessments and ensuring that all IT projects commence with a privacy plan.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

Data audit and register

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

Reporting breaches

All members of staff and Councillors have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the Supervisory Authority (SA) of any compliance failures that are material either in their own right or as part of a pattern of failures

Monitoring

Everyone must observe this policy. The DPO has overall responsibility for ensuring this policy is adhered to and will monitor regularly, reporting any issues to the Data Controller for consideration.

Consequences of failing to comply

We take compliance with this policy very seriously. Failure to comply puts both you and the organisation at risk.

The importance of this Policy means that failure to comply with any requirement may lead to disciplinary action under our staffing procedures. Councillors may also see action taken under their Code of Conduct. In some serious cases legal proceeding could be brought by the ICO to the individual for any breach.

If you have any questions or concerns about anything in this Policy, do not hesitate to contact the DPO.

Adopted by full Council on 30 May 2018

Council Offices
Station House
Station Road
Padstow

Kathy Pemberton
Town Clerk
Email: enquiries@padstow-tc.gov.uk
Website: www.padstow-tc.gov.uk





PADSTOW TOWN COUNCIL GENERAL PRIVACY NOTICE

Introduction

“Personal data” is any information about a living individual which allows them to be identified from that data.

Padstow Town Council holds personal data about employees, residents, suppliers and other individuals for a variety of Council purposes. Indeed when you contact Padstow Town Council you may provide personal information such as name, address, email address, phone number in order that we may deal with your enquiry.

Purpose

In order to deal with your enquiry, respond to your correspondence, offer advice, provide information, deal with financial matters, such as sending invoices and receipts or any other matter relating to service provision and for the Council to perform its tasks, it is necessary to store and process your personal information.

Some of our processing and sharing is necessary to undertake our powers and obligations as a public authority. The Rights to Process are below. However, sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

Padstow Town Council Right to Process Information

Padstow Town Council is required to process all personal data lawfully, fairly and in a transparent manner. Processing is only lawful if there is a lawful basis under Article 6.

At least one of these must apply whenever personal data is processed, as follows:-

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- c) processing is necessary for compliance with a legal obligation to which the controller is subject;
- d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

- f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

The Council will comply with data protection law. This says that the personal data we hold about you must be:-

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

Information Security

Padstow Town 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 relevant 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 or shredded.

YOUR RIGHTS

Access to Information

You have the right to request access to the information we have on you. You can do this by contacting us by email or post. You will be required to provide proof of identity.

Information Correction

If you believe that the information we have about you is incorrect, you may contact us so that we can update it and keep your data accurate.

Information Deletion

If you wish Padstow Town Council to delete the information about you, please contact us. Upon request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

Right to Object

If you believe that your data is not being processed for the purpose it has been collected for, you may object, please contact us.

Rights Related to Automated Decision Making and Profiling

Padstow Town Council does not use automated decision making or profiling of personal data.

TO SUM UP

In accordance with the law, we only collect a limited amount of information about you that is necessary for correspondence, information and service provision.

We do not use profiling, we do not sell your data to third parties or pass your data to third parties unless there is legal obligation to do so. We do not use your data for purposes other than those specified. We make sure your data is stored securely. We delete all information deemed to be no longer necessary. We constantly review our Privacy Policies to keep it up to date in protecting your data.

Complaints

If you have a complaint regarding the way your personal data has been processed you may make a complaint to our Data Protection Officer Jayne Cole, Local Council Public Advisory Service, The Vision Centre, 5 Eastern Way, Bury St Edmunds, Suffolk, IP32 7AB, ceo@lcpas.co.uk Tel: 01284 766885/Mob: 07443009607 or the Information Commissioners Office: casework@ico.org.uk Tel: 0303 123 1113

Council Offices
Station House
Station Road
Padstow
Cornwall
PL28 8DA

Kathy Pemberton
Town Clerk
Email: enquiries@padstow-tc.gov.uk
Website: www.padstow-tc.gov.uk
Tel: 01841 532296