

## **PRIVACY AND DATA PROTECTION POLICY**

### **Introduction**

Frampton Parish Council needs to collect and use certain types of information about the Data Subjects who come into contact with the Council in order to carry on our work. This personal information must be collected and dealt with appropriately – whether on paper, in a computer, or recorded on other material – and there are safeguards to ensure this under the Data Protection Act 2018, this includes the EU General Data Protection Regulations (GDPR).

### **Data Controller**

Frampton Parish Council is the Data Controller under the Data Protection Act, which means that it determines what purposes personal information held will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

The responsibility for Subject Privacy is the Parish Council. The role of Parish Clerk is to only provide advice and assurance to the Council that the risks relating to Data Privacy are managed and reported.

To meet this requirement a standing item on the Parish agenda will be an update on Privacy by the Parish Clerk.

A failure to meet obligations under Data Protection legislation is an offence and as such governance must be adequate.

### **Fair Processing Disclosure**

Frampton Parish Council has a Fair Processing Statement that forms the basis for the processing that takes place. This will be reviewed at least 6 monthly or when required by the Parish Clerk in her role as Data Protection Lead.

Frampton Parish Council may share data with other agencies such as the local authority, funding bodies and other voluntary agencies.

Frampton Parish Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Frampton Parish Council intends to ensure that personal information is treated lawfully and correctly.

To this end, Frampton Parish Council will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 2018 Chapter 22 (para 85).

Specifically, the Principles require that personal information:

- Processing be lawful, fair and transparent (first data protection principle)
- For the purposes of processing be specified, explicit and legitimate (second data protection principle)
- That personal data be adequate, relevant and not excessive (third data protection principle)

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- That personal data be accurate and kept up to date (fourth data protection principle)
- That personal data be kept for no longer than is necessary (fifth data protection principle)
- That personal data be processed in a secure manner (sixth data protection principle)

Frampton Parish Council will, through appropriate management and strict application of criteria and controls:

- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information

### **Data collection and informed consent**

Informed consent is when:

- A Data Subject clearly understands why their information is needed, who it will be shared with and the possible consequences of them agreeing or refusing the proposed use of the data;
- And then gives their consent

Frampton Parish Council will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, Frampton Parish Council will ensure that the Data Subject:

- Clearly understands why the information is needed and understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
- Has received sufficient information on why their data is needed and how it will be used

### **Data Storage**

Information and records relating to service users will be stored securely and will only be accessible to authorised staff and volunteers.

Information will be stored for only as long as it is needed or the required statute and will be disposed of appropriately.

It is Frampton Parish Council's responsibility to ensure all personal and company data is non-recoverable from any computer systems previously used within the organisation, which has been passed on/sold to a third party.

### **Data Access and Accuracy**

All Data Subjects have the right to access, amend, erase or request stopping the use of the information Frampton Parish Council holds about them. Frampton Parish Council will also take

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reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

In addition, Frampton Parish Council will ensure that:

- It is a self-regulating authority
- Everyone processing personal information understand that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the ways it holds, manages and uses personal information
- It regularly assesses and evaluates its methods and performance in relation to handling personal information. All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them. This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 2018.

### Escalation of queries relating to Data Protection

In case of queries or questions in relation to this policy please contact the Clerk of Frampton Parish Council:

Alison Clarke – Tel: 01205 612120 or email [framptonparishcouncil@yahoo.com](mailto:framptonparishcouncil@yahoo.com)

Any correspondence or complaint regarding subject's rights, the "Act" or privacy must be referred to the Clerk at the earliest possible opportunity.

Frampton Parish Council is legally obligated to inform the ICO within 72 hours of any privacy breach. This should be co-ordinated by the Parish Clerk.

If there are concerns about how Frampton Parish Council are collecting or using your personal data, please let us know and we will try to resolve this. If you are still concerned, subjects can contact the Information Commissioner:

### Information Commissioner's Office

Wycliffe House  
Water Lane  
Wilmslow, Cheshire  
SK9 5AF

**Tel: 0303 123 1113 (local rate) or 01625 545745 (national rate) or email [casework@ico.org.uk](mailto:casework@ico.org.uk)**

***The following list below is of definitions of the technical terms we have used and is intended to aid understanding of this policy.***

**Data Controller** – The person who (either alone or with others) decides what personal information Frampton Parish Council will hold and how it will be held or used.

**Data Protection Act 2018** – The UK legislation that provides a framework for responsible behaviour by those using personal information.

**Data Protection Officer** – The person(s) responsible for ensuring that it follows its data protection policy and complies with the Data Protection Act 2018.

**Data Subject/Service User** – The individual whose personal information is being held or processed by Frampton Parish Council (for example: a client, an employee, a supporter).

**“Explicit” consent** – is a freely given, specific and is an informed agreement by a Data Subject \* to the processing\* of personal information\* about him/her. Explicit consent is needed for processing sensitive\* data (\*see definitions).

**Notification** – Notifying the Information Commissioner about the data processing activities of Frampton Parish Council as certain activities may be exempt from notification.

**Information Commissioner** – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998

**Processing** – means collecting, amending, handling, storing or disclosing personal information

**Personal Information** – Information about living individuals that enables them to be identified – e.g. name and address. It does not apply to information about organisation, companies and agencies but applies to named persons, such as individual volunteers or employees within Frampton Parish Council.

**Special Category Data** – means data about

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs
- Trade Union membership
- Physical or mental health
- Sexual life
- Criminal record
- Criminal proceedings relating to a data subject’s offences