



## **General Data Protection Regulation [GDPR] Policy**

### **Introduction**

GDPR came in to force on 25<sup>th</sup> May 2018. GDPR builds on the legal framework established by the Data Protection Act 1998. The purpose of the GDPR is to increase (i) the obligations on organisations when acting as data controllers and (ii) the rights of individuals to ensure that their personal data is respected and used only for legitimate purposes. It also imposes new obligations on data processors.

### **Personal data**

Personal data is data that relates to a living individual who can be recognised from that data. The categories of personal data processed by Hennock Parish Council may include the following:

- Communications with individual local residents including letters, Allotment Tenancy Agreements, complaints and council surveys;
- Allotment tenancy schedules;
- Planning applications;
- The Parish Council's employment and recruitment records (e.g. employment contracts and job applications);
- Contracts with individuals and contracts which require processing of personal data;
- Arrangements with volunteers;
- Communications with third parties e.g. Devon County Council, Teignbridge District Council, local charities, HMRC and NEST;
- The electoral roll; and
- Legal proceedings or transactions with individuals.

### **Data protection principles**

The Parish Council will ensure that personal data is:

- 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 – the Clerk's laptop is protected by antivirus software which provides online security and the data is backed up to an external hard drive on a weekly basis.

### **Consent**

- The Parish Council will determine whether it has a legitimate reason for processing personal data by establishing that it is fair and lawful.
- It will satisfy the "conditions for processing" – in the majority of cases this will be because the processing is necessary either:
  - in relation to a contract which the individual has entered into e.g. an Allotment Tenancy Agreement; e.g.2. a contract for the procurement of goods or services; or

- because the individual has asked for something to be done.
- Where the Parish Council is relying on the individual's consent to the processing of their personal data, the Council will ensure that it has a clear statement of consent or a clear affirmative action and prior to the consent being given it will inform the individual of their right to withdraw their consent at any time.
- Where consent is being processed for a child under 16, consent will be obtained from the child's parent or custodian – in the normal course of business it is unlikely that the Parish Council will be processing data for children under 16.

### **Privacy/Fair processing Notices and Communications by Data Controllers**

- The Parish Council will be transparent and provide accessible information to individuals about how the Parish Council will use their personal data.
- Information provided will be concise using clear and plain language.
- The envisaged period for which personal data will be stored (or, if this is not possible, the criteria used to determine that period) will be included in privacy notices.
- Two Privacy Notices have been prepared using NALC's [National Association of Local Councils] GDPR Toolkit February 2018: A General Privacy Notice which is for residents and members of the public and a second Privacy Notice for staff members, councillors and anyone else with a role in the Council.
- Privacy Notices and a copy of this GDPR Policy can be found on the Parish Council's website under "Privacy".
- The Clerk and members of the Council will include an email signature with the wording, "Please refer to [www.hennockpc.org.uk/privacy](http://www.hennockpc.org.uk/privacy) for copies of Hennock Parish Council's Privacy Notices regarding use of personal data".
- All councillors and staff have been provided with a copy of both Privacy Notices.
- The information will be used in a way that people would reasonably expect.
- Allotment Tenancy Agreements include the following privacy notice:
 

Please provide telephone numbers and email addresses in case we need to contact you about your allotment. You do not need to tell us this information but it will help us to contact you quickly if necessary. Your data will be stored for the period you hold an allotment tenancy and for five years after expiry of the tenancy agreement for audit purposes.

The Parish Council will not share your information with any person or organisation outside of the Parish Council.

You have the right to request a copy of the information that the Parish Council as Data Controller holds about you and you have the right to withdraw your consent for the Council to process your data at any time. If you would like a copy of the information, please email the Clerk who is the Data Protection Officer at [clerk@hennockpc.org.uk](mailto:clerk@hennockpc.org.uk)

If you have a concern about the Parish Council's information rights practices you have the right to lodge a complaint with the Information Commissioner's Office (ICO).

Please also refer to [www.hennockpc.org.uk/privacy](http://www.hennockpc.org.uk/privacy) for copies of Hennock Parish Council's Privacy Notices regarding use of your personal data or request a paper copy from the Clerk.
- The Tenancy Agreement will also include, "Your declaration" as follows:
 

I/We understand that you will use the information I/We have provided for the purpose of administering the allotments.

### **Data controllers working with Data processors**

- Hawthorns Accounting Services Ltd provides payroll services to the Parish Council. The Parish Council entered in to an agreement with Hawthorns Accounting Services Limited (Data Processor) on 27<sup>th</sup> April 2018 which came in to force on 25<sup>th</sup> May 2018 whereby the Data Processor agrees to provide payroll services to the Data Controller (Hennock Parish Council) subject to the following provisions:
- Processors must process data only on the instructions of the Data Controller.
- People authorised to access data are subject to confidentiality.
- Ensure security of processing.

- Processors must assist the controller in complying with data subjects rights (where possible).
- Processors must assist the controller with regard to security measures, breach reporting and DPIAs [Data Protection Impact Assessments].

#### **Privacy Impacts assessment (PIA)**

- The Parish Council does not expect to process data using new technologies that pose high risks and a data protection privacy impact assessment will not, therefore, be required.

#### **Appointment of Data Protection Officer (DPO)**

- The Parish Council does not process personal data for regular and systematic monitoring of data subjects on a large scale and it does not process sensitive personal data on a large scale – it has, therefore, *not* appointed a DPO.

#### **Appointment of Data Protection Compliance Officer**

- The Parish Council has appointed the Clerk to provide central support and guidance in respect of compliance with data protection legislation.

#### **Notification to report personal data breaches**

- The Parish Council as Data Controller will report to the ICO personal data breaches without delay and within 72 hours. Councillors are responsible for reporting data breaches to the DPO in a timely manner. The Clerk, as DPO, will notify members of the Parish Council without undue delay after becoming aware of a personal data breach.

#### **Individuals' rights**

- The right of access to personal data held by the Parish Council will be dealt with within one month of request and free of charge. However, where requests are manifestly unfounded or excessive, in particular because they are repetitive, the Parish Council may charge a fee for providing the information or refuse to respond.
- Individuals will have the right to obtain from the Parish Council without undue delay the rectification of inaccurate personal data.
- Individuals will have the right to erase personal data (also known as the “right to be forgotten” which means that data subjects will be able to request that their personal data be erased by the Parish Council and no longer processed.
- The Parish Council will advise an individual when a personal data breach is likely to result in a high risk to a data subject's rights.
- The Parish Council will only use the data for the purposes it was taken and for the reasons it gave to the Data Subject.

The Parish Council will review its policy for General Data Protection as and when necessary but, as a minimum, on an annual basis.

**Approved by Hennock Parish Council at its meeting on 10<sup>th</sup> May 2022.**