

Thursford Parish Council

GDPR Policy

Adopted Sept 2017

To be reviewed annually

Purpose of the policy and background to GDPR

The GDPR Policy explains to councillors, staff and the public about data protection. The policy updates previous data protection procedures to include the additional requirements of GDPR which comes into force in May 2018. The government have confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This policy explains the duties and responsibilities of the council and it identifies the means by which the council will meet its obligations.

Identifying the roles and minimising risk

GDPR requires that everyone within the council should understand the implications of GDPR and that roles and duties should be assigned. The council is the data controller and the Parish Clerk is the data processor and data protection officer (DPO). It is the DPO's role to undertake an information audit and to manage the information collected by the council, the issuing of privacy statements, dealing with requests and complaints raised and also the safe disposal of information. This will be included in the Job Description of the Clerk. GDPR requires continued care by everyone within the council -councillors and staff, in the sharing of information about individuals, whether as a hard copy or electronically. It should be noted that a breach of the regulations could result in a council facing a fine from the ICO, for the breach itself and also to compensate the individual(s) who may be adversely affected. Therefore, the handling of information is seen as high / medium risk to the council (both financially and reputation) and one which should be included in the Risk Management Policy of the council. Such risk can be minimised by undertaking an information audit, issuing privacy statements, minimising who holds data protected information, and the council undertaking training for awareness with data protection.

Data breaches

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of a Personnel Committee. Investigations should be undertaken within one month of the report of a breach. Procedures are in place to detect, report and investigate a personal data breach. The ICO should be advised of a breach where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly.

Privacy Notices

Being transparent and providing accessible information to individuals about how the council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice. – a notice to inform individuals about what you do with their personal information. A privacy notice must advise the name of data controller, the purpose for which the information is to be used and the length of time for its use. It should be written clearly and should advise the individual that they can at any time withdraw their agreement for the use of this information. A Privacy Statement is filed under the relevant topic for its purpose. The council will adopt a Privacy Statement to use, although some changes may be needed depending on the situation. It should be noted that changes will be needed where children are concerned.

Information Audit

The DPO must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted.

Individuals' Rights

The GDPR gives individuals rights with some enhancements to those rights under the current DP: - the right to be informed; the right of access; the right to rectification; the *right to erasure*; the right to restrict processing; the right to data portability; the right to object; and the right not to be subject to automated decision-making including profiling. The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometime known as the “right to be forgotten”) where their personal data is no longer necessary in relation to the purpose for which it was originally collected and *data portability must be done free of charge*. Data portability refers to the ability to move, copy or transfer data easily between different computers such as in a “cloud” facility. Information shared on a cloud facility should not include personal data.

If a request is received to delete information then the DPO must respond to this request within a month. The DPO has the delegated authority from the Council to delete information.

Children

Should the council require consent forms from young people (currently under 16) the council will obtain a parent or guardian's consent in order to process the personal data lawfully. This must be written in language that children will understand.

Summary

The main actions arising from this policy are:

The Council is registered with the ICO.

A copy of this policy is on the Council's website. The policy is considered as a core policy for the council.

The Clerk's Job Description has been amended.

An information audit has been conducted and is reviewed at least annually or when projects and services change. Privacy notices are to be issued.

DP is now included on the Council's Risk Management Policy.

This policy document is written with current information and advice. It should be reviewed at least annually or when further advice is issued by the ICO.

Attachment 1

Thursford Parish Council

Information Audit 2017/18

Item/Activity	Information held	Who holds	Duration	Reason	Date of destruction	Privacy Notice
Definitive Footpath Map Application to NCC	Names/addresses of people who completed forms (hard copy) May 2016 Letters to adjacent landowners (hard copy and electronic)	Clerk Hard copy forms passed to NCC July 2016	For duration of application to NCC	To complete legal process	July 2017 following conclusion of application	Not issued
Allotments	Names /addresses on tenancy documents	Clerk hard copy	For duration of tenancy	Legal documents	Following termination of tenancy	Not issued
Personnel File	Clerk's name and address	Clerk	For duration of employment	Included in Contract of Employment	Employment termination	Not issued

