



Title:	Constitution of the Council (Part 4Ab: Data Protection Policy)
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DATA PROTECTION POLICY

1 PURPOSE

- 1.1 This policy sets out how the Council will ensure that it complies with all the provisions of the UK GDPR and the Data Protection Act 2018 (the Data Protection Legislation). Everyone working for the Council should be aware of this policy.

2 INTRODUCTION

- 2.1 The Council is fully committed to protecting the privacy of all individuals including staff, contractors, service users and others, by ensuring lawful use of their personal data in accordance with The Data Protection Legislation. The Council will take all necessary steps to implement this policy and to ensure that all staff are fully aware of it and abide by it.

3 STATUS OF THE POLICY

- 3.1 This policy does not form part of any formal contract of employment, but it is a condition of employment that staff abide by the rules and policies made by the Council. Any failure to follow this policy can therefore result in disciplinary proceedings.
- 3.2 Any staff member who considers that this policy has not been followed in respect of personal information about themselves, should raise the matter with their line manager initially. If the matter is not resolved, it should be raised as a formal grievance.

4 WHY PERSONAL INFORMATION IS COLLECTED

- 4.1 In order to operate efficiently, the Council has to collect and use information about people. These may include members of the public, current, past and prospective staff members, clients, service users and suppliers. In addition, the Council may be required by law to collect and use information in order to comply with the Statutory and Governmental requirements.

- 4.2 The Council regards the lawful and responsible treatment of personal data as very important for successful operation and for maintaining confidence in the Council. The Council will take the following steps.

5 PRINCIPLES RELATING TO PROCESSING OF DATA PROTECTION

- 5.1 The Council will comply with the principles set out in Article 5 of the UK GDPR. Through appropriate management controls, the Council will ensure that personal data is:
- 5.1.1 Processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency').
 - 5.1.2 Purposes or statistical purposes shall be collected for specified, explicit and legitimate purpose and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89 (1) of the UK GDPR, not be considered to be incompatible with the initial purposes ('purpose limitations').
 - 5.1.3 Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation').
 - 5.1.4 Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy').
 - 5.1.5 Kept in a form which permit identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89 (1) UK GDPR, subject to implementation of the appropriate technical and organisational measure required by the Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitations').
 - 5.1.6 Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful loss, destruction or

damage, using appropriate technical or organisational measures ('integrity and confidentiality').

5.1.7 The Council shall be responsible for, and be able demonstrate compliance with, paragraphs 5.1.1 to 5.1.6 above ('accountability').

5.1.8 Ensure that personal information is not transferred abroad without suitable safeguards.

6 STAFF AWARENESS AND INVOLVEMENT

6.1 Staff are key to ensuring that the Council complies with the Data Protection Legislation. The Council will ensure that:

6.1.1 there is an officer with specific responsibility for data protection in the Council ("the Data Protection Officer").

6.1.2 everyone managing and handling personal information understands they are contractually responsible for following good data protection practice.

6.1.3 everyone managing and handling personal information is appropriately trained to do so.

6.1.4 everyone managing and handling personal information is appropriately supervised.

6.1.5 anyone wanting access to their personal information knows what to do.

6.1.6 Anyone wanting to exercise their rights under Data Protection Legislation knows what to do.

6.1.7 queries about handling personal information are promptly and courteously dealt with.

6.1.8 methods of handling personal information are regularly assessed and evaluated.

6.1.9 performance in handling personal information is regularly assessed and evaluated.

6.1.10 data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal information will be in compliance with approved procedures.

7 CONTRACTORS AND THIRD PARTIES

- 7.1 All contractors, consultants, partners or other servants or agents of the Council who are users of personal data supplied by the Council will be required to confirm that they will abide by the requirements of the Data Protection Legislation. The Council will require that they enter into a contract which will oblige them to:
- 7.1.1 ensure that they and all of their staff who have access to personal information held or processed for us or on our behalf, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Data Protection Legislation. Any breach of any provision of the Data Protection Legislation will be deemed as being a breach of any contract between this Council and that individual, company, partner or firm.
 - 7.1.2 ensure that they only act on our instructions with regard to the processing of personal data we supply to them.
 - 7.1.3 ensure that they have adequate security around personal data supplied to them and, in particular, will take appropriate organisational and technical steps to ensure that there is no loss, damage or destruction of such data.
 - 7.1.4 allow data protection audits by the Council, of personal data held on its behalf (if requested).
 - 7.1.5 indemnify the Council against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation arising out of any breach of the Data Protection Legislation by them.

8 INFORMATION ABOUT THE COLLECTION AND USE OF PERSONAL INFORMATION

- 8.1 Staff, service users and other individuals about whom the Council holds personal information have the right to be informed about the collection and use of their personal data. The Council will comply with all requirements of Articles 13 and 14 of the UK GDPR and at the time the Council collects personal data from an individual the Council will tell the individual the purpose for which the information is collected; how long the information will be retained; and who it will be shared with (“the privacy information”).

- 8.2 If the Council obtains personal information from third party sources it will provide the privacy information to the individual within a reasonable period of obtaining the personal information and no later than one month.

9 ACCESS TO PERSONAL INFORMATION

- 9.1 Staff, service users and other individuals about whom the Council holds personal information have the right to access it. Any person may exercise this right by submitting a request in writing to the Council. Ideally this should be sent to the Data Protection Officer but this is not a requirement.
- 9.2 The Council will not make a charge for complying each written request under the Data Protection Legislation unless a request is manifestly unfounded or excessive (particularly if it is repetitive) in which case the Council will charge a reasonable fee based on the administrative cost of providing the information.
- 9.3 The Council aims to comply with requests for access to personal data without delay and as quickly as possible, but will ensure that it is provided within one month of receipt unless a request is complex.. In such cases, the Council will be able to extend the period of compliance by a further two months and the Council will inform the individual within one month of receipt of the request that an extension is necessary and will give full reasons in support of the need for the extension.
- 9.4 The Council offers advice and assistance to any person wishing to make a request for information.

10 RECTIFICATION OF PERSONAL INFORMATION

- 10.1 Staff, service users and other individuals about whom the Council holds personal information have the right to request that inaccurate personal data is rectified, or completed if it is incomplete. Any person may exercise this right by submitting a request orally or in writing to the Council. Ideally this should be sent to the Data Protection Officer but this is not a requirement.
- 10.2 The Council will respond to the request within one month of receipt. If the Council is satisfied that the data is accurate it will notify the individual that it will not be amending the data, also informing them of their right to make a complaint through the ICO; and their ability to enforce their rights though the courts.
- 10.3 If a request is complex the Council will be able to extend the period of compliance by a further two months and the Council will inform the individual within one month

of receipt of the request that an extension is necessary and will give full reasons in support of the need for the extension.

- 10.4 The Council can refuse to comply with a request for rectification if the request is manifestly unfounded or excessive. In such cases the Council may request a reasonable fee based on the administrative costs of complying with the request. This will be communicated to the individual within one month of receipt of their request and the individual will also be notified that the Council will not comply with the request until the fee is paid. Alternatively, the Council may refuse the request. In either case the Council will provide full reasons for its decision.

11 ERASURE OF PERSONAL INFORMATION

- 11.1 Staff, service users and other individuals about whom the Council holds personal information have the right to have their personal data erased in certain circumstances. Any person may exercise this right by submitting a request orally or in writing to the Council. Ideally this should be sent to the Data Protection Officer but this is not a requirement.
- 11.2 The Council will not make a charge for complying with a request for erasure of personal information unless the request is manifestly unfounded or excessive (particularly if it is repetitive) in which case the Council will charge a reasonable fee based on the administrative cost of providing the information.
- 11.3 The Council aims to comply with requests for access to personal data without delay and as quickly as possible, but will ensure that it is provided within one month of receipt unless a request is complex. In such cases, the Council will be able to extend the period of compliance by a further two months and the Council will inform the individual within one month of receipt of the request that an extension is necessary and will give full reasons in support of the need for the extension.

12 RESTRICTING PROCESSING OF PERSONAL INFORMATION

- 12.1 Staff, service users and other individuals about whom the Council holds personal information have the right to request the restriction or suppression of their personal data in certain circumstances. Any person may exercise this right by submitting a request orally or in writing to the Council. Ideally this should be sent to the Data Protection Officer but this is not a requirement.

- 12.2 The Council will not make a charge for complying with a request for erasure of personal information unless the request is manifestly unfounded or excessive (particularly if it is repetitive) in which case the Council will charge a reasonable fee based on the administrative cost of providing the information.
- 12.3 The Council aims to comply with requests for access to personal data without delay and as quickly as possible, but will ensure that it is provided within one month of receipt unless a request is complex. In such cases, the Council will be able to extend the period of compliance by a further two months and the Council will inform the individual within one month of receipt of the request that an extension is necessary and will give full reasons in support of the need for the extension.

13 DATA PORTABILITY

- 13.1 Staff, service users and other individuals about whom the Council holds personal information have the right to obtain and reuse their personal data for their own purposes across different service.
- 13.2 The right to data portability only applies to personal information an individual has provided to the Council; where the processing is based on the individual's consent or the performance of a contract; and when the processing is carried out by automated means. Where all these conditions are met, the Council will respond to a request for portable data by providing the personal information in a structured, commonly used and machine readable form.
- 13.3 The Council will not make a charge for complying with a request for portable data.
- 13.4 The Council aims to comply with requests for portable data without delay and as quickly as possible, but will ensure that it is provided within one month of receipt unless a request is complex.. In such cases, the Council will be able to extend the period of compliance by a further two months and the Council will inform the individual within one month of receipt of the request that an extension is necessary and will give full reasons in support of the need for the extension.

14 OBJECTING TO PROCESSING OF PERSONAL INFORMTION

- 14.1 Staff, service users and other individuals about whom the Council holds personal information have the right to the processing of their personal data in certain circumstances. Any person may exercise this right by submitting a request orally or in writing to the Council. Ideally this should be sent to the Data Protection Officer but this is not a requirement.

- 14.2 The right to object may be exercised when the processing of personal information is based on the performance of a task in the public interest or the exercise of official authority; when the personal information is used for the purposes of direct marketing; and when the processing is for research purposes or for the purposes of statistical analysis.

15 AUTOMATED INDIVIDUAL DECISION-MAKING, INCLUDING PROFILING

- 15.1 Staff, service users and other individuals about whom the Council holds personal information have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning them or significantly affects them.
- 15.2 The right shall not apply if the decision is necessary for entering into, or performance of a contract between the data subject and a data controller; is required or authorised by domestic law which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or is based on the data subject's explicit consent.
- 15.3 In the cases referred to at 15.2 above, the Council shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.
- 15.4 Decisions referred to in paragraph 15.2 shall not be based on special categories of personal data referred to in Article 9(1), unless point (a) or (g) of Article 9(2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.

16 NOTIFICATION TO THE INFORMATION COMMISSIONER

- 16.1 The Data Protection Legislation requires the Council to notify our processing of personal information on an annual basis. Failure to do so is a criminal offence. The Information Commissioner maintains a public register of data controllers. This register can be viewed on the Information Commissioner's website. The Data Protection Officer can make arrangements for the register to be viewed for people who do not have access to the website.

- 16.2 Any changes to the register must be notified to the Information Commissioner within 28 days. Members of staff aware of any change must contact the Data Protection Officer so that the appropriate notification can be made.

17 CONCLUSION

- 17.1 Compliance with the Data Protection Legislation is the responsibility of everyone within the Council. Any questions or concerns about the interpretation or operation of this policy should be addressed to the Data Protection Officer.