

PIMPERNE PARISH COUNCIL

Data Protection Policy

1. Why we have this Policy

- 1.1. Pimperne Parish Council needs to collect and use personal information about staff, Parishioners and volunteers, in order to operate and carry out its legitimate purposes.
- 1.2. On 25th May 2018 the General Data Protection Regulations 2018 (GDPR '18) became law and is more extensive and stringent than its predecessor. It also introduces tougher penalties where the Regulations are breached. This policy states what the Council must have in place to meet the GDPR '18 legislation.

2. Overview of Data Protection

- 2.1. The Data Protection principles mean that, to be lawful, the collection and use of personal data must meet the following criteria and the Council must have policies in place to fulfil these principles:

Lawfulness, fairness and transparency	Wherever personal data is collected an individual is provided with information on why we are collecting the information, what we will do with it, how long we will retain that information, etc. This is reflected in the Privacy Notices, Annex A, and is also available on request.
Purpose limitation	There is always a legitimate ground to collect that data: a) Consent (the individual wishes to be contacted) b) Contract (to fulfil a contract) c) Legal obligation (to fulfil a legal requirement) d) Vital interest (to protect someone's life) e) Public interest (to perform tasks in the public interest) f) Legitimate interests to both the organisation and that individual
Data minimisation	Personal data shall be adequate, relevant and limited to what is necessary to the purposes for which they are processed
Accuracy	Personal data shall be accurate and, where necessary, kept up to date
Storage Limitation	Personal data shall be kept in a form which permits identification of individuals for no longer than is necessary for the purposes for which they 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 subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

Integrity and confidentiality	Personal data shall be 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, using appropriate technical or organisational measures
Accountability	Pimperne Parish Council shall be responsible for, and be able to demonstrate compliance with the GDPR

2.2. By following this Policy, the Council will be able to meet their legal and best practice obligations and as such reduce the risk of reputational damage or financial penalty by the Information Commissioner's Office (ICO). The ICO is the UK body responsible for monitoring compliance with data protection law and can impose penalties on organisations that are found to be non-compliant.

3. Data Processed by Pimperne Parish Council:

3.1. The Council processes the following categories of data;

- Staff Data
- Councillors Data
- Pimperne Parish Full Electoral Role
- Volunteer Data (if required)
- Safeguarding Data (if required)

3.2. **Privacy Notices.**

Specific data held for each category are detailed in the relevant privacy notice and are available on the Pimperne Parish Council Website. The information that has to be provided in a Privacy Notice is at Annex A. Privacy notices for each category are attached as Appendices to Annex A.

3.3. If we obtain personal data from a source other than the individual it relates to, we provide them with privacy information by posting a privacy notice on the Website:

4. **Legal Basis for Processing**

Details relating to the legal basis for processing are identified as follows:

- 4.1. Staff Data – Contract
- 4.2. Councillors Data – Legal Requirement
- 4.3. Electoral Role – Public Task
- 4.4. Volunteer Data – Consent
- 4.5. Safeguarding Data – Legal Requirement

5. **Data Protection Personnel:**

5.1. There is no legal requirement for the council to have a Data Protection Officer

5.2. The Data Controllers of personnel data are:

- Staff Data: Chair of Council
- Councillors' Data: Clerk to the Council
- Electoral Role: Clerk to the Council.
- Volunteer Data: Clerk to the Council
- Safeguarding Information: Clerk of the Council

5.3. All Councillors who have been authorised to access the above categories of data are defined as 'processors' under the GDPR '18.

6. Processed Data Retention Periods

- 6.1. Staff Data will be retained while staff are employed by the Council and in accordance with employment legislation for retention of employment records.
- 6.2. Councillors' data will be retained as long as they are councillors and then archived for 5 years. Archived data will not be available on the Web, but made available if there is a legal challenge against an ex-councillor
- 6.3. Electoral Role Data will be maintained while the Electoral Role provided by NDDC or its replacement Unitary Authority is in date. When it is updated and replaced then the old one is destroyed.
- 6.4. Volunteer data will be retained while consent from the individual is current or for the period of volunteering, whichever is shorter.
- 6.5. Safeguarding Data will be retained while there is a need to maintain the information about an individual in conjunction with the individual's work/volunteering with the Council

7. Data Processing

- 7.1. All data will be processed, whether in electronic or paper form, to ensure that no personal data that identifies an individual is shared outside of the council, unless there is an authorised or lawful requirement to do so.
- 7.2. All processors will protect against unauthorised and unlawful processing and against accidental loss, destruction or damage.
- 7.3. All electronic data in all categories identified above will be protected using passwords and encryption to stop illegal and unauthorised access to personal data.
- 7.4. All hard copy data will be maintained in locked cabinets when not being used.
- 7.5. The Data Controller (Data Protection Officer) will ensure that those authorised to access the data are recorded.
- 7.6. The Data Controllers are to maintain documentation about the data that is processed. The information to be documented is listed at Appendix B.

8. Data Disposal

- 8.1. Hard copy personal data will be destroyed by a cross-cut shredder.
- 8.2. Electronic data will be deleted from the files in accordance with the disposal arrangements outlined above.

8.3. Any hard disks that have contained personal data will be destroyed by ensuring that either the magnetic platters are broken into pieces or if integrated circuit-based storage also broken into pieces.

9. Subject Data Request

9.1. An individual may make a Subject Data Request for information held by the council to the Clerk of the Council in writing, this includes email.

9.2. The Clerk will acknowledge the request and will search records held by the council for any personal information held by the Council, and will either provide the information in writing (or email), or inform the individual that no information is held, within 28 days of the Subject Access Request being made.

9.3. An individual cannot make a Subject Access Request on behalf of another individual, unless:

- It is for a son or daughter who are under 18 years and for whom they are legally responsible.
- They are the legal guardian for the child under 18 years.
- They have power of attorney for the individual that is subject of the Subject Access Request. Proof will be required.

Annexes:

A. Privacy Notice Information.

B. Controller's Documentation Check List.

Version	Version Date	Date Adopted by Council
1.0	24 May 2018	
1.1	1 Dec 2018	

Privacy Notice Information

The following information has to be provided in a Data Protection Privacy Notice under the GDPR '18:

1. The name and contact details of our organisation.
2. The name and contact details of our representative (if applicable).
3. The contact details of our data protection officer (if applicable).
4. The purposes of the processing.
5. The lawful basis for the processing.
6. The legitimate interests for the processing (if applicable).
7. The categories of personal data obtained (if the personal data is not obtained from the individual it relates to).
8. The recipients or categories of recipients of the personal data.
9. The details of transfers of the personal data to any third countries or international organisations (if applicable).
10. The retention periods for the personal data.
11. The rights available to individuals in respect of the processing.
12. The right to withdraw consent (if applicable).
13. The right to lodge a complaint with a supervisory authority.
14. The source of the personal data (if the personal data is not obtained from the individual it relates to).
15. The details of whether individuals are under a statutory or contractual obligation to provide the personal data (if applicable, and if the personal data is collected from the individual it relates to).
16. The details of the existence of automated decision-making, including profiling (if applicable).

Appendices:

1. Staff Data Privacy Notice
2. Councillors' Data Privacy Notice
3. Electoral Role Privacy Notice
4. Volunteer Data (if required) Privacy Notice – to follow
5. Safeguarding Data (if required) Privacy Notice – to follow

Staff Data Privacy Notice

1. Organisation: Pimperne Parish Council, pimperne@dorset-aptc.gov.uk
2. Data Protection Officer: There is no legal requirement for the council to have a data protection officer. All enquiries re data protection should be directed to the Clerk of the Council. Email : pimperne@dorset-aptc.gov.uk
3. Purpose: To employ Staff
4. The lawful basis for the processing: Contract
5. The recipients or categories of recipients of the personal data: HMRC
6. The retention periods for the personal data while staff are employed and for 5 years after.
7. The rights available to individuals in respect of the processing. Individuals may request a copy of their data and have it amended where it is wrong.
8. The right to lodge a complaint with a supervisory authority. Individuals may lodge a complaint with ICO

Councillors' Data Privacy Notice

1. Organisation: Pimperne Parish Council, pimperne@dorset-aptc.gov.uk
2. Data Protection Officer: There is no legal requirement for the council to have a data protection officer. All enquiries re data protection should be directed to the Clerk of the Council. Email : pimperne@dorset-aptc.gov.uk
3. Purpose: Identification of Councillors, their contact details and register of interests as required by law.
4. The lawful basis for the processing: Legal Obligation
5. The categories of personal data obtained: Contact details, register of interests
6. The retention periods for the personal data. While an individual is a councillor and then archived for 5 years before being destroyed. A list of individual councillors will be retained for historic archiving.
7. The rights available to individuals in respect of the processing: Individuals can request a copy of the information held on them and request that it is updated if it changes.
8. The source of the councillors, data is from the individual themselves.

Electoral Role Privacy Notice

1. Organisation: Pimperne Parish Council, pimperne@dorset-aptc.gov.uk
2. Data Protection Officer: Clerk to Pimperne Parish Council
3. Purpose: Identification of Parishioners
4. The lawful basis for the processing: Public Task
5. The categories of personal data obtained: Electoral Role
6. The retention periods for the personal data.
7. The rights available to individuals in respect of the processing: Individual should request copies of the data held from the local Electoral Role Officer of NDDC or Unitary Authority for Dorset when it is formed.
8. The source of the personal data NDDC Electoral Role Office or Unitary Authority for Dorset when it is formed.

Controller's Documentation Check List

1. Your organisation's name and contact details.
2. If applicable, the name and contact details of your data protection officer – a person designated to assist with GDPR compliance under Article 37.
3. If applicable, the name and contact details of any joint controllers – any other organisations that decide jointly with you why and how personal data is processed.
4. The purposes of the processing – why you use personal data, e.g. customer management, marketing, recruitment.
5. The categories of individuals – the different types of people whose personal data is processed, e.g. employees, customers, members.
6. The categories of personal data you process – the different types of information you process about people, e.g. contact details, financial information, health data.
7. The categories of recipients of personal data – anyone you share personal data with, e.g. suppliers, credit reference agencies, government departments.
8. If applicable, the name of any third countries or international organisations that you transfer personal data to – any country or organisation outside the EU.
9. If applicable, the safeguards in place for exceptional transfers of personal data to third countries or international organisations. An exceptional transfer is a non-repetitive transfer of a small number of people's personal data, which is based on a compelling business need, as referred to in the second paragraph of Article 49(1) of the GDPR.
10. If possible, the retention schedules for the different categories of personal data – how long you will keep the data for. This may be set by internal policies or based on industry guidelines, for instance.
11. If possible, a general description of your technical and organisational security measures – your safeguards for protecting personal data, e.g. encryption, access controls, training.