

Stanley and Stanley Common Parish Council

Data Protection and Freedom of Information Policy

If you have any questions about this Policy or the personal data we might hold about you, please contact the Parish Clerk at parishclerk@stanleyandstanleycommon-pc.gov.uk

1.0 Introduction

1.1 The Parish Council needs to collect and use certain types of information about people in order to carry out effectively its various tasks. This information may include:

- personal details
- family details
- education and employment details
- financial details
- physical or mental health details
- racial or ethnic origin
- religious or other beliefs
- Trade Union membership
- criminal proceedings or convictions.

1.2 We may process personal information about:

- employees
- suppliers
- complainants, enquirers
- business contacts
- professional advisers and consultants
- residents of the parish
- elected representatives and holders of public office
- members of the parish council

1.3 The Parish Council recognises its responsibility to comply with Data Protection legislation, including the General Data Protection Regulation (GDPR). Personal information must be dealt with lawfully and correctly, howsoever it is collected, recorded or used – whether on paper, electronically, or by other means. “Personal data” is defined as any information about a living individual which allows them to be identified from that data. Such identification can be by the personal data alone or in conjunction with any other personal data.

1.4 The General Data Protection Regulation 2018 requires that information provided to people about how we process their personal data must be concise, transparent, intelligible and easily accessible, written in clear and plain language, and be free of charge.

2.0 Process

2.1 The Council will follow procedures that aim to ensure that all employees, elected members, contractors, agents, consultants, partners or other servants of the Council who have access to any personal data held by or on behalf of the Council are fully aware of and abide by their duties and responsibilities under the law. When dealing with personal data, Council staff and Councillors must ensure that:

- It is processed fairly and lawfully.
- It is processed for specified purposes only.
- It is relevant to what it is needed for. (Only data that is needed should be held.)
- It is accurate and kept up to date.
- It is not kept for longer than is needed.
- It is processed in accordance with the rights of individuals. (Individuals must be informed, upon request, of all the information held about them.)
- It is kept securely. (Only those staff or Councillors with a legitimate need to know can access the data, and it should not be accessed by members of the public.)
- It shall not be transferred to another country or territory unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

2.2 The Parish Council will act as the Data Controller. Before any new projects start, the Data Controller must carry out a Data Protection Impact Assessment.

2.3 All employees and Councillors managing and handling personal information will be appropriately trained. The Parish Clerk will act on the Data Controller's behalf as Data Processor.

3.0 Collecting Data

3.1 The Council recognises its responsibility to be open and honest with people when taking personal details from them as to how the information will be used, and a record must be kept of the individual's positive consent for the Council to hold the information. The information must not be used for a purpose different from the purpose stated at the time that consent was obtained. (Data may also be collected via the 'Contact Us' page on the Parish Council's website; the webpage states how the data will be stored and used.)

4.0 Storing and Accessing Data

4.1 The Council may hold information about individuals such as their addresses and telephone numbers. These are kept in a secure location at the Parish Clerk's place of residence and are not available for the public to access. All data stored on a computer is password-protected. Once data is not needed any more, or is out-of-date, it will be shredded or securely deleted from the computer.

4.2 Individuals or organisations have the right to access any information that is held about them (Data Subject Access Requests). A request to do so must be made in writing and contain sufficient information to enable the request to be processed; the identity of the Data Subject must be verified before releasing data to them. If a person requests to see any data that is being held about them:-

- They must be sent all of the information that is being held about them, no later than 20 working days after receipt of the request
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- Requests that are manifestly unfounded or excessive may be refused, or a charge made, based on the costs associated with providing the information. If a request is refused, a reason must be given.
- If a charge is to be made, this must be advised (known as a 'Fees Notice') to the applicant within 20 working days of receipt of the request. When a Fees Notice is issued, the 20 working days limit for responding stops and will re-start when payment is received.

4.3 If an individual requests that their data is rectified or erased, this will be carried out, unless there is a legal reason which prevents this from taking place. There are certain classes of data that are exempt from these Data Subject Access provisions.

5.0 Disclosure of Information

5.1 If a councillor needs to access information to help carry out their duties, they may only access as much information as is necessary and it should only be used for that specific purpose. Before they access any sensitive information about a person, they must obtain consent from the Parish Clerk. Data should never be used for political reasons unless the Data Subjects have consented.

5.2 The Council sometimes needs to share personal information which it holds to other organisations. For instance, where necessary or required we may share information with:

- suppliers and service providers
- local or national government
- representatives of the person whose personal data we are processing
- current, past and prospective employers

These third parties have an obligation to put in place appropriate security measures and will be responsible for the manner in which they process and protect personal data.

5.3 Documents received by the Council which are published on its website will have personal telephone numbers, personal e-mail addresses and all signatures removed before such publication.

6.0 Confidentiality

6.1 Council staff must be aware that, when complaints or queries are made, personal information relevant to the issue must remain confidential unless the Data Subject gives permission otherwise.

6.2 The Council is required to register its status as Data Controller with the Information Commissioner's Office (ICO). If a data breach is identified by the Council, the ICO must be informed; such notification must take place within 72 hours.

7.0 Retention of personal data

7.1 Although the Council will usually endeavour to keep data only for as long as it needs it, the Council may retain some data in connection with its statutory obligations as a public authority. Also, the Council is permitted to retain data if it is necessary to be able to defend or pursue claims; in some cases the law imposes a time limit for such claims.

8.0 Data Protection Requests

8.1 A great deal of the information that Stanley and Stanley Common Parish Council holds is personal and private to Individuals. However, the Freedom of Information Act, will not make public Private and Confidential information. Under the Data Protection Act 1998, individuals have the right to see any information we hold about them. However, this right is subject to exemptions which will affect whether information is provided, and requests will be dealt with by Stanley and Stanley Common Parish Council on a case-by-case basis. Please send any data protection requests, providing as much detail as possible about the information required to: Mrs Amanda Skidmore, Stanley and Stanley Common Parish Clerk, c/o 8 West Close, Darley Abbey, Derby, DE22 2BT, Email: parishclerk@stanleyandstanleycommon-pc.gov.uk

9.0 Publication Scheme

9.1 Parish Councils are required by law to publish a scheme of documents which are available for public inspection. The documents will be made available at a time and location decided by the Clerk. Please see the Information Guide and Schedule of Charges.

9.2 Stanley and Stanley Common Parish Council plan to make much of the information available on its website www.stanleyandstanleycommon-pc.gov.uk Information will also be available in other formats such as printed copies. There may be a cost associated with this. Please see the Information Guide and Schedule of Charges.

9.3 The scheme lists who you need to contact to ask for information and gives their address and phone number and, where available, their email address. Information listed in the scheme may be obtained by various methods:-

- by writing to the Council at the address given in the scheme;
- by e-mail request to parishclerk@stanleyandstanleycommon-pc.gov.uk
- by request from our website www.stanleyandstanleycommon-pc.gov.uk
- by telephoning 07763 832661

We will make paper copies of the publication scheme available on request.

10.0 Charges

10.1 We plan to make as much information available as possible without charging for it:

- Free of charge on the website. For those without Internet access, a printout would be available from the named officer who is responsible for the day-to-day operations. However multiple printouts or complete documents may attract a charge for cost of retrieval, photocopying, and postage. We would let you know if a charge was involved at the time you make your request.

- Free of Charge to view at an agreed location. An appointment will be necessary. If you need a lot of printed material, there may be a charge. Any charges made will be calculated using the Fee Regulations determined under the Act. Where a charge is payable, payment will normally be required before the information can be provided to you. Please see the Information Guide and Schedule of Charges.

11.0 Freedom of Information Requests

11.1 In addition to the Publication Scheme, other information is available to the public under the Freedom of Information Act 2000 and the Data Protection Act 1998.

11.2 Although the Freedom of Information Act creates a general right of access to information, it also sets out information that the Parish Council does not have to make available for specific reasons, called exemptions. This is information that, if published, might prejudice the health, safety or security of Stanley and Stanley Common Parish Council, our staff, systems, services or property. If information is requested but is covered by an exemption, the Clerk to Stanley and Stanley Common Parish Council will tell the applicant in writing why Stanley and Stanley Common Parish Council has turned down the request, quoting any relevant exemptions. If the information requested is not disclosed, the applicant can ask the Information Commissioner to review Stanley and Stanley Common Parish Council's decision. The Information Commissioner's Office is the Government department that oversees and enforces FOI. They can be contacted by the following link:

www.ico.gov.uk/

11.3 Stanley and Stanley Common Parish Council Fees and Charges are stated at the end of our Information Guide. Unless otherwise stated, publications listed in our Information Guide are usually supplied free of charge. If administration costs exceed £450, to enable a Freedom of Information request to be met, then Stanley and Stanley Common Parish Council can charge the requestor for the administration costs in meeting the request. A charge will be made for photocopies as per the Schedule of Charges.

12.0 Complaints

12.1 The Parish Council would normally expect the named officer to understand what information you have asked for and to tell you where you can find it. If the information you receive is not what you need, you should first contact the named officer. If the information you asked for is not available, the named officer will tell you why. If you believe that we have not dealt with your request fairly and cannot deal with it satisfactorily on an informal basis, you should follow our complaints procedure. If you have followed our complaints procedure and are still not happy with how we have dealt with your request, you may also contact the Information Commissioner to ask them to investigate the matter.

12.2 You can contact the Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF - phone 01625 545700 email: data@dataprotection.gov.uk.