

# Great Bedwyn Parish Council

## Data Protection Policy

### 1. Introduction

Great Bedwyn Parish Council issues this policy to meet the requirements incumbent upon them under The Data Protection Act 2018 for the handling of personal data in the role of controller. If appropriate it can also be used for the control and release of data under the Freedom of Information Act 2000.

### 2. The Data Protection Act 2018 & GDPR

The Data Protection Act (DPA) 2018 sets out the framework for data protection law in the UK. It updates and replaces the Data Protection Act 1998 and came into effect on 25 May 2018. It sits alongside the GDPR, and tailors how the GDPR applies in the UK. The GDPR is the General Data Protection Regulation (EU) 2016/679. It sets out the key principles, rights and obligations for most processing of personal data

### 3. Scope

This policy applies to all employees of Great Bedwyn Parish Council including contract, agency and temporary staff, volunteers and employees of partner organisations working for Great Bedwyn Parish Council.

### 4. Legal Principles

In execution of this policy Great Bedwyn Parish Council will comply with the data protection principles of the GDPR specified in Article 5. These are that personal data be:

- a) Processed lawfully, fairly and in a transparent manner in relation to individuals.
- b) Collected for specified, explicit and legitimate purposes 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 not be considered to be incompatible with the initial purposes.
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- d) 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.
- e) kept in a form which permits 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 subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;

f) 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.

The GDPR provides the following rights for individuals:

- a. The Right to be informed.
- b. The Right of access.
- c. The Right to rectification
- d. The Right to erasure
- e. The Right to restrict processing
- f. The Right to data portability
- g. The Right to object
- h. Rights related to automated decision making and profiling.

## 5. Response Times in the Application of Legislation

In applying these regulations Great Bedwyn Parish Council is obliged to adhere to the following schedules.

a) Subject Access Requests (SARs) whereby an individual may request personal information held by Great Bedwyn Parish Council about themselves or a nominated individual on their behalf must be responded to within 1 month. See Appendix 1.

b) Where the above is found to be complex or numerous an extension may be granted allowing an additional 2 months however the subject must be informed within 1 month of their request,

c) No fee shall be charged for the above except where it is found to be excessive, repetitive or manifestly unfounded in accordance with the law.

d) Freedom of Information Act Requests (FOIAs) whereby an individual may request information held by the council will not contain information relating to individuals, subject to certain exceptions and will be responded to in 20 working days.

e) No fee shall normally be charged for the above.

## 6. Rights of the Data Subject

Where consent has been sought as the justification on processing, adequate measures must be in place to record consent and an appropriate method of removing the individual's personal data should consent be revoked must be adopted. In the vast majority of data processing activities a statutory power will be the reason for data processing.

Except where a statutory exemption applies or is in the public interest regarding health an individual who wishes to exercise their right to erasure shall have their personal data removed from all areas where applicable.

An individual when making a SAR is entitled to the following;

- a) confirmation that their data is being processed;
- b) access to their personal data;
- c) other supplementary information – this largely corresponds to the information that should be provided in a privacy notice.

## 7. Data Protection by Design

It is a statutory requirement that any activity involving a high risk to the data protection rights of the individual when processing personal data be assessed by the Data Protection Impact Assessment.

Any activity involving the processing of personal data must be registered on the Register of Processing Activity and reviewed at the very least annually.

## 8. Data Retention

Except where a specified retention period has been defined in accordance with the purpose of the activity, any period of retention is defined by the Great Bedwyn Parish Council record retention schedule.

## 9. Complaints

Where an individual makes a complaint relating to the processing of their personal data or is unhappy with any response to an SAR or an FOI request they may make a complaint to the Clerk, Data Protection Officer or the Information Commissioners Office **casework@ico.org.uk** Tel: 0303 123 1113.

### Review this Policy upon:

Change of Data Protection Officer, Change of Legislation.

This policy was adopted by the Great Bedwyn Parish Council at its meeting on 19 March 2020.

### **Appendix 1 – Subject Access Request Procedures**

The organisation shall complete the following steps when processing a request for personal data (Subject Access Request or SAR) with advice from its Data Protection Officer.

1. Ascertain whether the requester has a right to access the information and capacity.
2. Obtain proof of identity (once this step has been completed the clock can start).
3. Engage with the requester if the request is too broad or needs clarifying
4. Make a judgement on whether the request is complex and therefore can be extended to a 2-month response time
5. Acknowledge the requester providing them with –
  - a) the response time – 1month (as standard), an additional 2 months if complex; and
  - b) details of any costs – Free for standard requests, or you can charge if the request is manifestly unfounded or excessive, or further copies of the same information is required, the fee must be in line with the administrative cost
6. Use its Record of Processing Activities to identify data sources and where they are held.
7. Collect the data (the organisation may use its IT support to pull together data sources. For access to emails the organisation can do so as long as it has tod staff it will do so in its policies.
8. If (6) identifies third parties who process it, then engage with them to release the data to Great Bedwyn Parish Council.
9. Review the identified data for exemptions and redactions in line with the ICO's Code of Practice on Subject Access.
10. Create the final bundle and check to ensure all redactions have been applied.
11. Submit the final bundle to the requester in a secure manner and in the format they have requested.

Approved by the Council on the 10 September 2020, Minute reference: 281.20