

DATA PROTECTION POLICY

Breaston Parish Council recognises its responsibility to comply with the Data Protection Act 1998 and the General Data Protection Regulation.

The act and regulation regulate the use of personal data, this does not have to be sensitive data, it can be as little as a name and address.

THE DATA PROTECTION ACT:

The Data Protection Act 1998 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used. The Data Protection Act applies to anyone holding information about people electronically or on paper.

THE GENERAL DATA PROTECTION REGULATION:

The General Data Protection Regulation 2018 says that the 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, particularly if addressed to a child and free of charge.

As a local authority Breaston Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 1998 and the General Data Protection Regulation 2018 when holding personal information.

When dealing with personal data, Breaston Parish Council staff and Councillors must ensure that: -

- **IT IS PROCESSED FAIRLY AND LAWFULLY**
This means that information should only be collected from individuals if staff and Councillors have been open and honest about why they want the information.
- **IT IS PROCESSED FOR SPECIFIED PURPOSES ONLY**
- **IT IS RELEVANT TO WHAT IT IS NEEDED FOR**
Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- **IT IS ACCURATE AND KEPT UP TO DATE**
Personal data should be accurate, if it is not it should be corrected.
- **IT IS NOT KEPT LONGER THAN IT IS NEEDED**
- **IT IS PROCESSED IN ACCORDANCE WITH THE RIGHTS OF INDIVIDUALS**
This means that individuals must be informed, upon request, of all the information held about them.
- **IT IS KEPT SECURELY** This means that only staff can access the data, it should be stored securely so it cannot be accessed by members of the public.

COLLECTING DATA

Breaston Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number to staff or a member of Breaston Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

STORING AND ACCESSING DATA

Breaston Parish Council may hold information about individuals such as their addresses and telephone numbers. These are kept in a secure location at the Parish Council's Office and are not available for the public to access. All data stored on a computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

The Parish Council is aware that people have the right to access any information that is held about 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
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within one month
- Requests that are manifestly unfounded or excessive may be refused or a charge made
- If a request is refused, a reason must be given.
- If an individual requests that their data is rectified or erased, this will be carried out.

DISCLOSURE OF INFORMATION

If an elected member of the council, for example a Councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose. If for instance someone has made a complaint about over hanging bushes in a garden, a Councillor may access an address and telephone number of the person who has made the complaint, so they can help with the enquiry. However, before they access any sensitive information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

CONFIDENTIALITY

Breaston Parish Council staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential. If a data breach is identified the ICO must be informed and an investigation will be conducted. This policy will be reviewed annually, as well as an annual review of the compliance and effectiveness of the policy.

DATA PRIVACY NOTICE

1. Your personal data – what is it?

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information in the data controller's possession or likely to come into such possession. The processing of personal data is governed by the General Data Protection Regulation (the "GDPR").

2. Who are we?

Breaston Parish Council is the data controller (contact details below). This means it decides how your personal data is processed and for what purposes.

3. How do we process your personal data?

Breaston Parish Council complies with its obligations under the "GDPR" by keeping personal data up to date; by storing and destroying it securely; by not collecting or retaining excessive amounts of data; by protecting personal data from loss, misuse, unauthorised access and disclosure and by ensuring that appropriate technical measures are in place to protect personal data.

We use your personal data for the following purposes: -

- To enable us to contact residents
- To promote the interests of the Council
- To manage our employees and volunteers
- To maintain our own accounts and records
- To inform you of news, events, activities and services in Breadsall.

4. What is the legal basis for processing your personal data?

Explicit consent of the data subject so that we can keep you informed about news, events, activities and services.

Processing is necessary for carrying out obligations under LGA 1972, employment, social security or social protection law, or a collective agreement.

5. Sharing your personal data

Your personal data will be treated as strictly confidential and will only be shared with members of the Council in order to carry out a service or for purposes connected with the Council.

We will not share your data with any third party unless another law permits this.

6. How long do we keep your personal data?

We keep data in accordance with the Retention Policy. Data is stored electronically held securely on the Microsoft cloud service and/or may be held in paper format in the filing cabinets in the Parish Clerk's Office.

7. Your rights and your personal data

Unless subject to an exemption under the GDPR, you have the following rights with respect to your personal data: -

- The right to request a copy of your personal data which the Council holds about you;
- The right to request that the Council corrects any personal data if it is found to be inaccurate or out of date;
- The right to request your personal data is erased where it is no longer necessary for the Council to retain such data;
- The right to withdraw your consent to the processing at any time
- The right to request that the data controller provide the data subject with his/her personal data and where possible, to transmit that data directly to another data controller, (known as the right to data portability), (where applicable) [Only applies where the processing is based on consent or is necessary for the performance of a contract with the data subject and in either case the data controller processes the data by automated means].
- The right, where there is a dispute in relation to the accuracy or processing of your personal data, to request a restriction is placed on further processing;
- The right to object to the processing of personal data, (where applicable) [Only applies where processing is based on legitimate interests (or the performance of a task in the public interest/exercise of official authority); direct marketing and processing for the purposes of scientific/historical research and statistics]
- The right to lodge a complaint with the Information Commissioners Office.

8. Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

9. Contact Details

Breaston Parish Council, Parish Council Meeting Rooms, Blind Lane, Breaston, Derbyshire, DE72 3DW.

[01332 870119](tel:01332870119) or e-mail on breastonparish@outlook.com

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

**BREASTON PARISH COUNCIL
RETENTION SCHEDULE**

| DOCUMENT | Form | MINIMUM RETENTION PERIOD | REASON | Disposal |
|--|------|---------------------------------|--------------------------|------------|
| Minute Books | HC/E | Indefinite | Archive | n/a |
| Agendas | E | 1 year | management | B |
| Annual Accounts/audit returns | HC/E | Indefinite | Archive | n/a |
| Scales of Fees and Charges | HC/E | 1 year | Management | B |
| Receipt and Payment Account(s) | H | Indefinite | Archive | n/a |
| Correspondence | H/E | 1 year General 3 years Staff | Management Management | C/W C/W |
| Receipt books of all kinds | H | Last completed audit year | Audit | C/W |
| Bank-Statements including deposit/savings accounts | H | Last completed audit year | Audit | C/W |
| Neighbourhood Plans | H/E | Indefinite | Reference | n/a |
| Local Development Plans | H/E | Whilst in force | Reference | Bin |
| Bank Paying-in Books | H | Last completed audit year | Audit | C/W |
| Cheque Book Stubs | H | Last completed audit year | Audit | C/W |
| Quotations and Tenders | H/E | 7 years | Audit | CW |
| Paid/raised Invoices | H | 7 years | VAT/audit | CW |
| VAT Records | H | 7 years | VAT/audit | CW |
| Playground Inspection Reports | H/E | Indefinite | Legal | n/a |

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|--|-----|-----------------|-------------------|-----|
| Salary information | H/E | 7 years | Audit Tax | CW |
| DALC/SLCC Circulars | H/E | 1 year | Management | Bin |
| Timesheets | E | 7 years | Audit/tax | CW |
| Gala Records | E/H | 2 years | Management | CW |
| Local Historical Files | H | Indefinite | Benefit of Parish | n/a |
| Burial Records | H/E | Indefinite | Legal | n/a |
| Title Deeds, Leases, Agreements, Contracts | H/E | Indefinite | Audit, Management | n/a |
| Insurance Certificates | H/E | Indefinite | Audit/Legal | n/a |
| Magazines & Journals | H | Whilst relevant | Management | Bin |
| Insurance Policies | H/E | While Valid | Management | Bin |