



Thurlaston Parish Council

Data Protection & Security Policy

Adopted November 2020

Version	Author	Date	Review date
v1	Keith Boardman	Aug 2019	Sep 2020
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1. Data Protection & Security Policy

Thurlaston Parish Council (TPC)¹ recognises its responsibility to comply with the Data Protection Act 2018 (DPA) which is the UK's implementation of the General Data Protection Regulations (GDPR) which regulate the use of personal data. This does not have to be sensitive data: it may be as little as contact details such as name and address.

2. General Data Protection Regulations

The DPA and GDPR set out standards for the handling of personal information and protecting individuals' rights for privacy. They also regulate how personal information can be collected, handled and used.

The Regulations apply to anyone holding personal information about people whether in electronic or paper form.

When dealing with personal data TPC will ensure that:

- **Data are processed fairly, lawfully and in a transparent manner.**
Personal information should only be collected from individuals if people undertaking data collection have been open and honest about why they want the personal information.
- **Data are processed for specified purposes only.**
Data may only be collected for specific, explicit and legitimate purposes only.
- **Data are relevant to their required purpose.**
Data will be monitored so that too much or too little are not kept; only data that are needed should be held.
- **Data are accurate and kept up to date and for no longer than is needed.**
Where personal data are held they must be kept up to date. Where no longer needed it should be disposed of securely.
- **Data are processed in accordance with the rights of individuals.**
Individuals must be informed, upon request, of all personal information held about them.
- **Data are kept securely.**
Data must be protected against unauthorised or unlawful processing and against loss, destruction or damage.

3. Collecting & Processing of Data

During its normal day to day business TPC does not routinely collect personal data. However when there is a requirement to do so TPC recognises its responsibility to explain to the subject why the particular information may be required. For example, if a member of the public gives their contact details (eg. name, telephone number, email address) to TPC these will only be used for the purpose which they were given and will not be disclosed to anyone else except as allowed for legitimate purpose or with the subject's explicit consent.

¹ For the purposes of this Policy TPC refers to all members of the Parish Council, its staff, and its authorised agents.

TPC will not share your personal information with any third party without your permission except as allowed for legitimate purpose or with the subject's explicit consent.

4. Storing & Accessing Data – including Subject Access Requests (SAR)

Where TPC has a legitimate purpose or consent to hold personal data, TPC will store these data securely and prevent unauthorised access. Where appropriate, TPC will employ protective measures (such as password protection and data encryption). When there ceases to be a legitimate justification for retaining personal data, TPC will delete or destroy its records.

TPC 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 a *Subject Access Request* should be made in writing and forwarded to the Parish Clerk. Whilst there is no specified format for a SAR it is helpful if requests are made as specific and unambiguously as possible.

The DPA does not prevent an individual making a SAR via a third party. Often, this will be a solicitor acting on behalf of a client, but it could simply be that an individual wants someone else to act for them. In these cases, TPC may need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request or it might be a more general power of attorney.

The TPC reserves the right to undertake a requester identity check if they deem this appropriate.

A response to a request will normally be made within 30 days and usually free of charge.

SAR requests that are manifestly unfounded or excessive may be refused or a charge made. If TPC refuses a request a reason will be provided to the requesting individual.

If an individual requests that their data are rectified, redacted or erased, this will be carried out.

5. Examples of the use of personal data

Whilst not exhaustive the following list explains the nature and reasons why TPC may sometimes collect personal information:

- To deliver public services including to understand the needs of parishioners;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone;
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary to cooperate with law enforcement agencies;
- To cooperate with law enforcement agencies in the detection of crime;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;

- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best practice with the aim of ensuring that all children and adults-at-risk are provided with safe environments and to protect individuals from harm or injury;
- To promote the interests of TPC and maintenance of its records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events, staff, Councillors and role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, strategic developments;
- To process relevant financial transactions including grants and payments for goods and services supplied to the Council;
- To allow the statistical analysis of data so we can plan the provision of services, if required with other local government authorities.

6. Confidentiality

TPC is 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.

7. Data Breaches

A data breach is defined as a personal data breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. Examples include:

- Access by an unauthorised third party;
- Deliberate or accidental access (or inaction) by a controller or processor;
- Sending personal data to an inappropriate recipient;
- Computing devices containing personal data being lost or stolen;
- Alteration of personal data without permission;
- Loss of availability of personal data.

TPC takes the security of personal data seriously and will take all appropriate measures to protect it.