

# Worlaby Parish Council

<b>Subject</b>	<b>Data Protection Policy</b>
<b>Date of last review</b>	<b>8<sup>th</sup> May 2012</b>

Worlaby Parish Council (WPC) is fully committed to compliance with the requirements of the Data Protection Act 1998 (“The Act”), which came into force on 1 March 2000 and all subsequent amended legislation.

The Parish Council will therefore follow procedures that aim to ensure that all employees, elected members, contractors, agents, consultants, partners or other servants of the Parish Council who have access to any personal data held by or on behalf of WPC, are fully aware of and abide by their duties and responsibilities under the Act.

WPC’s Information Officer shall be the Parish Council Clerk.

## **STATEMENT OF POLICY**

In order to operate efficiently, in certain circumstances, WPC has to collect and use information about people with whom it works. These may include Council members, current, past and prospective employees, contractors, clients and customers and suppliers. WPC is also contacted at times by members of the public and these details may be held on record. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly (however it is collected, recorded and used) and whether it be on paper, in computer records or recorded by any other means, there are safeguards within the Act to ensure proper control.

WPC regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between WPC and those with whom it carries out business and represents. WPC will ensure that it treats personal information lawfully and correctly.

To this end WPC fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998 and subsequent legislation. The Act stipulates that anyone processing personal data must comply with the 8 Principles of Good Practice. These practices are legally enforceable and are that personal information:

- a) Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met.
- b) Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
- c) Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.
- d) Shall be accurate and where necessary, kept up to date.
- e) Shall not be kept for longer than is necessary for that purpose or those purposes.

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- f) Shall be processed in accordance with the rights of data subjects under the Act.
- g) Shall be kept secure i.e. protected by an appropriate degree of security.
- h) Shall not be transferred to a country or territory outside the European Economic area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and “sensitive” personal data.

**Personal Data** - Personal data is defined as: data relating to a living individual who can be identified from that data and that this data and other information which is in the possession of or is likely to come into the possession of, the person holding the data (data controller). This includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

**Sensitive Personal Data** - Sensitive personal data is defined as personal data consisting of information as to:

- a) Racial or ethnic origin.
- b) Political opinion.
- c) Religious or other beliefs.
- d) Trade union membership.
- e) Physical or mental health or condition.
- f) Sexual life.
- g) Criminal proceedings or convictions.

Handling of personal/sensitive information. WPC will through appropriate management:

- a) Observe fully the conditions regarding the fair collection and use of personal information.
- b) Meet its legal obligations to specify the purpose for which information is used.
- c) Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- d) Ensure the quality of information used.
- e) Apply strict checks to determine the length of time information is held.
- f) Take appropriate technical and organisational security measures to safeguard personal information.

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g) Ensure the rights of people about whom the information is held can be fully exercised under the act. These include:

- (1) The right to be informed that processing is being undertaken.
- (2) The right of access to one's personal information within the statutory 40 days.
- (3) The right to prevent processing in certain circumstances.
- (4) The right to correct, rectify, block or erase information regarded as wrong information.

In addition, WPC will ensure that:

- a) There is someone with specific responsibility for data protection in the organisation (WPC Clerk).
- b) Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice (WPC Clerk and Councillors).
- c) Everyone managing and handling personal information is appropriately supervised (WPC Clerk and Councillors).
- d) Anyone wanting to make enquiries about handling personal information knows what to do.
- e) Queries about handling personal information are promptly and courteously dealt with (WPC Clerk, Chairman and Vice Chairman).
- f) Methods of handling personal information are regularly assessed and evaluated (WPC Clerk, Chairman and Vice Chairman).
- g) Performance with handling personal information is regularly assessed and evaluated (WPC Clerk, Chairman and Vice Chairman).
- h) Any data sharing is carried out under a written agreement setting out the scope and limits of the sharing. Any disclosure of personal data will be in compliance with approved procedures (WPC Clerk).
- i) All WPC Councillors are to be made fully aware of this policy and of their duties and responsibilities under the Act (WPC Clerk to action).
- j) The WPC Clerk and where relevant, Councillors will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:
  - (1) Paper files and other records or documents containing personal/sensitive data are kept in a secure environment.
  - (2) Personal data held on computers and computer systems is protected by the use of secure passwords.
  - (3) Individual passwords should be such that they are not easily compromised.

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All contractors, partners or other servants or agents of WPC must:

- a) Ensure that they and all their staff who have access to personal data held or processed for or on behalf of WPC are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between WPC and that individual, company, partner or firm.
- b) Allow data protection audits by WPC of data held on its behalf (if requested).
- c) Indemnify WPC against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

## **IMPLEMENTATION**

WPC has appointed an Information Officer (The Clerk) who will be responsible for ensuring that the policy is implemented. Implementation will be led and monitored by the Information Officer. The Information Officer will also have overall responsibility for:

- a) The provision of cascade data protection training for WPC.
- b) The development of best practice guidelines.
- c) Carrying out compliance checks to ensure adherence, throughout WPC with the Data Protection Act.
- d) Notification to the Information Commissioner, who maintains a public register of data controllers, that WPC is registered as such.

The Data Protection Act 1998 requires every data controller who is processing data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

The Information Officer will review the Data Protection Register annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days.

To this end, any changes made between reviews will be brought to the attention of the Information Officer immediately.