

ELVASTON Parish Council Data Protection Policy.

ELVASTON Parish Council is committed to compliance with the requirements of the Data Protection Act 1998 (“the Act”), which came into force on the 1st March 2000. 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 Act.

1. STATEMENT OF POLICY

ELVASTON Parish Council may have to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients, customers, and suppliers. 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. This applies however it is collected, recorded and used, including paper, computer records or other recorded means.

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

The council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998.

2. THE PRINCIPLES OF DATA PROTECTION

The Act stipulates that anyone processing personal data must comply with **eight principles** of good practice. These principles are legally enforceable.

The principles require that personal information shall be:

- 2.1. Processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
- 2.2. 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;
- 2.3. Adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
- 2.4. Accurate and where necessary, kept up to date;
- 2.5. Not be kept for longer than is necessary for that purpose or those purposes;
- 2.6. Processed in accordance with the rights of data subjects under the Act;
- 2.7. Be kept secure i.e. protected by an appropriate degree of security;
- 2.8. 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 is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and 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 is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

3. HANDLING OF PERSONAL/SENSITIVE INFORMATION

ELVASTON Parish Council will, through appropriate management and the use of strict criteria and controls:-

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- 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;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time information is held;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act.

These include:

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

In addition, ELVASTON Parish Council will ensure that:

- The clerk has specific responsibility for data protection in the organisation;
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Everyone managing and handling personal information is appropriately trained to do so and appropriately supervised;
- Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, should contact the clerk;
- Queries about handling personal information are promptly and courteously dealt with;
- Methods of handling personal information are regularly assessed and evaluated;
- Performance with handling personal information is regularly assessed and evaluated;
- 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.

All elected members are to be made fully aware of this policy and of their duties and responsibilities under the Act.

Personal data will be kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that:

- Paper files and other records or documents containing personal/sensitive data are kept in a secure environment;

- Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically;
- Individual passwords should be such that they are not easily compromised.

All contractors, consultants, partners or other servants or agents of the council must:

- Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the council, 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 the council and that individual, company, partner or firm;
- Allow data protection audits by the council of data held on its behalf (if requested);
- Indemnify the council against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

All contractors who are users of personal information supplied by the council will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the council.

4. NOTIFICATION TO THE INFORMATION COMMISSIONER

ELVASTON Parish Council is registered as a data controller with the Information Commissioner

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

To this end the designated officers will be responsible for notifying and updating the Information Officer of the processing of personal data, within their directorate.

The Information Officer will review the Data Protection Register with designated officers 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.

CONTACT DETAILS

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