

# NEW BUCKENHAM PARISH COUNCIL

## DATA PROTECTION POLICY

**ADOPTED by the Council on 10 January 2017:**

### Introduction:

1. New Buckenham Parish Council is fully 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 therefore 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.
2. This Policy uses guidance proved by the Information Commissioner's Office (ICO).

### Statement of Policy:

3. In order to operate efficiently, New Buckenham Parish Council has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and 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, 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 this.
4. The Council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998 and is a Data Controller registered with ICO (Registration Number: Z2313063)

### Data Protection Principles:

5. The Act stipulates that anyone processing personal data must comply with the Eight Principles of good practice defined in the DPA which are legally enforceable. The Principles require that personal information:
  - Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
  - Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that or those purpose(s);
  - Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
  - Shall be accurate and where necessary, kept up to date;
  - Shall not be kept for longer than is necessary for that or those purpose(s);
  - Shall be processed in accordance with the rights of data subjects under the Act;
  - Shall be kept secure i.e. protected by an appropriate degree of security;
  - 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.
6. 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.
7. **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.

8. New Buckenham Parish Council does not process **sensitive personal data**.

### **Management of Personal Data:**

9. New Buckenham 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.
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10. In addition, New Buckenham Parish Council will ensure that:

- There is someone with specific responsibility for data protection in the organisation (Parish Clerk);
- This policy is reviewed bi-annually
- Everyone managing and handling personal information understands that they are responsible for following good data protection practice;
- Everyone managing and handling personal information has read and understood this policy;
- Queries about handling personal information are promptly and courteously dealt with;
- All elected members are made fully aware of this policy and of their duties and responsibilities under the Act.

- 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,
11. 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 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.

**Notification to the Information Commissioner:**

12. The Information Commissioner maintains a public register of Data Controllers; New Buckenham Parish Council is registered as such. 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.