

# Data Protection Policy

## NEWTON & NOSS PARISH COUNCIL Data Protection Policy & Information Security Policy

### The Data Protection Policy

Newton & Noss Parish Council recognises its responsibility to comply with the Data Protection Act 1998. The act regulates 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 personal information can be collected, handled and used. The Data Protection Act applies to anyone holding personal information about people, electronically or on paper.

As a local authority, Newton & Noss Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 1998 when holding personal information. The Parish Council has also notified the Information Commissioner that it holds personal data about individuals.

When dealing with personal data, Newton & Noss Parish Council staff and Councillors must ensure that:

- **Data is processed fairly and lawfully**  
This means that personal information should only be collected from individuals if staff and Councillors have been open and honest about why they want the personal information.
- **Data must be obtained only for specific and lawful purposes**  
Data must not be processed in any matter incompatible with those purposes.
- **Data must be relevant, adequate and not excessive for what it is needed**  
Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- **Data is accurate and kept up to date**  
Personal data should be accurate, if it is not it should be corrected.
- **Data is not kept longer than it is needed**  
Data no longer needed will be shredded or securely disposed of.
- **Data is processed in accordance with the rights of data subjects under the Data Protection Act**

Individuals must be informed, upon request, of all the personal information held about them.

- **Data is kept securely**

Security precautions must be in place to prevent the loss, destruction or unauthorised disclosure of the data. Only staff and Councillors can access the data. Adequate security for the data will be provided taking into account the nature of the data, and the harm to the data subject which could arise from disclosure or loss of the data. Passwords should be in use to ensure that only staff who are authorised can gain access to personal data. Passwords should be changed fairly frequently.

- **Data must not be transferred outside the European Economic Area unless satisfied that the country in question can provide an adequate level of security for that data**

## **Sensitive Data**

The Act defines eight categories of sensitive personal data. These are:

- (a) The racial or ethnic origin of data subjects;
- (b) Their political opinions;
- (c) Their religious beliefs or other beliefs of a similar nature;
- (d) Whether they are a member of a trade union;
- (e) Their physical or mental health or condition;
- (f) Their sexual life;
- (g) The commission or alleged commission by them of any offence; or
- (h) Any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.

If the Parish Council holds personal data falling into these categories the explicit consent of the individual concerned will be needed. The Parish Council will also ensure its security is adequate for the protection of sensitive data.

## **Storing and accessing data**

Newton & Noss Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that Councillors and staff must be honest about why they want a particular piece of personal information. If, for example, a member of the public gives their phone number to staff or a member of Newton & Noss Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else without the person's permission.

Newton & Noss Parish Council may hold personal information about individuals such as their addresses and telephone numbers. These will be securely kept at the Parish Office and are not available for public access. All data stored on the Parish Office computers are password protected. Once data is not needed any more, is out of date or has served its use, it will be shredded or securely deleted from the computer.

The Data Protection Act 1998 also covers some records held in paper form. Such records will be handled in accordance with the data protection principles.

The Parish Council is aware that people have the right to access any personal 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 personal information that is being held about them
- There must be an explanation for why it has been stored
- There must be a list of who has seen it
- Any information available about the source of the data.

A fee of £10 to cover photocopying and postage charges will be charged to the person requesting the personal information. The 40 days does not begin until this is received.

### **Disclosure of personal 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. A Councillor may only do this providing they represent the Parish that the subject lives in. 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**

Newton & Noss Parish Council Councillors and 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.

**Reviewed and approved by Newton & Noss Parish Council 11 July 2017.**