

Marhamchurch Parish Council (MPC)

GDPR Policy

Purpose of the policy and background to the General Data Protection Regulation

This policy explains to councillors, staff and the public about GDPR. Personal data must be processed lawfully, fairly and transparently; collected for specified, explicit and legitimate purposes; be adequate, relevant and limited to what is necessary for processing; be accurate and kept up to date; be kept only for as long as is necessary for processing and be processed in a manner that ensures its security. This policy updates any previous data protection policy and procedures to include the additional requirements of GDPR which apply in the UK from May 2018. The Government has confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This policy explains the duties and responsibilities of the council and it identifies the means by which the council will meet its obligations.

Identifying the roles and minimising risk

GDPR requires that everyone within the council must understand the implications of GDPR and that roles and duties must be assigned. The Council is the data controller and the Clerk /RFO is the data processor. It is not necessary for MPC to appoint a Data Protection Officer (DPO). The Clerk/RFO will administer the requirements – ie undertake an information audit, manage the information collected by the council, issue privacy statements, consent forms, deal with requests and complaints raised and also the safe disposal of information. This will be included in the Job Description of the Clerk/RFO.

GDPR requires continued care by everyone within the council, councillors and staff, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected. Therefore, the handling of information is seen as medium risk to the council (both financially and reputationally) and one which must be included in the Risk Management Policy of the council. Such risk can be minimised by undertaking an information audit, issuing privacy statements, maintaining privacy impact assessments (an audit of potential data protection risks with new projects), minimising who holds data protected information and the council undertaking training in data protection awareness.

All employees, volunteers and councillors are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Council.

Children

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the council requires consent from young people under 13, the council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand.

Information Commissioner's Office

The Council must be registered with the ICO.

Personal data breaches should be reported to ICI as soon as possible. The Data Controller/Processor will liaise with the ICO and comply with requests as necessary.

Personal data

Personal data is any information about a living individual, which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by directly using the personal data itself or by combining it with other information which helps to identify a living individual. The processing of personal data is governed by legislation relating to personal data, which applies in the United Kingdom including GDPR and other local legislation relating to personal data and rights such as the Human Rights Act.

We will always respect the privacy of individuals who browse our website and leave contact details with us. Please read our privacy policy carefully as it contains important information about what to expect when we collect personal information about you and how we will use (process) that data. MPC does not track your activity as an individual.

The Council will process some or all of the following personal data where necessary to perform its tasks

Names, titles, and aliases, photographs; Contact details such as telephone numbers, addresses, and email addresses;

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

We use personal data for some or all of the following purposes:

- To deliver public services including to understand needs to provide the services required and to understand what we can do to inform of other relevant services;
- To confirm identity to provide some services;
- To make contact by post, email, telephone;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify changes to our facilities, services, events and staff, councillors and role holders;
- To send communications requested and that which may be of interest. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council

What is the legal basis for processing your personal data?

The Council has always required a legal basis to processing personal data. GDPR include five lawful

bases for local councils. It is possible for more than one to apply at the same time. The five bases are

- **Compliance with legal obligation** - The council is a public authority and has certain powers and duties. Most personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always consider interests and rights. This Privacy Policy sets out rights and the council's obligations to in detail.
- **Contractual necessity** - We may also process personal data if it is necessary for the performance of a contract, or to take steps to enter into a contract.
- **Consent** - Sometimes the use of personal data requires consent. On these occasions we will first obtain consent to that use.

The other two legal bases that apply to the Parish Council are:

- **Vital interests** - It is possible to process personal information to protect an individual without their consent e.g. in a life or death situation where emergency contact information is needed
- **Public Interest** - When the Parish Council is acting in the public interest, personal data may be processed if it is necessary to undertake the tasks.

Sharing personal data

The council will implement appropriate security measures to protect personal data. This section provides information about the third parties with whom the council may share personal data. These third parties also have an obligation to put in place appropriate security measures and will be responsible directly for the manner in which they process and protect personal data. We may need to share data with some or all of the following (but only where necessary):

Other potential data controllers

- Cornwall Council, Parish/Town Councils in the Bude Area Community Network.
- Contractors (like our website support)

We may need to share personal data we hold with them so that they can carry out their responsibilities to MPC. If we work together for a joint purpose that involves personal data we are joint data controllers. This means those involved are all responsible for how we process data. If there is no joint purpose then each data controller is independent and is individually responsible to you

How long do we keep personal data

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process a request, we may need to verify

identity for security. In such cases we will need a response with proof of identity before you can exercise these rights.

The right to be informed - At any time, you can request the data we hold on you as well as why we have it, who has access to it and where it was obtained from. We will respond to requests within one month of receiving them. There is no charge for the first request.

The right to correct and update the personal data we hold on you - If the data we hold on you is out of date, incomplete or incorrect you can inform us and we will update it

The right to have your personal data erased - if you feel we should no longer be using it or are using it unlawfully. When we receive your request, we will then either confirm that it has been deleted or explain why it cannot be deleted. e.g. because we need it to comply with a legal obligation.

The right to object to processing of your personal data or to restrict it to certain purposes only. You can request us to stop processing your data or ask us to restrict what we do with it. When we receive your request, we will let you know if we are able to comply or if we have a legal obligation to continue

The right to data portability - You can request that we transfer data to another controller. Where this is feasible we will do this within one month of receiving your request

The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained. Please use the contact details below to do this.

The right to lodge a complaint with the Information Commissioner's Office.

You can contact the Information Commissioners Office on 0303 123 1113 or via email

<https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Our website www.marhamchurch-pc.gov.uk email clerk@marhamchurch-pc.gov.uk

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We do not use 3rd Party / Tracking / Advertising cookies. If you would like to know more the organisation AboutCookies.org provides further information, including how to delete cookies in your browser.

Links to other websites – Our website contains links to other websites. This privacy policy only applies to our website so when you link to other websites you should read their own privacy policies. Please address any queries concerning this privacy policy, our website or any other general query to us.

Transfer of data abroad – Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Adopted 18th September 2018

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