

WESTERLEIGH & COALPIT HEATH PARISH COUNCIL - INFORMATION AND DATA PROTECTION POLICY

1. Introduction

In order to conduct its business, services and duties, Westerleigh & Coalpit Heath Parish Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Westerleigh & Coalpit Heath Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public.

This Policy is linked to our **Document Retention Policy** and **Freedom of Information Policy** to ensure information considerations are central to the ethos of the organisation.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will generally be prepared to make it available to partners and members of the Parish communities. Details of information which is routinely available is contained in the Council's **Publication Scheme**, which is based on the statutory model publication scheme for local councils, and in sections 16-17 of this policy.

Information which is not routinely available can be requested via a Freedom of Information Request. Please see the Council's **Freedom of Information Policy**.

2. Personal data – what is it?

“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 the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other local legislation relating to personal data and rights such as the Human Rights Act.

Data Protection Terminology

Data subject - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of WCHPC or someone transacting with it in some way, or an employee, Councillor, or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g. Parish Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed. Westerleigh & Coalpit Heath Parish Council is a data controller.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data regardless of the technology used.

3. Council information

This Policy is provided by Westerleigh & Coalpit Heath Parish Council which is the data controller for your data.

4. Who are the data controllers?

- South Gloucestershire Council
- Community groups
- Charities
- Other not for profit entities
- Contractors

5. What personal is collected?

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process demographic information such as gender, age, , marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- [The data we process may include sensitive personal data or other special categories of data such as racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sex life or sexual orientation].

6. 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 your personal data for some or all of the following purposes:
- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- 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 carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications which you have requested and that may be of interest to you. 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;
- To allow the statistical analysis of data so we can plan the provision of services.

7. What is the legal basis for processing your personal data?

The council is a public authority and has certain powers and duties. Most of your 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 take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

[General Data Protection Regulation (and Data Protection Act) Article 6 (1) (a) (b) (c) and (e)]

NOTE - We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

8. Sharing your personal data

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

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

9. How long do we keep your personal data?

We keep personal data in accordance with the guidance set out in our Document Retention Policy - Appendix A, which is available from the Parish Council website. 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.

10. 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 your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- (i) The right to access personal data we hold on you (subject access requests – see below)**
- (ii) The right to correct and update the personal data we hold on you**
- (iii) The right to have your personal data erased**
- (iv) The right to object to processing of your personal data or to restrict it to certain purposes only**
- (v) The right to data portability**
- (vi) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**
- (vii) 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.

11. Subject access requests

You have the right to make a subject access request (i.e. to request access to the information that we hold about you). If you make a subject access request, the Council will tell you:

- whether or not your data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from yourself;
- to whom your data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long your personal data is stored (or how that period is decided);
- your rights to rectification or erasure of data, or to restrict or object to processing;
- your right to complain to the Information Commissioner if you think the council has failed to comply with your data protection rights; and
- whether or not the council carries out automated decision-making and the logic involved in any such decision-making. (The Council does not use automated decision making or profiling of individual personal data.)

The Council will also provide you with a copy of your personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise.

If you want additional copies, the council may charge a fee, which will be based on the administrative cost to the council of providing the additional copies.

To make a subject access request, you should send the request to the Clerk of the Council. In some cases, the Council may need to ask for proof of identification before the request can be processed. The Council will inform you if we need to verify your identity and the documents we require.

The Council will normally respond to a request within a period of one month from the date it is received. Where the council processes large amounts of your data, this may not be

possible within one month. The council will write to you within one month of receiving the original request to tell you if this is the case.

If a subject access request is manifestly unfounded or excessive, the Council is not obliged to comply with it. Alternatively, the Council can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the Council has already responded. If you submit a request that is unfounded or excessive, the Council will notify you that this is the case and whether or not we will respond to it.

12. 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.

13. Further processing

If we wish to use your personal data for a new purpose, not covered by this 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.

14. Data breaches

The Council has robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur the Council must take notes and keep evidence of that breach.

If you are aware of a data breach you must contact the Parish Clerk immediately and keep any evidence, you have in relation to the breach.

If the Council discovers that there has been a breach of personal data that poses a risk to the rights and freedoms of data subjects, we will report it to the Information Commissioner within 72 hours of discovery. The Council will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell those individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures we have taken.

15. Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards and the website. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its website.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting. The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

16. Data Transparency

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for Parish Councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. Westerleigh & Coalpit Heath Parish Council exceeds this turnover but will nevertheless ensure the following information is published on its Website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- Details of public land and building assets
- Draft minutes of Council and committees
- Agendas no later than three clear days before the meeting.

17. Changes to this policy

This policy was first adopted by Westerleigh & Coalpit Heath Parish Council in December 2023. We keep this Policy under regular review (at least annually in June) and we will place any updates on <https://www.westerleighcoalpitheathparishcouncil.gov.uk/>

18. Contact Details

Please contact us if you have any questions about this Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints.

The Parish Council as a corporate body (and the data controller) has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Parish Clerk.

Email: clerk@westerleighcoalpitheathparishcouncil.gov.uk

Phone: 07367 787883

Correspondence address: The Parish Clerk, 22 Inglestone Road, Wickwar, Wotton-Under-Edge, Glos GL12 8NH