



## **DATA PROTECTION POLICY**

### **1. Introduction**

- 1.1 We hold personal data about our employees, residents, suppliers and other individuals for a variety of purposes.
- 1.2 This policy sets out how we seek to protect personal data and ensure that Councillors and Officers understand the rules governing their use of personal data in which they access in the course of their work. In particular, this policy requires Officers to ensure that the Data Protection Officer (DPO) be consulted before any significant new data process activity is initiated to ensure that relevant compliance steps are addressed.

### **2. Definitions**

#### **2.1 Business Purposes**

The purposes for which personal data may be used by us:

- Personnel;
- Administrative;
- Financial;
- Statutory and legislative purpose;
- Payroll;
- Consultations; and
- Business development purposes.

Council purposes include the following:

- Compliance with our legal, regulatory and corporate governance obligations and good practice;
- Ensuring Council policies are adhered to (such as policies covering email and internet use);
- Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of sensitive information, security, vetting and checking;
- Investigating complaints;

- Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments;
- Monitoring staff conduct, disciplinary matters;
- Promoting Council services; and
- Improving services.

## 2.2 Personal Data:

Information relating to identifiable individuals such as:

- Job applicants;
- Current and former employees;
- Contract and other staff;
- Clients;
- Suppliers;
- Members of the public;
- Council services users;
- Residents;
- Hall hirers;
- Correspondents; and
- Allotment tenants.

Personal data we gather may include:

- Individual's contact details;
- Educational background;
- Work history;
- Financial and pay details;
- Details of certificates;
- Education and skills;
- Marital status;
- Nationality;
- Job title;
- Contact details;
- Correspondence;
- Emails;
- Databases; and
- Council records.

## 2.3 Sensitive Data:

Personal data about an individual's:

- Racial or ethnic origin;
- Political opinions;
- Religious or similar beliefs;
- Trade union membership (or non-membership);
- Physical or mental health condition; and
- Criminal offences or related proceedings.

Any use of sensitive personal data should be strictly controlled in accordance with this policy.

### **3. Scope**

- 3.1 The policy applies to all councillors and staff who must be familiar with this policy and comply with its terms.
- 3.2 We may supplement or amend this policy by additional policies and guidelines from time to time.
- 3.3 Who is responsible for this policy?  
As our Data Protection Officer, the Town Clerk has overall responsibility for the day-to-day implementation of this policy.

### **4. Our Procedures**

- 4.1 Fair and lawful processing.
- 4.2 We must process personal data fairly and lawfully in accordance with individuals' rights. This generally means that we should not process personal data unless the individual whose details we are processing has consented to this happening.
- 4.3 The Data Protection Officer's responsibilities:
- Keeping the Council updated about data protection responsibilities, risks and issues;
  - Reviewing all data protection procedures and policies;
  - Assisting with data protection training and advice for all staff members and those included in this policy;
  - Answering questions on data protection from staff, council members and other stakeholders;
  - Responding to individuals such as members of the public, service users and employees who wish to know which data is being held on them by Wincanton Town Council; and
  - Checking and approving with third parties that handle the council's data any contracts or agreements regarding data processing.
- 4.4 Responsibilities for IT
- The Town Clerk is responsible for IT;
  - Ensure all systems, services, software and equipment meet acceptable security standards;
  - Ensure that hardware and software is checked and scanned regularly to ensure it is functioning properly; and
  - Ensure that storage and security of data by third party is adequate.
- 4.5 Responsibilities of Officers
- Approving data protection statement attached to emails and other marketing;
  - Addressing data protection queries from clients, target audiences or media outlets; and
  - Coordinating with the DPO to ensure that all initiatives adhere to data protection laws and Wincanton Town Council's Data Protection Policy.

- 4.6 The processing of all data must be:
- Necessary to deliver our services;
  - In our legitimate interests and not unduly prejudice the individual's privacy.
  - In most cases this provision will apply to routine business data processing activities Our General Privacy Notice relates to our data protection. The General Privacy Notice:
  - Sets out the purposes for which we hold personal data on customers, employees, residents and service users;
  - Highlights that our work may require us to give information to third parties such as professional advisers; and
  - Provides that service users and correspondents have a right of access to the personal data that we hold about them.

4.7 Sensitive personal data.

In most cases where processing sensitive personal data, we will require the data subject's explicit consent to do this unless exceptional circumstances apply, or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work, comply with allotment legislation). Any such consent will need to clearly identify what the relevant data is, why it is being processed, to whom it will be disclosed and how long it will be retained.

4.8 Accuracy and relevance.

We will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purpose for which it is obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this. Individuals may ask that we correct inaccurate personal data relating to them. If it is believed that information is inaccurate, the fact that the accuracy of the information is disputed should be recorded and the DPO informed.

4.9 Personal data.

Individuals must take reasonable steps to ensure that personal data that is held about them is accurate and updated as required. For example, if personal circumstances change, the individual should inform the DPO so that they can update the records.

4.10 Data security.

Personal data must be kept secured against loss or misuse. Where other organisations process personal data on behalf of Wincanton Town Council, the DPO will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third party organisations.

#### 4.11 Storing data securely

- Where data is stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it;
- Printed data should be shredded when it is no longer needed;
- Data stored on a compute should be protected by strong passwords which are changed regularly;
- Data stored on CDs or memory sticks must be locked away securely when they are not being used;
- The DPO must approve any cloud used to store data;
- Servers containing personal data must be kept in a secure location;
- Data should be regularly backed up in line with the Council's backup procedures;
- Data should never be saved directly to mobile devices such as laptops, tablets or smartphones; and
- All servers containing sensitive data must be approved and protected by security software and strong firewall.

#### 4.12 Data Retention

Personal data should not be retained for any longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with our data retention guidelines.

### **5. Subject Access Requests**

5.1 Under the Data Protection Act 1988, individuals are entitled, subject to certain exceptions, to request access to information held about them. Any subject access request should be referred immediately to the DPO, who may ask staff to help the Council to comply with those requests. Individuals should contact the Data Protection Officer if they would like to correct or request information that the Town Council holds about them. There are also restrictions on the information to which they are entitled under applicable law.

#### 5.2 Processing data in accordance with the individual's rights

Wincanton Town Council will abide by any request from an individual not to use their personal data for direct marketing purposes. The DPO will be notified about any such request. Direct marketing material should not be sent to anyone electronically (E.g. via email) unless there is an existing business relationship with them in relation to the services being marketed. The DPO should be contacted for advice on direct marketing before any new direct marketing is carried out.

### **6. Complaints**

Where an individual makes a complaint relating to the processing of their personal data or is unhappy with any response to a Subject Access Request (SAR), Freedom of Information (FOI) or Environmental Information Regulation (EIR) (if appropriate) request, they may request an Internal Review (IR) to be

conducted. Requests for an IR should be within 40 days of the original response. The responsibility for the conduct of an IR is with The Chairman of Wincanton Town Council, who will discuss with the appointed DPO. The contact is: Wincanton Town Council, Town Hall, Market Place, Wincanton, Somerset BA9 9LD.

If an individual is unhappy with the outcome of the IR they have the right to appeal to the Information Commissioner's Office (ICO) for assessment. The ICO contact is: Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## **7. Monitoring and Discipline**

Compliance with this policy shall be monitored through a review process. This will be agreed with the Data Protection Officer (DPO), and compliance will be reported to Wincanton Town Council.

Reviewed: Wincanton Town Council  
Full Council Meeting  
29<sup>th</sup> May 2018  
Minute Number 0329

Next Review Date: Change of Data Protection Officer (DPO)  
Change of Legislation