

Woodmansey Parish Council

DATA PROTECTION POLICY

What is meant by 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 directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as 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 legislation relating to personal data and rights such as the Human Rights Act. Any organisation processing personal data is known as a ‘data controller’.

This Policy / Privacy Notice is provided to you by the Woodmansey Parish Council as a ‘data controller’. The Policy applies to any individual who has contact with the Parish Council, which includes, Parish Councillors, Staff, and members of the public.

Sharing personal data

As part of its statutory duties and provision of services, the Parish Council may have to share personal data with certain third parties. These third parties 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 and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

If the Parish Council and a third party are processing your data jointly for the same purposes, then the Parish Council and the third party may be “joint data controllers” which mean we are all collectively responsible to you for your data.

Woodmansey PC is committed to clearly identifying any third party with whom data is shared, and the basis of why this data is shared, on an individual basis and determined by the circumstances at the time. Typical third parties the Parish Council may share your information with are as follows:

- 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:
 - Regulatory Local Authority – in our case East Riding of Yorkshire Parish Council
 - Community groups
 - Charities
 - Other not for profit entities
 - Contractors
 - Credit reference agencies

What personal data does the Parish Council process?

The Parish 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;
- Where they are relevant to the services provided by a Parish Council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for services provided by the Parish Council (i.e. allotments), financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, 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 sexual life or orientation.

How the Parish Council uses sensitive personal data

Woodmansey Parish Council is an employer of staff to facilitate its services and this section relates mainly to employees however the Parish Council may need to process sensitive personal data from the public.

As an employer, we may process sensitive personal data including, as appropriate:

- information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- in order to comply with legal requirements and obligations to third parties.

These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations.
- Where it is needed in the public interest.

Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

General Data Protection Principles

Woodmansey Parish Council is committed to compliance with data protection law. The following 'Table of Compliance' has been created by the Parish Council to ensure this compliance

All data is used lawfully, fairly and in a transparent way.
All data is collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
All data is relevant to the purposes we have told you about and limited only to those purposes.
All data is accurate and kept up to date.
All data is kept only as long as necessary for the purposes we have told you about.
All data is 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.

The grounds for processing data by Woodmansey Parish Council (linked to the above compliance table) are:

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 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 Parish 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, Parish Councillors and other 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 Parish Council
To allow the statistical analysis of data so we can plan the provision of services.

What is the legal basis for processing your personal data?

The Parish Council is a public authority and has certain powers and obligations. Most of the data it processed is due to compliance with a legal obligation which includes the discharge of the Parish Council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the Parish Council's services. We will always take into account your interests and rights.

This Privacy Notice sets out your rights and the Parish Council's obligations to you.

How long does the Parish Council retain data / personal data?

Woodmansey Parish Council 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 currently 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 Parish 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.

Individual rights and personal data

You have a number of rights with respect to the processing of personal data and 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.

1) The right to access personal data we hold on you

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request, we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2) 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 your data will be updated.

3) The right to have your personal data erased

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) The right to object to processing of your personal data or to restrict it to certain purposes only

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) The right to data portability

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7) 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.

This Policy and Privacy Notice will be reviewed annually at the Annual Parish Meeting by Cllrs to ensure it remains fit for purpose and relevant to legislation.

If you have any concerns about any aspects of how the Parish Council manages and processes data, please contact the Parish Clerk in the first instance.

Woodmanseyparishclerk@yahoo.com

Date of Review: March 2021