

FRECKLETON PARISH COUNCIL

DATA PROTECTION POLICY

This Data Protection Policy was adopted by the Council on 9th January 2017

Introduction

In 2011 all 9 Councillors of Freckleton Parish Council registered with the Information Commissioner's Office (ICO) to ensure that personal data in their possession was kept properly. This registration was not renewed.

It is now a requirement that the Parish Council collectively is responsible for ensuring personal and sensitive data is retained correctly. The Council has registered with the ICO and only the Clerk will be the Data Controller and will be responsible for storing all personal data. Individual Councillors will not hold any personal data.

This policy sets out the Council's 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 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 Act defines the word "data" as information which:-

- a) Is being processed by means of equipment operating automatically in response to instructions given for that purpose
- b) Is recorded with the intention that it should be processed by means of such equipment
- c) Is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.
- d) Does not fall within paragraph a), b) or c), but forms part of an accessible record as defined by section 68, or
- e) Is recorded information held by a public authority and does not fall within any paragraphs a) to d).

Data Protection Act Principles

The Act stipulates that anyone processing personal data must comply with eight principles of good practice. These Principles are legally enforceable and require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met.

2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed.
4. Shall be accurate and where necessary, kept up to date.
5. Shall not be kept for longer than is necessary for that purpose or those purposes.
6. Shall be processed in accordance with the rights of data subjects under the Act.
7. Shall be kept secure i.e. protected by an appropriate degree of security.
8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **“sensitive” personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

In order to operate efficiently, The Parish Council on occasion has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means there are safeguards within the Data Protection Act to ensure this.

Freckleton Parish Council fully endorses and adheres to the Principles of Data Protection as set out in the Data Protection Act 1998, and has a number of procedures in place to ensure that it complies with the Data Protection Act 1988 when holding personal information.

Storing and accessing data

Freckleton Parish Council recognises its responsibility to be open and transparent with people when taking personal details from them and must be honest about why they want a particular piece of personal information.

Freckleton Parish Council may hold personal information about individuals such as their addresses and telephone numbers. These will be securely kept within the

Parish Councils files and are not available for public access. All data stored on computers used for Parish Council work is password protected. Once data is not needed any more, is out of date or has served its use and falls outside the minimum retention time of Council's document retention policy, it will be shredded or securely deleted from the computer.

All Data Subjects have the right to access the information the Parish Council holds about them. Freckleton Parish Council will also take reasonable steps to ensure that this information is kept up to date by asking data subjects whether there have been any changes.

Notification to the Information Commissioner

The Information Commissioner maintains a public register of data controllers.

The Parish Council is registered as such.

The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

The Parish Clerk will review the Data Protection Register annually, prior to notification to the Information Commissioner.

Any changes to the register must be notified to the Information Commissioner, within 28 days.

To this end, any changes made between reviews will be brought to the attention of the Parish Clerk immediately.

Data relating to Planning applications.

The Town and Country Planning (Development Management Procedure) (England) Order 2015, allows for personal data (e.g. addresses) to be published, so there is not the same restriction on this type of data.