



Data Protection Policy and Procedures

Introduction

Quorn Parish Council is committed to a policy of protecting the rights and privacy of individuals. It needs to collect and use certain types of Data in order to carry on its work. This personal information must be collected and dealt with appropriately.

The Data Protection Act 1998 (DPA) governs the use of information about people (personal data). Personal data can be held on computer or in a manual file, and includes email, minutes of a meetings, and photographs. The Council will remain the Data Controller for the information held. The Council, its staff and volunteers will be personally responsible for processing and using personal information in accordance with the Data Protection Act.

Councillors, Council employees and volunteers who have access to personal information, will be expected to have read and comply with this policy.

Purpose

The purpose of this policy is to set out Quorn Parish Council's commitment and procedures for protecting personal data. The Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

The Data Protection Act Legislation

This contains 8 principles for processing personal data with which Quorn Parish Council will comply.

Personal data shall:

1. be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
2. be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes;
3. be adequate, relevant and not excessive in relation to those purpose(s);
4. be accurate and, where necessary, kept up to date,
5. not be kept for longer than is necessary;
6. be processed in accordance with the rights of data subjects under the Act;
7. be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information;
8. not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal information.

The following list of definitions of the technical terms is intended to aid understanding of this policy.

Data Controller – The person who (either alone or with others) decides what personal information the Council will hold and how it will be held or used.

Data Protection Act 1998 – The UK legislation that provides a framework for responsible behaviour by those using personal information.

Data Protection Officer – The person(s) on the Council who is responsible for ensuring that it follows its Data Protection Policy and complies with the Data Protection Act 1998.

Data Subject/Service User – The individual whose personal information is being held or processed by the Council (for example: a volunteer or service user).

'Explicit' consent – is a freely given, specific and informed agreement by a Data Subject (see definition) to the processing* of personal information* about her/him. Explicit consent is needed for processing sensitive* data including the following:

- a) racial or ethnic origin of the data subject;
- b) political opinions;
- c) religious beliefs or other beliefs of a similar nature;
- d) trade union membership;
- e) physical or mental health or condition;
- f) sexual life;
- g) criminal record;
- h) proceedings for any offence committed or alleged to have been committed.

Notification – Notifying the Information Commissioners Office (IOC) about the data processing activities of the Council but, as a not-for-profit organisation, the Council is exempt from notification.

Information Commissioner – The UK Information Commissioner responsible for implementing and overseeing the Data Protection Act 1998.

Processing – means collecting, amending, handling, storing or disclosing personal information.

Personal Information – Information about living individuals that enables them to be identified – e.g. names, address, telephone numbers and email addresses. It does not apply to information about organisations, companies and agencies but applies to named persons, such as individual volunteers.

Applying the Data Protection Act to the activities of Quorn Parish Council

Whilst access to personal information is limited to Council staff and in certain circumstances volunteers, occasions may arise which involve the collection of personal details from members of the public, for example in conducting a public consultation, or enrolling the public in library activities. In such circumstances those concerned will be told why their data is being collected. It is the Council's responsibility to ensure the data is only used for that purpose.

Individuals have a right to have data corrected if it is wrong, to prevent use which is causing them damage or distress or to stop marketing information being sent to them.

Responsibilities

The Council is the Data Controller under the Act, and is legally responsible for complying with the Act, which means that it determines the purposes for which personal information held may be used.

The Council and its sub-committees will take into account legal requirements and ensure that the Act is properly implemented. It will, through appropriate management, enforce strict application of criteria and controls that:

- observe fully conditions regarding the fair collection and use of information;
- meet its legal obligations to specify the purposes for which information is used;
- collect and process appropriate information, and only to the extent that it is needed to fulfil its operational needs or to comply with any legal requirements;
- ensure the quality of information used;
- ensure that the rights of people about whom information is held, can be fully exercised under the Act, including:
 - the right to be informed that processing is being undertaken;
 - the right of access to one's personal information;
 - the right to prevent processing in certain circumstances and;
 - the right to correct, rectify, block or erase information which is regarded as wrong information);
- take appropriate technical and organisational security measures to safeguard personal information;
- ensure that personal information is not transferred abroad without suitable safeguards;
- treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information;
- set out clear procedures for responding to requests for information

The Data Protection Officer for Quorn Parish Council is:

Name: **Parish Clerk**

Contact Details: 01509 414491; parishclerk@quorndon.com

The Data Protection Officer will be responsible for ensuring that the policy is implemented and will have overall responsibility for:

- everyone processing personal information understands that they are contractually responsible for following good data protection practice;
- everyone processing personal information is appropriately trained to do so;
- everyone processing personal information is appropriately supervised;
- anybody wanting to make enquiries about handling personal information knows what to do;
- dealing promptly and courteously with any enquiries about handling personal information;
- describing clearly how it handles personal information;
- regularly reviewing and auditing the ways it hold, manage and use personal information;
- regularly assessing and evaluating its methods and performance in relation to handling personal information
- making volunteers aware that a breach of the rules and procedures identified in this policy may lead to action being taken against them.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

In case of any queries or questions in relation to this policy please contact the Parish Clerk as Data Protection Officer:

Data collection

Informed consent

Informed consent is when:

- a Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- and *then gives their consent*.

The Council will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, the Council will ensure that the Data Subject:

- clearly understands why the information is needed;
- understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing;
- as far as reasonably possible, grants explicit consent, either written or verbal for data to be processed;
- is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress;
- has received sufficient information on why their data is needed and how it will be used.

Data Storage

Information and records relating to service users will be stored securely and will only be accessible to authorised individuals.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

It is the Council's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the Data Protection Act 1998.

Subject Access Requests.

Members of the public may request certain information from Quorn Parish Council as set out in its **Freedom of Information Act 2000 Publication Scheme**. Information held as part of the Library Grant Agreement with Leicestershire County Council is not covered by the Act, but it may be necessary to assist the Local Authority if required to assist them to meet the Freedom of Information Act request where information is held on its behalf.

Disclosure

The Council may need to share data with other agencies such as the Local Authority, funding bodies and other voluntary agencies.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. In the following circumstances the law allows the Council to disclose data (including sensitive data) without the Data Subject's consent:

- carrying out a legal duty or as authorised by the Secretary of State;
- protecting vital interests of a Data Subject or other person;
- the Data Subject has already made the information public;
- conducting any legal proceedings, obtaining legal advice or defending any legal rights;
- monitoring for equal opportunities purposes – i.e. race, disability or religion;

- providing a confidential service where the Data Subject's consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures;

The Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

The Council intends to ensure that personal information is treated lawfully and correctly.

Risk Management

The consequences of breaching Data Protection can cause harm or distress to individuals if their information is released to inappropriate people, or they could be denied a service to which they are entitled. Volunteers should be aware that they can be personally liable if they share personal data inappropriately. This policy is designed to minimise the risks and to ensure that the reputation of the Council is not damaged through inappropriate or unauthorised access and sharing.

Destroying personal data.

Personal data should only be kept for as long as it is needed. For example, if a volunteer ceases their voluntary work for the Council.

The list is to be reviewed annually, updated, and all information confidentially destroyed at the end of the relevant retention period.

Further information

If members of the public have specific questions about information security and data protection in relation to the Council, they should contact the Data Protection Officer:

The Information Commissioner's website (www.ico.gov.uk) is another source of useful information.