

MERTON PARISH COUNCIL

Data Protection Policy.

This document sets out Merton Parish Councils approved and agreed practices. Any deviation must be made by resolution of the full Council and recorded below.

Document Number:	MPC 014
Approved by Resolution Number:	RR2019/067
Minutes Reference:	8.9.19 a+b
Ratified on:	09-09-2019
Frequency of review:	Annually at a Full Council Meeting.
Version Number:	1.0

Version Control:

<u>Date</u>	<u>Version</u>	<u>Notes</u>
09-09-2019	1.0	Policy adopted

Policy Review (where document reviewed but no changes made):

Review Number	Date	Resolution number & Minutes Ref:
R1	13-07-2020	RR2020/020 7.7.20
R2	26-04-2021	9.4.21 RR2020/069
R3		

THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the Merton Parish Council laptop is the controlled copy. A .pdf version of this document is published on the Merton village website in the Parish Council section. Any printed copies of this document are not controlled.

Merton Parish Council.

Data Protection Policy.

Introduction

Merton Parish Council hold personal data about our employees, Council Members, residents, suppliers and other individuals for a variety of Council purposes.

This policy sets out how The Council seek to protect personal data and ensure that Councillors/Officers/staff understand the rules governing their use of personal data to which they have access in the course of their work. In particular, this policy requires Members and Officers/staff to ensure that the Data Protection Officer (DPO) be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

Definitions

Business purposes	The purposes for which personal data may be used by Merton Parish Council: Personnel, administrative, financial, statutory and legislative purposes, payroll, consultations and business development purposes. <i>Council purposes include the following:</i> - <i>Compliance with legal, regulatory and corporate governance obligations and good practice</i> - <i>Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests</i> - <i>Ensuring Council policies are adhered to</i> - <i>Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of sensitive information, security vetting and checking</i> - <i>Investigating complaints</i> - <i>Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments</i> - <i>Monitoring conduct, disciplinary matters</i> - <i>Promoting Council services</i> - <i>Improving services</i>
Personal data	Information relating to identifiable individuals, such as job applicants, current and former employees and Council Members, agency, contract and other staff, clients, suppliers and marketing contacts, members of the public, Council service users, residents, market traders, hirers, correspondents Personal data gathered may include: individuals' contact details, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, and CV, contact details, correspondence, emails, databases, council records
Sensitive personal 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 or condition, criminal offences, or related proceedings—any use of sensitive personal data should be strictly controlled in accordance with this policy

Merton Parish Council.

Data Protection Policy.

Scope

This policy applies to all Council Members and Officers/staff, who must be familiar with this policy and comply with its terms.

This policy supplements Merton Parish Councils other policies relating to Data retention. The Council may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to members before being adopted.

Who is responsible for this policy?

As our Data Protection Officer, Alice Turner has overall responsibility for the day-to-day implementation of this policy.

Alice Turner

Rowans, Kings Farm Lane, Winkleigh, Devon, EX19 8HF

Clerk.mertonparishcouncildevon@gmail.com

01837 83484

Our procedures:

Fair and lawful processing

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.

The Data Protection Officer's responsibilities include:

- Keeping the Council updated about data protection responsibilities, risks and issue
- Reviewing all data protection procedures and policies on a regular basis
- Answering questions on data protection from council members etc.
- Responding to individuals such as members of the public, service users, Council Members and employees who wish to know which data is being held on them by the Council
- Ensure all systems, software and equipment meet acceptable security standards
- Checking and scanning security software regularly to ensure it is functioning properly
- Researching third-party services, the council is considering using to store or process data
- Approving data protection statements attached to emails and other marketing copy
- Addressing data protection queries from clients, target audiences or media outlets

The processing of all data must be:

- Necessary to deliver Council services
- In the Councils legitimate interests and not unduly prejudice the individual's privacy
- In most cases this provision will apply to routine business data processing activities

Merton Parish Council have a Privacy Notice relating to data protection.

The notice:

- Sets out the purposes for which the Council hold personal data on customers, employees, Members, residents and service users
- Highlights that the Council work may require the passing on of information to third parties such as expert witnesses and other professional advisers
- Provides that service users and correspondents have a right of access to the personal data that the Council hold about them.

Sensitive personal data

In most cases where the Council process sensitive personal data, the Council will require the data subject's *explicit* consent to do this unless exceptional circumstances apply, or the Council are required to do this by law (e.g. to comply with legal obligations to ensure health

Merton Parish Council.

Data Protection Policy.

and safety at work). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

Accuracy and relevance

The Council will ensure that any personal data processed is accurate, adequate, relevant and not excessive, given the purpose for which it was obtained. The Council 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 the Council correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the DPO,

Alice Turner

Rowans, Kings Farm Lane, Winkleigh, Devon, EX19 8HF

Clerk.mertonparishcouncildevon@gmail.com

01837 83484

Your personal data

You must take reasonable steps to ensure that personal data the Council hold about you is accurate and updated as required. For example, if your personal circumstances change, please inform the Data Protection Officer so that they can update your records.

Data security

Merton Parish Council must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on behalf of the Council, the DPO will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations.

Storing data securely

- In cases when 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 computer should be protected by strong passwords that are changed regularly.
- Data stored on removable storage i.e. memory sticks must be locked away securely when they are not being used
- The DPO must approve any cloud used to store data
- Data should be regularly backed up
- Data should never be saved directly to mobile devices such as laptops, tablets or smartphones other than the Parish Clerk laptop
- All devices containing sensitive data must be approved and protected by security software and strong firewall.

Data Retention

Merton Parish Council must retain personal data for no 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 the Councils data retention policy (MPC 006).

Merton Parish Council.

Data Protection Policy.

Subject Access Requests

Please note that under the General Data Protection Regulations and Data Protection Act 2018, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If Merton Parish Council receive a subject access request, the Council will refer that request immediately to the DPO. Who may ask you to help us comply with those requests.

Please contact the Data Protection Officer if you would like to correct or request information that we hold about you. There are also restrictions on the information to which you are entitled under applicable law.

Processing data in accordance with the individual's rights

Merton Parish Council will abide by any request from an individual not to use their personal data for direct marketing purposes and notify the DPO about any such request.

Training

All Council Members will be offered training on GDPR as required or whenever there is a substantial change in the law to ensure compliance.

Training is provided in-house on the Councils policies and procedures or via external body as required.

Completion of training is compulsory.

GDPR and Data Protection Act Provisions

Where not specified previously in this policy, the following provisions will be in effect on or before 25 May 2018.

Privacy Notice - transparency of data protection

Being transparent and providing accessible information to individuals about how the Council will use their personal data is important for Merton Parish Council. The following points are considered when the Council collects data:

What information is being collected?	How will it be used?
Who is collecting it?	Who will it be shared with?
How is it collected?	Identity & contact details of any data controllers
Why is it being collected?	Retention period

Conditions for processing

Merton Parish Council will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically documented. All

Officers/staff/Council Members who are responsible for processing personal data will be aware of the conditions for processing. The conditions for processing will be available to data subjects in the form of a privacy notice.

Justification for personal data

Merton Parish Council will process personal data in compliance with all six data protection principles. The Council will document the additional justification for the processing of sensitive data and will ensure any biometric and genetic data is considered sensitive.

Consent

The data that the Council collect is subject to active consent by the data subject. This consent can be revoked at any time.

Merton Parish Council.

Data Protection Policy.

Criminal record checks

Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

Data portability

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This will be done for free.

Right to be forgotten

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.

Privacy by design and default

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

Data audit and register

Data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

Reporting breaches

All members/staff have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the Supervisory Authority (SA) of any compliance failures that are material either in their own right or as part of a pattern of failures.

Monitoring

Everyone must observe this policy. The DPO has overall responsibility for this policy. They will monitor it regularly to make sure it is being adhered to.

Consequences of failing to comply

Merton Parish Council take compliance with this policy very seriously. Failure to comply puts both you and the Council at risk. The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under the Council's procedures.

If you have any questions or concerns about anything in this policy, do not hesitate to contact the DPO.