

Data Protection Policy

1. Data Protection Principles

- 1.1 In complying with the Data Protection Act 2018 the Parish Council shall ensure that all data is:
 - a. Processed fairly, lawfully and in a transparent manner
 - b. Collected for specified, explicit and legitimate purposes and not processed in a manner incompatible with those purposes
 - c. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
 - d. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which personal data are processed
 - e. Processed in a manner that ensures appropriate security of the personal data including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational features
- 1.2 Where the lawful basis for processing data is consent, the Parish Council shall ensure that consent is freely given, unconditional and explicit.
- 1.3 The Parish Clerk shall take any reasonable necessary steps to ensure the security of council data; this shall include to ensure that access to data is limited and that data is disposed of securely.
- 1.4 The Parish Council does not use automated decision making or profiling of individual personal data.
- 1.5 The Parish Clerk will be the Council's Data Protection Officer.
- 1.6 The Parish Council shall ensure that any third party which processes data on its behalf has sufficient data protection, security measures and breach reporting procedures in place and this shall form part of the terms and conditions of any contract entered into.
- 1.7 Data related to a child (under 13) will not be processed without the express parental/guardian consent of the child concerned
- 1.8 Members and employees must abide by any procedures developed in accordance with this policy and failure to do may result in disciplinary proceedings or suspension of access to council resources.

1.9 The Parish Clerk shall ensure that a Data Audit is undertaken at least annually.

2. Training and Guidance

2.1 All members and employees of the council shall receive an induction on Data Protection and training as required.

2.2 The Parish Clerk shall maintain a guidance note on Data Protection for both members and employees to provide easy to access guidance on Data Protection practices.

3. Privacy Notices

3.1 The Parish Clerk shall prepare Privacy Notices as required which will be published on the Parish Council website. They shall be reviewed at least annually. Privacy Notices may vary depending on the data being collected/held.

3.2 The Parish Council will use a blended approach to provide privacy information to individuals; providing information at the point of collection and reference to the full Privacy Notice where it is not practical to provide the notice in full at the point of collection.

3.3 At collection sufficient information will be given to detail why the data is being collected, how it will be used, how long it will be kept for and whether it will be shared with any third party.

3.4 Privacy Notices will be prepared with reference to guidance from the Information Commissioner's Office and shall be provided in simple language in a clear font.

4. Breach Reporting

4.1 A data breach is defined as a breach of security leading to 'accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data'.

4.2 The Parish Clerk shall maintain procedures to safeguard against potential data breaches.

4.3 All data breaches shall be reported to the Parish Clerk who shall maintain a record of data breaches and determine, in accordance with Information Commissioner's Office guidance whether the breach must be notified.

5. Data Protection Impact Assessments

5.1 A Data Protection Impact Assessment (DIPA) is a process to identify and minimize the data protection risks of a project. It is mandatory for certain types of data processing or processing which is likely to result in a high risk to individuals' interests.

- 5.2 The Parish Clerk shall prepare procedures for determining if a DIPA is required and the undertaking of the same.

6. Data Retention

- 6.1 The Parish Council will only keep data for as long as it is necessary to do so.
- 6.2 The council's standard data retention requirements are detailed in Annex A.
- 6.3 Data (electronic or physical) should only be disposed of if reviewed in accordance with the following:
- a. Is retention required to fulfil a statutory or regulatory requirement?
 - b. Is retention required to meet the operational needs of a service?
 - c. Is retention required to evidence events in the case of dispute?
 - d. Is retention required because the document/record is of historic interest or intrinsic value?
- 6.4 All records containing personal information must be destroyed at the end of the retention period.
- 6.5 Where documents are of historical interest it may be appropriate that they are transmitted to the County Archive Records Office at Woodhorn Museum.
- 6.6 Retention periods may be increased by government regulation, judicial or administrative constraint order, contract, pending litigation or audit requirements and such modifications shall supersede the requirements in Annex A.

7. Data Subject Rights

- 7.1 A data subject has the right to:
- a. Access their information
 - b. Correct information held which they believe is incorrect
 - c. Request information is deleted
 - d. Object to the processing of data
 - e. Request data is transferred to another data controller
 - f. Withdraw consent for processing of data
 - g. Lodge a complaint with the Information Commissioner's Office
- 7.2 A data subject wishing to exercise their rights may do so by contacting the Parish Clerk.

8. Review and Monitoring

- 8.1 This policy shall be reviewed periodically and in light of experience, comments from data subjects and guidance from the Information Commissioners Office.

Annexe A – Standard Data retention requirements

Longhoughton Parish Council Document Retention Schedule

| DOCUMENT | MINIMUM RETENTION PERIOD | REASON |
|--------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------------------------|
| ▪ Minute books | Indefinite | Archive |
| ▪ Scales of fees and charges | 5 years | Management |
| ▪ Receipt and payment account(s) | Indefinite | Archive |
| ▪ Receipt books of all kinds | 6 years | VAT |
| ▪ Bank statements, including deposit/savings accounts | Last completed audit year | Audit |
| ▪ Bank paying-in books | Last completed audit year | Audit |
| ▪ Cheque book stubs | Last completed audit year | Audit |
| ▪ Quotations and tenders | 6 years | Limitation Act 1980 (as amended) |
| ▪ Paid Invoices | 6 years | VAT |
| ▪ Paid cheques | 6 years | Limitation Act 1980 (as amended) |
| ▪ VAT records | 6 years | VAT |
| ▪ Petty cash, postage and telephone books | 6 years | Tax, VAT, Limitation Act 1980 (as amended) |
| ▪ Timesheets | Last completed audit year | Audit |
| ▪ Wages books | 12 years | Superannuation |
| ▪ Insurance policies | While valid | Management |
| ▪ Certificates for Insurance against liability for employees | 40 years from date on which insurance commenced or was renewed | The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management. |
| ▪ Investments | Indefinite | Audit, Management |
| ▪ Title deeds, leases, agreements, contracts | Indefinite | Audit, Management |
| ▪ Members allowances register | 6 years | Tax, Limitation Act 1980 (as amended) |