

## WINDLESHAM PARISH COUNCIL DATA PROTECTION POLICY

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Version & Date	Amendments made
V1.0-200728	Adopted at Full Council meeting 28 <sup>th</sup> July 2020
V1.1-210223	Reviewed at Full Council meeting 23 <sup>rd</sup> February 2021 (updated to reflect the UK's exit from the EU. All references to GDPR now read UK GDPR, Data Protection Act 2018
V2.0-220125	Reviewed at Full Council meeting 25 <sup>th</sup> January 2022 (removed at the request of Members:- 'not be transferred to a country outside the European Economic Area, unless that country has the equivalent levels of protection for personal data, except in specified circumstances.'
V3.0-221129	Reviewed at Full Council meeting 25 <sup>th</sup> October 2022 (amendments made to clauses 1.1, 4.2, 4.3 & 5.1)
V3.0-231128	Reviewed at Full Council meeting 28 <sup>th</sup> November 2023
V3.0-241029	Reviewed at Full Council meeting 29 <sup>th</sup> October 2024

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## **1 Introduction**

- 1.1 The Council holds and processes information about employees, councillors, residents and customers, and other data subjects for administrative and commercial purposes, as set out in the Council's data protection privacy notices.
- 1.1 When handling such information the Council, and all staff or others who process or use the information, must comply with the UK GDPR, Data Protection principles as set out in the UK GDPR, Data Protection Act 2018 (the Act).

## **2 Data protection principles**

- 2.1 There are eight principles set out in the Act, which in summary state that data shall:
- be processed fairly and lawfully
  - be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose
  - be adequate, relevant and not excessive for the purpose
  - be accurate and up-to-date
  - not be kept for longer than necessary for the purpose
  - be processed in accordance with the Data Subject's rights
  - be kept safe from unauthorised processing, and accidental loss, damage or destruction

### 3 Responsibilities

- 3.1 Windlesham Parish Council is the Data Controller and must ensure that any processing of personal data for which they are responsible complies with the Act.
- 3.2 Windlesham Parish Council have appointed GDPR-info Ltd as their Data Protection Officer, who act on behalf of the Council, and is responsible for:
- fully observing conditions regarding the fair collection and use of information
  - meeting the Council's legal obligations to specify the purposes for which information is used
  - collecting and processing relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements
  - ensuring the quality of information used
  - applying strict checks to determine the length of time that information is held
  - ensuring that the rights of the people about for whom information is held are able to be fully exercised under the Act
  - taking appropriate technical and organisational security measures to safeguard personal information
  - ensuring that personal information is not transferred abroad without suitable safeguards
  - ensuring that everyone managing and handling personal information
    - fully understands that they are contractually responsible for following good practice in terms of protection
    - is adequately trained to do so
    - are appropriately supervised

## 4 Storage and retention

- 4.1 Personal data is kept in paper-based systems and/or on a password-protected computer system.
- 4.2 Any 'sensitive personal data' which requires extra security, such as personnel records are either stored in a compartmentalised area of the SharePoint site which only the Clerk has access to and in a locked filing cabinet.
- 4.3 The Council will keep different types of information for differing lengths of time, depending on legal and operational requirements. More information can be found in the council's Document Retention Scheme, available from the Clerk to the Council

## 5 Access to information

**Data subjects can make a 'Subject Access Request' ('SAR') to find out the information the Council hold about them. If you would like to make a SAR in relation to your own personal data, you should make this in writing to the person responsible for data in the Council. The Council will comply with all legal requirements. If you receive a SAR, please pass it on to the Clerk and ensure that you keep any information regarding it**

- 5.1 Any employees, councillors, residents, customers and other data subjects have a right to:
  - ask what personal information the Council holds about them
  - ask what this information is used for
  - be provided with a copy of the information
  - be given details of the purposes for which the Council uses the information and any other persons or organisations to whom it is disclosed
  - ask that any incorrect data held is corrected

If the SAR is manifestly unfounded or excessive, for example, because of its repetitive character, the Council may charge a reasonable fee, taking into account the administrative costs of providing the personal data, or refuse to act on the request
- 5.2 If it is felt by the data subject that any personal information held is incorrect the individual may request that it be amended. The Council must advise the individual within 21 days whether or not the amendment has been made.

## **6 Breach of policy**

- 6.1 Compliance with the Act is the responsibility of all councillors, residents, customers and members of staff. Any deliberate or reckless breach of the policy may lead to disciplinary action and where appropriate, legal proceedings.
- 6.2 Any individual who believes that the Council has breached any of the requirements of the Data Protection Act 1998 should raise the matter with the Clerk. Alternatively, a complaint can be made to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.