

Upton Parish Council

Data Protection Policy

July 2017 – next review May 2018

1. INTRODUCTION

1.1 The Data Protection Act 1998 came into effect on 1st March 2000. The Act regulates the use of personal data relating to living data subjects. The purpose of The Act is to regulate the way that personal information about living individuals, (no matter how that information is held) is obtained, stored, used and disclosed. These provisions amount to a right of privacy for the individual.

1.2 The purpose of this Policy Statement is to formalise the position of the Parish Council and to state its commitment to maintaining the strictest level of confidentiality of personal data in accordance with the provisions of the Act.

2. SCOPE

2.1 The obligations contained in this policy apply equally to councillors and employees of the Parish Council.

2.2 The clerk to the parish council is the Data Controller appointed by the Parish Council and has the responsibility to administer the Parish Council's day to day compliance with the Act. Overall responsibility to ensure the Data Protection Policy is understood and enforced remains with the Parish Council.

2.3 Disclosure of personal data within Upton Parish Council to councillors or officers will be on the basis of a need to know.

3. DEFINITIONS

3.1 **Personal Data** is any data that relates to a living individual who can be identified from that data.

3.2 **Processing**, in relation to information or data, means obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data, including retrieval disclosure of that information or data.

3.3 **Data Subject** is an individual who is the subject of Personal data.

3.4 **Sensitive Personal Data** is defined in the Act by eight categories of information about the Data Subject relating to;

- 1) racial or ethnic origins
- 2) political opinions
- 3) religious or similar beliefs
- 4) membership of a trade union
- 5) physical or mental health
- 6) sexual life
- 7) the commission or alleged commission of any offence, or
- 8) any proceedings relating to any offence or alleged offence, the disposal of such proceedings or the sentence of any court in such proceedings.

3.5 **Data Controller** is a person who, either alone or jointly with others, determines the purposes for which, and the manner in which, personal data is, or will be, processed. The Data Controller for Upton Parish Council is the clerk.

3.6 **Person** relates to a legal person and thus includes a corporate body such as the Parish Council.

3.7 **Information Commissioners Office (ICO)** is the organisation responsible for administering and enforcing the Data Protection Act 1998 nationally.

3.8 The **eight principles of data protection** are as follows;

- 1) Personal data shall be processed fairly and lawfully.
- 2) Personal data shall be obtained and held only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with those purposes.
- 3) Personal data shall be relevant, adequate and not excessive in relation to the purpose(s) for which it is processed.
- 4) Personal data shall be accurate and up to date, any inaccuracies will be corrected without undue delay once the data controller has been made aware of an inaccuracy, although the onus to advise the data controller of any changes is the responsibility of the subject.
- 5) Personal data shall not be kept for longer than is necessary for the stated purposes.
- 6) Personal data shall be processed in accordance with the rights of Data Subjects under the Act.
- 7) Security precautions shall be put in place to prevent the loss, destruction or unauthorised disclosure of personal data. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of Personal data and to prevent accidental loss or destruction of, or damage to, Personal data.

4. DATA PROTECTION POLICY

- 4.1 Upton Parish Council will hold the minimum personal data necessary to enable it to perform its functions. Every effort will be made to ensure that data is accurate and up to date, and that inaccuracies are corrected quickly.
- 4.2 The Council ensures that personal data is treated as confidential, ensuring that access to personal data can be restricted to identifiable system users.
- 4.3 Upton Parish Council is committed in its aim that all appropriate staff will be properly trained, fully informed of their obligations under the Act, and made aware of their personal liabilities. The Council expects all of its staff and members to comply fully with this Policy and the Data Protection Principles.