



Lancing Parish Council

Data Protection Policy

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1.0 INTRODUCTION

- 1.1 An essential activity within the Council is the requirement to gather and process information about its members, employees and people in the community in order to operate effectively. This will be done in accordance with the Data Protection Act 1998 (the Act), and other related government legislation.
- 1.2 The Data Protection Act 1998 regulates the way in which certain information about employees and the public is held and used. The Council considers that many of the principles in the Act represent good practice, hence the need to comply with the Act.
- 1.3 This policy is intended to: -
- a) Ensure all are aware of their responsibility regarding the Data Protection Act 1998.
 - b) Set out the basic guidelines for employees and members.
 - c) Provide a list of definitions to assist in the understanding of the Act.

2.0 DEFINITIONS

- 2.1 Data Subject - any living individual who is the subject of personal data held by an organisation.
- 2.2 Data Controller - any organisation or individual who makes decisions with regard to particular personal data This includes decisions regarding the purposes for and the way in which personal data is processed.
- 2.3 Data Processing – any operation relating to obtaining or recording data, altering or adapting data and the disclosure or dissemination of data.
- 2.4 Personal Data - data relating to a living individual who can be identified from that information or from the data and other information in possession of the data controller. This information includes (but is not limited to): -
- a) name
 - b) address
 - c) telephone number
- 2.5 Sensitive Data – this is subject to much stricter conditions of processing than personal data and includes the following: -
- a) commission or alleged commission by them of any offence
 - b) physical or mental health or condition
 - c) political opinions
 - d) proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings
 - e) racial or ethnic origin
 - f) religious or other beliefs of a similar nature
 - g) sex life
 - h) trade union membership
- 2.6 Third Party - any organisation or individual other than the data subject, the data controller or its agents.

3.0 LEGAL POSITION

- 3.1 The Act regulates the use of personal data and gives effect in UK law to the European Directive on Data Protection. Whereas the Freedom of Information Act 2000 seeks to make information public, the Data Protection Act seeks to control how information can be processed and used.
- 3.2 The Act is concerned with personal data - that is information about living, identifiable individuals. This need not be particularly sensitive information and can be as little as a name and address.
- 3.3 The Act gives individuals certain rights. It also requires those who record and use personal information to be open about their use of that information and to follow sound and proper practices (the Data Protection Principles).
- 3.4 Should the Information Commissioner's Office be satisfied that a data controller has breached the legislation, it is open to that Office to serve an enforcement notice requiring compliance. Failure to comply with such a notice can be a criminal offence punishable with a fine. Additionally, the court and Commissioner have power to award compensation to data subjects who suffer damage and distress as a result of any contravention by a data controller of any of the requirements of the Act.

4.0 DATA PROTECTION PRINCIPLES

- 4.1 Data must be processed fairly and lawfully.
- 4.2 Data must be obtained only for specific and lawful purposes and not processed in any matter incompatible with those purposes.
- 4.3 Data must be relevant, adequate and not excessive for those purposes.
- 4.4 Data must be accurate and, where necessary, kept up to date.
- 4.5 Data must not be kept for longer than necessary.
- 4.6 Data must be processed in accordance with the rights of data subjects under the Data Protection Act.
- 4.7 Security precautions must be in place to prevent the loss, destruction or unauthorised disclosure of the data.
- 4.8 Data must not be transferred outside the European Economic Area unless it can be satisfied that the country in question can provide an adequate level of security for that data.

5.0 NOTIFICATION

- 5.1 Lancing Parish Council is required to notify the Information Commissioner Office in broad terms, of the purposes of processing, a description of the personal data processed, the recipients of the personal data processed and the places overseas to which any data is transferred. This information is made publicly available in a register. The processing of personal data without a notification is an offence punishable by a potentially unlimited fine. Notifications are renewable annually.

6.0 EXEMPTIONS

- 6.1 Exemptions may be available for certain specific circumstances, namely:
- a) Where personal data is processed for one or more of the following purposes only -
 - i. accounts and records
 - ii. staff administration (including payroll)
 - iii. advertising, marketing and public relations (of the council itself)
 - b) Disclosures required by law.
 - c) Where disclosure is necessary for the purpose of legal proceedings or for obtaining legal advice.
 - d) Legal professional privilege (i.e. confidentiality between client and professional legal adviser).
 - e) Where the sole purpose of any processing is the maintenance of a public register (e.g. the register of members' interests under a council's Code of Conduct).
 - f) Where no personal data is processed by computer.

7.0 RESPONSIBILITIES OF THE CLERK

- 7.1 The Clerk is responsible for the following -
- d) The maintenance of the Council's compliance.
 - e) Ensure appropriate resources are in place to enable compliance with the Data Protection Policy.
 - f) Dealing with changes and modifications arising from legislation or codes of practice.
 - g) The annual renewal of notification registration.
 - h) Ensuring that staff and members are aware of their responsibilities under the Data Protection Act and the Data Protection Policy.
 - i) To arrange refresher training in relation to any changes in legislation, when there is an information security incident or at the Council's discretion.
 - j) To instigate disciplinary action in accordance with procedures approved by the Council in the event of non-compliance with this policy.

8.0 HANDLING DATA

- 8.1 Manual Records
- a) Filing cabinets must be locked outside of normal working hours and keys must be held securely by nominated staff.
 - b) All papers should be securely locked away when not in use to prevent other people from inadvertently gaining access.
- 8.2 Electronic Records
- a) Access should be controlled by unique password with passwords changed on a regular basis.
 - b) Passwords and access controls should be kept secure when not in use.
 - c) Personal information should not be left displayed on screen when not in use.
 - d) Removeable files (such as USB) should be filed away securely when not in use.
 - e) Personal information on a lap-top computer should be locked away when not in use.
- 8.3 Officers of the Council
- a) All staff must be aware of the Data Protection Act and of their obligations under it
 - b) Individual staff members must be aware that they may be personally liable for breaches of the Act if they act outside the authority of the data controller.

- c) Refresher training will be held in relation to any changes in legislation, when there is an information security incident or at the Council's discretion. Staff requiring support, advice or guidance on any element outlined in this policy should contact the Clerk.

8.4 Members of the Council

- a) All Members should be fully aware of this policy and of their duties and responsibilities under the Act.
- b) Where holding and processing personal data about individuals in the course of undertaking council business, Members will be covered by the council's notification and have the same responsibilities with regard to data protection as Officers of the Council.
- c) Members who process electronic personal data in an individual capacity (i.e. where they are not acting on behalf of their council) are likely to qualify as data controllers and they would individually need to notify the Information Commissioner's Office.
- d) Refresher training will be held in relation to any changes in legislation, when there is an information security incident or at the Council's discretion. Members requiring support, advice or guidance on any element outlined in this policy should contact the Clerk.

9.0 SUBJECT ACCESS REQUESTS

9.1 All Subject Access Requests for information made to the Council under the Data Protection Act 1998 will be dealt with by the Clerk.

9.2 A person who has their data processed by Lancing Parish Council has a number of rights in relation to the data which is held about them. The person can do the following -

- a) View the data which is held for a maximum fee of £10.
- b) Request that information which is incorrect be corrected.
- c) Require that data is not used in a way which may cause damage or distress.
- d) Require that their data is not used for direct marketing.

9.3 A person may make a subject access request in relation to information held about them. A person who makes a request and pays a maximum £10 fee is entitled to the following information -

- k) To be told whether any personal data is being processed.
- l) A description of the personal data which is held, why the data is being processed and whether this data will be given to any other organisations or people.
- m) A copy of the information comprising the data.
- n) The source of the data.

9.4 No fee will be charged to staff or members for information relating to their role within the council