

DATA PROTECTION POLICY

Introduction

East Cowton Parish Council needs to collect and use certain types of information about the Data Subjects who come into contact with it in order to carry on our work. This personal data must be collected and dealt with appropriately– whether on paper, in a computer, or recorded on other material - and there are legal safeguards to ensure this. This policy updates East Cowton Parish Council's previous Data Protection Policy to include the additional requirements of the General Data Protection Regulation (GDPR) which applies in the UK from 25th May 2018

The following list is of definitions for the technical terms we have used and is intended to aid understanding of this policy.

Data Controller – The person who (either alone or with others) decides what personal data East Cowton Parish Council will hold and how it will be held or used. East Cowton Parish Council is the Data Controller, which means that it determines for what purposes personal information held will be used and it is also responsible for ensuring that it follows its Data Protection Policy and complies with the GDPR. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for.

Data Processor– The person that processes the data on behalf of the Data Controller. The Clerk to East Cowton Parish Council is the nominated Data Processor but the Council may appoint an outside agency or body to process data upon its behalf.

Data Subject– The individual whose personal information is being held or processed by East Cowton Parish Council (for example: a resident, an employee, a councillor)

Consent – is a freely given, specific, informed and unambiguous indication of the Data Subject's wishes, either by a statement or by clear affirmative action. Explicit consent is generally needed for processing sensitive data and where required, including for other personal data, must be by an opt-in method.

Information Commissioner's Office (ICO)– The UK Information Commissioner is the regulator in charge of data protection and privacy issues

Processing – means anything done with/to personal data (obtaining, recording, adapting, holding/storing)

Personal Data– Information about a living individual capable of identifying that individual – e.g. name, address, e-mail address or photograph.

Sensitive data – means data about:

- Racial or ethnic origin
- Political opinions
- Religious or similar beliefs

- Trade union membership
- Physical or mental health or condition
- Sexual life or orientation
- Genetic data
- Biometric data

Principles

East Cowton Parish Council intends to ensure that personal data is treated lawfully and correctly.

To this end, East Cowton Parish Council will adhere to the principles of the GDPR

Specifically, the principles require that personal data:

1. Shall be processed lawfully, fairly and transparently
2. Is only used only for a specific processing purpose that the Data Subject has been made aware of
3. Shall be adequate, relevant and limited
4. Shall be accurate and, where necessary, kept up to date,
5. Shall not be kept for longer than is necessary and that storage is safe and secure
6. Shall be processed in a manner that ensures appropriate security and protection

Individuals' Rights

The GDPR includes the following rights for individuals which East Cowton Parish Council will respect (subject to any lawful exceptions):

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling.

If a Data Subject requests information about the personal data that is being held about them East Cowton Parish Council will respond within one month of receipt of the request. It can refuse to respond or charge a fee for requests that are manifestly unfounded or excessive. If a request is refused, a reason will be given.

If a Data Subject requests that their personal data is rectified because it is inaccurate or incomplete East Cowton Parish Council will amend the personal data and advise the Data Subject if it has been shared with any third parties.

If a Data Subject requests the erasure of their personal data because it is no longer necessary for it to be processed or because they withdraw their consent (where personal data is being processed pursuant to consent) then East Cowton Parish Council will erase it (unless there is a legal obligation not to) and ensure that any third party with whom the personal data has been shared also deletes it.

If a Data Subject has legitimate grounds for requesting that East Cowton Parish Council restrict processing of their personal data or objects to processing in certain circumstances under the GDPR (e.g. to opt out of marketing) the Council may store the data but not otherwise use it.

If a Data Subject requests that their personal data be provided to them (or a third party) in a machine readable portable format it will be provided by East Council Parish Council free of charge within one month subject to the manner of transfer being acceptable as safe and secure.

East Cowton Parish Council does not undertake automated decision making including profiling.

Data Storage and Processing

The GDPR sets out 6 lawful bases for processing personal data which East Cowton Parish Council will follow:

- Consent of the Data Subject
- Legitimate interest
- Contractual necessity
- Compliance with a legal obligation
- To protect the vital interests of the Data Subject
- In the public interest

Personal Data will be stored securely and will only be accessible to the Clerk and Councillors as necessary for the fulfillment of their responsibilities.

Personal Data will be stored for only as long as it is needed or required by statute and will be disposed of appropriately.

A comprehensive record of personal data processing will be kept identifying personal data collected, how, why and where it is stored

East Cowton Parish Council will ensure that all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

In addition, East Cowton Parish Council will ensure that:

- All staff and Councillors understand that they are contractually responsible for following good data protection practice,
- Everyone processing personal data is appropriately trained to do so,
- Anybody wanting to make enquiries about handling personal data knows what to do,
- It deals promptly and courteously with any enquiries about handling personal data,
- It describes clearly how it handles personal data,
- It regularly reviews and audits the ways it holds, manages and uses personal data
- It regularly assesses and evaluates its methods and performance in relation to handling personal data
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the GDPR.

The ICO

The ICO of Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (<https://ico.org.uk/global/contact-us/email/>) maintains a record of data controllers. East Cowton Parish Council is registered as such.

If a data breach is identified East Cowton Parish Council will inform the ICO within 72 hours and an investigation will be conducted.

In case of any data protection requests, queries or objections please contact the the Parish Clerk, East Cowton Parish Council, at 25 Golden Acres, East Cowton, Northallerton, DL7 0BD or by e-mail at judithkilsby@yahoo.co.uk