



Data Protection Policy

Introduction

Hemsworth Town Council holds personal data about its employees, residents, suppliers and other individuals for a variety of Council purposes.

This policy sets out how the Council seeks to protect personal data and ensure that councillors and officers understand the rules governing their use of personal data to which they have access in the course of their work. In particular, this policy requires officers to ensure that the town clerk be consulted before any significant new data processing activity is initiated to ensure that relevant compliance steps are addressed.

Definitions

Business purposes	The purposes for which personal data may be used by the council: Personnel, administrative, financial, statutory and legislative purposes, payroll, consultations and business development purposes. <i>Council purposes include the following:</i> • <i>Compliance with legal, regulatory and corporate governance obligations and good practice</i> • <i>Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests</i> • <i>Ensuring Council policies are adhered to (such as policies covering email and internet use)</i> • <i>Operational reasons, such as recording transactions, training and quality control, ensuring the confidentiality of sensitive information, security vetting and checking</i> • <i>Investigating complaints</i> • <i>Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments</i> • <i>Monitoring staff conduct, disciplinary matters</i> • <i>Promoting Council services</i> • <i>Improving services</i>
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Personal data	Information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, clients, suppliers and marketing contacts, members of the public, Council service users, residents, hirers, correspondents <i>Personal data that is gathered may include: individuals' contact details, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title, and CV, contact details, correspondence, emails, databases, council records</i>
Sensitive personal data	<i>Personal data about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings—any use of sensitive personal data should be strictly controlled in accordance with this policy.</i>

Scope

This policy applies to all Hemsworth Town Council members and Hemsworth Town Council staff. You must be familiar with this policy and comply with its terms.

This policy supplements other policies relating to internet and email use. The Council may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before being adopted.

Who is responsible for this policy?

The town clerk has overall responsibility for the day-to-day implementation of this policy.

Our procedures

Fair and lawful processing

Hemsworth Town Council must process personal data fairly and lawfully in accordance with individuals' rights. This generally means that the Council should not process personal data unless the individual whose details are being processing has consented to this happening.

The Town Clerk's responsibilities:

- Keeping the Council updated about data protection responsibilities, risks and issues
- Reviewing all data protection procedures and policies on a regular basis

- Assisting with data protection training and advice for all staff members and those included in this policy
- Answering questions on data protection from staff, council members and other stakeholders
- Responding to individuals such as members of the public, service users and employees who wish to know which data is being held about them by Hemsworth Town Council
- Checking and approving with third parties that handle the council's data any contracts or agreement regarding data processing

Responsibilities of the IT contractor

- Ensure all systems, services, software and equipment meet acceptable security standards
- Checking and scanning security hardware and software regularly to ensure it is functioning properly
- Researching third-party services, such as cloud services the council is considering using to store or process data

Responsibilities of the Officers

- Co-ordinating with the town clerk concerning data protection queries from customers, partners, stakeholders and/or external bodies.
- Co-ordinating with the town clerk to ensure all marketing initiatives adhere to data protection laws and the council's data protection policy

The processing of all data must be:

- Necessary to deliver Council services
- In the Council's legitimate interests and not unduly prejudice the individual's privacy
- In most cases this provision will apply to routine business data processing activities.

The Council's terms of business contain a privacy notice relating to data protection.

The notice:

- Sets out the purposes for which the Council holds personal data on customers, employees, residents and service users
- Highlights that Council work may require the Council to provide information to third parties such as expert witnesses and other professional advisers

- Provides that service users and correspondents have a right of access to the personal data that the Council holds about them

Sensitive personal data

In most cases where the Council processes sensitive personal data the Council will require the data subject's *explicit* consent to do this unless exceptional circumstances apply, or the Council is required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work, comply with allotment legislation). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

Accuracy and relevance

Hemsworth Town Council will ensure that any personal data is processed accurately, adequate, relevant and not excessive, given the purpose for which it was obtained. The Council will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that the Council correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed and inform the town clerk.

Your personal data

You must take reasonable steps to ensure that personal data that the Council holds about you is accurate and updated as required. For example, if your personal circumstances change, please inform the town clerk so that your records can be updated.

Data security

You must keep personal data secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the town clerk will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third party organisations.

Storing data securely

- In cases when data is stored on printed paper, it should be kept in a secure place where unauthorised personnel cannot access it
- Printed data should be shredded when it is no longer needed
- Data stored on a computer should be protected by strong passwords that are changed regularly. The Council encourages all staff to use a password manager to create and store their passwords.
- Data stored on CDs or memory sticks must be locked away securely when they are not being used

- The town clerk must approve any cloud used to store data
- Servers containing personal data must be kept in a secure location, away from general office space
- Data should be regularly backed up in line with the council's backup procedures
- Data should never be saved directly to mobile devices such as laptops, tablets or smartphones
- All servers containing sensitive data must be approved and protected by security software and strong firewall.

Data Retention

Hemsworth Town Council must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with data retention guidelines

Subject Access Requests

Please note that under the General Data Protection Regulations, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If you receive a subject access request, you should refer that request immediately to the town clerk, who may ask you to help comply with those requests.

Please contact the town clerk if you would like to correct or request information that the Council holds about you. There are also restrictions on the information to which you are entitled under applicable law.

Processing data in accordance with the individual's rights

You should abide by any request from an individual not to use their personal data for direct marketing purposes and notify the town clerk about any such request.

Do not send direct marketing material to someone electronically (e.g. via email) unless you have an existing business relationship with them in relation to the services being marketed.

Please contact the town clerk for advice on direct marketing before starting any new direct marketing activity.

Training

All staff will receive training on this policy. New joiners will receive training as part of the induction process. Further training will be provided at least every two years or whenever there is a substantial change in the law or policy and procedure.

Training is provided through an in-house seminar or online training.

It will cover:

- The law relating to data protection
- Our data protection and related policies and procedures.

Completion of training is compulsory.

GDPR and Data Protection Act Provisions

Where not specified previously in this policy, the following provisions took effect from 25 May 2018.

Privacy Notice - transparency of data protection

Being transparent and providing accessible information to individuals about how the Council will use their personal data is important for our organisation. The following are details on how the Council collects data and what the Council will do with it:

What information is being collected?	
Who is collecting it?	
How is it collected?	
Why is it being collected?	
How will it be used?	
Who will it be shared with?	
Identity and contact details of any data controllers	
Retention period	

Conditions for processing

The Council will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically documented. All staff who are responsible for processing personal data will be aware of the conditions for processing. The conditions for processing will be available to data subjects in the form of a privacy notice.

Justification for personal data

The Council will process personal data in compliance with all six data protection principles.

The Council will document the additional justification for the processing of sensitive data and will ensure any biometric and genetic data is considered sensitive.

Consent

The data that the Council collects is subject to active consent by the data subject. This consent can be revoked at any time.

Criminal record checks

Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

Data portability

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals. A data subject may also request that their data is transferred directly to another system. This must be done for free.

Right to be forgotten

A data subject may request that any information held on them is deleted or removed, and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies.

Privacy by design and default

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The town clerk will be responsible for conducting privacy impact assessments and ensuring that all IT projects commence with a privacy plan.

When relevant, and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

Data audit and register

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

Reporting breaches

All members of staff have an obligation to report actual or potential data protection compliance failures. This allows the Council to:

- Investigate the failure and take remedial steps if necessary
- Maintain a register of compliance failures
- Notify the Information Commissioner of any compliance failures that are material either in their own right or as part of a pattern of failures

Please refer to the town clerk for the reporting procedure.

Monitoring

Everyone must observe this policy. The town clerk has overall day to day responsibility for this policy. It will be monitored to ensure compliance.

Consequences of failing to comply

Hemsworth Town Council takes compliance with this policy very seriously. Failure to comply puts both you and the organisation at risk.

The importance of this policy means that failure to comply with any requirement may lead to disciplinary action under the Council's procedures which may result in dismissal.

If you have any questions or concerns about anything in this policy, do not hesitate to contact the town clerk.