

CROPWELL BISHOP PARISH COUNCIL DATA PROTECTION POLICY

Introduction

It is necessary for Cropwell Bishop Parish Council to process personal data in its day to day operations on, for example, councillors, current, past and prospective employees, suppliers, customers, and others with whom it communicates.

Such processing will be conducted fairly and lawfully in accordance with the Data Protection act 1998.

If any persons have a query regarding the accuracy of their personal data then they will be dealt with fairly and impartially.

Who's Who?

Data Controllers – Cropwell Bishop Parish Council

Data Processor/Compliance Officer - (The Clerk) is the person responsible for implementing the policies.

Data Users – The Clerk whose work involves processing personal information

Data Subjects – Are the people the information is about.

The Data Protection Act 1998

The Data Protection Act 1998 governs the processing of personal information held on computer, CCTV or in a relevant manual system or is intended to go into one of these on living, identifiable individuals. There are eight rules that data controllers must follow in order to protect personal information – these are known as the eight principles.

Personal data must be:

- Processed fairly and lawfully
- Processed only for one or more specified lawful purpose
- Adequate, relevant and not excessive for those purposes
- Accurate and kept up-to-date – data subjects have the right to have inaccurate personal data corrected or destroyed if the personal information is inaccurate to any matter or fact.
- Kept for no longer than is necessary for the purpose it is being processed.
- Processed in line with the rights of individuals – this includes the right to be informed of all the information held about them, to prevent processing of their personal information for marketing purposes, and to compensation if they can prove they have been damaged by a data controller's non compliance with the Act.
- Secured against accidental loss, destruction or damage and against unauthorised or unlawful processing – this applies even if the organisation uses a third party to process personal information.

- Not transferred to countries outside the European Economic Area (the EU plus Norway, Iceland and Liechtenstein) that do not have adequate protection for individual's personal information, unless a condition from Schedule four of the Act can be met.

Information Commissioner

Cropwell Bishop Parish Council provides details of its processing of personal information to the Information Commissioner (the only statutory authority for administering and maintaining a public register of data controllers.) This is reviewed on an annual basis or when necessary.

Rights of Access

Cropwell Bishop Parish Council will respond to a request from an individual to see their own personal data and to have it corrected if necessary.

To obtain access, an individual must send either a written or electronic request (known as subject access request). The Clerk will provide the information (in permanent form – letter, computer print out, video etc.) within 40 days of the request (or 40 days from proof of identification and upon receipt of any fee.) As a data controller Cropwell Bishop Parish Council can charge a fee of up to £10 to provide the information as requested.

Many simple requests can be handled as part of day-to-day business, but if an individual claims their rights under the DPA, the request will be handled by the Data Protection Compliance Officer (The Clerk)

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to Cropwell Bishop Parish Council in connection with their employment is accurate and up to date.
- Informing Cropwell Bishop Parish Council of any changes to information that they have provided, e.g. changes of address, either at the time of appointment or subsequently. Cropwell Bishop Parish Council cannot be held responsible for any errors unless the staff member has informed the Clerk of such changes.

Subject Consent

In some cases Cropwell Bishop Parish Council can only process personal data with the consent of the individual. If the data is sensitive, as defined in the 1998 Act, express consent shall be obtained. This includes information about previous criminal convictions.

In some cases staff will have contact with young people. Cropwell Bishop Parish Council has a duty to ensure that staff are suitable for the job and will request permission from the staff member for a Criminal Records Bureau check. An offer of

employment may be withdrawn if an individual refuses to consent without good reason.

Publication of Information

The names of councillors or any other personal data relating to employees or councillors will be published on the council notice boards and on the public web site (when up and running) when any statute or law requires such data to be made public.

Retention of Data

Cropwell Bishop Parish Council has a duty to retain some staff personal data for a period of time following their departure from the council, mainly for legal reasons, but also for other purposes such as being able to provide references or for financial reasons, for example relating to taxation. Different categories of data will be retained for different periods of time. The exact details of retention periods and purposes are set out in the attached table of reference.

Conclusion

Compliance with the 1998 Act is the responsibility of all councillors and staff of Cropwell Bishop Parish Council. . Any deliberate breach of the data protection policy may lead to disciplinary action being taken, or even to criminal prosecution. Any questions or concerns about the interpretation or operation of this policy should be taken up with the appropriate Data Processor or Data Controller.

CROPWELL BISHOP PARISH COUNCIL DATA PROTECTION GUIDELINES

Introduction

These guidelines must be read in conjunction with the Cropwell Bishop Parish Council Data Protection Policy document to give the fullest picture of Cropwell Bishops data regime.

This document gives an introduction to some basic points of practice relating to the handling and processing of personal data within the Parish Council. – In particular the activities carried out within the administration office that involve the handling and processing of personal data.

What type of Data is included?

The Act covers all personal data held on computer, but also personal data held in 'structured manual files' (e.g. on paper.)

Every item of information related to an identifiable individual is covered by the Data Protection Act, (e.g. a name, an address, an appointment, a payment, a message.) This includes emails and contact information written on message forms.

Key Concepts

The Data Protection Act 1998 places an obligation upon Cropwell Bishop Parish Council, as Data Controller, to collect and use personal data in a responsible and accountable fashion. Cropwell Bishop Parish Council is committed to ensuring that every employee and councillor complies with this Act to ensure the confidentiality of any personal data held by the parish council in whatever medium. Three key concepts to be considered are those of purpose, fairness and transparency.

Purpose

Cropwell Bishop Parish Council (the Data Controller) will only process personal data where it has a clear purpose for doing so, and then only as necessitated by that purpose.

Fairness

In defining the purposes for which Cropwell Bishop Parish Council processes personal data, the fairness of that processing must be considered. For some types of processing the required elements of fairness and legality are clearly outlined in the legislation, but for many others they are not. In such cases the Parish Council would seek advice from the Information Commissioner and other legal sources.

Transparency

Members of staff must be able to feel that there is no intention to hide from them details of how their personal data are collected, used and distributed by Cropwell Bishop Parish Council. One of the functions of these guidelines is to provide that assurance.

Security of Personal Data

Of fundamental importance within any data protection regime is the security of the personal data that is being processed. Data subjects have the right to expect that their personal data will be kept and processed securely and that no unauthorised disclosures or transfers will take place to anyone either within or outside the Council.

To help ensure the security of personal data within the Council, the Clerk, in the course of performing her duties is required to follow the general guidelines set out below.

Secure Storage of Personal Data

Personal data, whether in electronic or paper format, the Clerk must take personal responsibility for its secure storage.

Personal data should:

- Be kept in a locked filing cabinet, drawer or safe;
or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up;
and
- If a copy is kept on a diskette or other removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Secure Processing of Personal Data

While the Clerk, in the course of performing her legitimate duties is using personal data, reasonable precautions must be taken to ensure the safety and privacy of that data. For example:

- Computer screens could potentially be displaying personal data and should not be positioned such that unauthorised persons may readily see that data and password protected screensavers should be used.
- Personal data in manual form, such as in paper files, correspondence or database printouts, should not be left in view of unauthorised persons. They should instead be locked away or at least covered.

Accuracy and Retention

Ensure that any data for which you are responsible is accurate, relevant, up-to-date, and adequate, in relation to the purpose for holding it.

Do not retain personal data for longer than is required for a valid purpose (see Minimum Retention Table – attached).

Data Back up

Back ups of the computerised file systems are run on a weekly basis and copied onto CD. Back ups are intended for disaster recovery.

As a preventative measure in the event of an incident such as fire in the administration office - the back up CD will be stored at the Clerk's home. (in a locked cabinet).

Disclosure, Amendment and Transfer

The Clerk, when working with personal data will be aware of the purpose for which the data is processed and the legitimate parties either within or outside the parish council to whom that data may be disclosed or transferred in whatever form.

When a request to amend personal data relating to a member of staff or councillor is received from an individual or organisation outside the council, in general no data should be amended unless the authority and authenticity of the request can be established.

The Disposal of Personal Data

When a record containing personal data is to be disposed of, the following procedures will be followed:

- All paper documentation containing personal data will be permanently destroyed by shredding, depending on the sensitivity of the personal data.
- All computer equipment or media that are to be sold or scrapped will have had all personal data completely destroyed. – Note: erasing/deleting electronic files does not equate to destroying them.

Confidentiality

This is not defined in the DPA, but Cropwell Bishop Parish Council has a common law duty to individuals in applying appropriate confidentiality to their personal information. Therefore:

- always conform rigorously with these DPA principles
- never attempt to access personal data unless you have been authorised
- never use or disclose any personal information from Cropwell Bishop Parish Council outside work

Cropwell Bishop Parish Council

Minimum Retention Periods for Records Containing Personal Data

Type of Record	Minimum Retention Period	Reason for Length of Period
Personal files, including training records, notes of disciplinary and grievance hearings, and appraisal forms.	6 years from the end of employment. Certain personal data may be held in perpetuity.	References and potential litigation. Selected material will form part of the Council's archive.
Letters of reference.	6 years from the end of employment, by the author of the reference letter.	References and potential litigation.
Application forms / interview notes.	At least 6 months from the date of the interviews.	Time limits on litigation.
Facts relating to redundancies where fewer than 20 redundancies.	6 years from the date of redundancy.	As above
Income Tax and NI Returns, including correspondence with tax office.	At least 3 years after the end of the financial year to which the records relate.	Income Tax (Employment) Regulations 1993.
Statutory Maternity Pay records and calculations.	As above	Statutory Maternity Pay (General) Regulations 1986
Statutory Sick Pay records and calculations.	As above	Statutory Sick Pay (General) Regulations 1982.
Wages and salary records.	6 years.	Taxes Management Act 1970
Accident books, and records and reports of accidents.	3 years after the date of the last entry.	Social Security (Claims and Payments) Regulations 1979; RIDDOR 1985.
Health Records	During employment	Management of Health and Safety at Work Regulations.
Health Records where reason for termination of employment is connected with health, including stress related illness.	3 years.	Limitation period for personal injury claims.
Medical Records kept by reason of the Control of Substances Hazardous to Health Regulations 1999.	40 years.	The Control of Substances Hazardous to Health Regulations 1999.
Applicant records for those who are rejected or who decline an offer.	No more than 4 months from date of rejection/decline.	Permits Council to handle enquiries from the data subject.

