



Whitley Parish Council

DATA PROTECTION POLICY

The Data Protection Act

The Data Protection Act 2018 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used in line with the UK General Data Protection Regulation (UK GDPR). The Data Protection Act applies to anyone (e.g. Councillor, Clerk, third parties authorised to act on behalf of Whitley Parish Council) holding personal and/or sensitive information about people electronically or on paper.

As a local authority, Whitley Parish Council (the 'Parish Council') has a number of procedures in place to ensure that it complies with The Data Protection Act 2018 when holding personal information. The Parish Council has also notified the Information Commissioner that it holds personal data about individuals.

When dealing with personal data, the Parish Council Clerk and Councillors must ensure that:

- **Data is processed fairly and lawfully**

Personal information should only be collected from individuals if staff and Councillors have been open and honest about why they want the personal information.

- **Data is processed for specified purposes only**

- **Data is relevant to what it is needed for**

Data will be monitored so that too much or too little is not kept; only data that is needed should be held.

- **Data is accurate and kept up to date**

Personal data should be accurate, if it is not, it should be corrected.

- **Data is not kept longer than it is needed**

Data will not be kept longer than it is needed for its original purpose or anticipated needs.

- **Data is processed in accordance with the rights of individuals**

Individuals must be informed, upon request, of all the personal information held about them.

- **Data is kept securely**

Only staff and Councillors can access the data. It should be stored securely so it cannot be accessed by members of the public.

Freedom of Information Act (FOI)

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.



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The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The FOI Act does not give people access to their own personal data as this is covered under Data Protection Act 2018. A Subject Access Request (SAR) can be submitted to the Parish Council and will be managed within the Information Commissioner's Office (ICO) timescale.

Storing and Accessing Data

The Parish Council recognises its responsibility to be open with people when taking personal details from them. Councillors and Clerk must be honest about why they want a particular piece of personal information.

The Parish Council may hold personal information about individuals such as their addresses and telephone numbers. This information will be kept in a secure location at the home of the Parish Clerk and is not available for public access. All electronic data stored by the Parish Council is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be deleted or disposed of securely.

The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data (SAR) that is being held about them:

- they must be sent all the personal information that is being held about them;
- there must be an explanation for why it has been stored;
- there must be a list of who has seen it;

Disclosure of Personal Information

If a Parish Councillor needs to access personal information to help carry out their duties, this is acceptable. They are only able to access as much personal information as necessary and it should only be used for that specific purpose. However, before they access any sensitive personal information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

Reporting on Requests

The Council will maintain a Disclosure Log which will be reported annually. The Log will include how many requests for information have been received under which item of legislation (DPA, FOI), whether the statutory response timescales have been complied with and the sector the request had come from (business, local MPs, members of the public within the district, or members of the public outside the district).



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Confidentiality

Whitley Parish Council, Councillors and employees must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.