

Apuldram Parish Meeting

DATA PROTECTION POLICY

This document includes all the information regarding the compliance with the General Data Protection Regulation (GDPR).

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Purpose

Apuldram Parish Meeting is committed to being transparent about how it collects and uses the personal data, and to meeting our data protection obligations. This policy sets out the Parish Meeting's commitment to data protection, and a persons rights and obligations in relation to personal data in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This policy applies to the personal data of current and former job applicants, employees, workers, contractors, and former employees, referred to as HR-related personal data. This policy does not apply to the personal data relating to members of the public or other personal data processed for Parish Meeting business.

Definitions

"Personal data" is any information that relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information. It includes both automated personal data and manual filing systems where personal data are accessible according to specific criteria. It does not include anonymised data.

"Processing" is any use that is made of data, including collecting, recording, organising, consulting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data as well as criminal convictions and offences.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Internal Data Protection Officer

Within Data Protection Act 2018 it was agreed that Town and Parish Councils are not required to appoint an external Data Protection Officer as is required by other 'public authorities'.

Apuldram Parish Meeting has appointed the Parish Clerk as the person with responsibility for data protection compliance within the Parish Meeting.

Questions about this policy, or requests for further information, should be directed to them.

The Clerk is responsible for the following tasks:

- Informing and advising the Parish Meeting, any processor engaged by the Parish Meeting as data controller, and any employee of the Parish Meeting who carries out processing of personal data, of that person's obligations under the legislation;
- Providing advice and monitoring for the carrying out of data protection impact assessments;
- Co-operating with the Information Commissioner's Office, acting as the contact point for the Information Commissioner's Office; and
- Assigning responsibilities under the Parish Meeting's data protection policies, raising awareness of the policies, training the Parish Clerk involved in processing operations and conducting audits required under those policies.

The Parish Meeting will provide the Data Protection Lead with the necessary resources and access to personal data and processing operations to enable them to perform the tasks outlined above and to maintain their expert knowledge of data protection law and practice.

Data protection principles

The Parish Meeting processes HR-related personal data in accordance with the following data protection principles the Parish Meeting:

- processes personal data lawfully, fairly and in a transparent manner;
- collects personal data only for specified, explicit and legitimate purposes;
- processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing;
- keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay;
- keeps personal data only for the period necessary for processing; and
- adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The Parish Meeting will tell you of the personal data it processes, the reasons for processing your personal data, how we use such data, how long we retain the data, and the legal basis for processing in our privacy notices.

The Parish Meeting will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for

processing it. The Parish Meeting will not process your personal data if it does not have a legal basis for processing.

The Parish Meeting keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Processing

Personal data

The Parish Meeting will process your personal data (that is not classed as special categories of personal data) for one or more of the following reasons:

- it is necessary for the performance of a contract, e.g., your contract of employment (or services); and/or
- it is necessary to comply with any legal obligation; and/or
- it is necessary for the Parish Meeting's legitimate interests (or for the legitimate interests of a third party), unless there is a good reason to protect your personal data which overrides those legitimate interests; and/or
- it is necessary to protect the vital interests of a data subject or another person; and/or
- it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

If the Parish Meeting processes your personal data (excluding special categories of personal data) in line with one of the above bases, it does not require your consent. Otherwise, the Parish Meeting is required to gain your consent to process your personal data. If the Parish Meeting asks for your consent to process personal data, then we will explain the reason for the request. You do not need to consent or can withdraw consent later.

The Parish Meeting will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Personal data gathered during the employment is held in your personnel file in hard copy and electronic format on HR and IT systems and servers.

Sometimes the Parish Meeting will share your personal data with contractors and agents to carry out our obligations under a contract with the individual or for our legitimate interests. We require those individuals or companies to keep your personal data confidential and secure and to protect it in accordance with Data Protection law and our policies. They are only permitted to process that

data for the lawful purpose for which it has been shared and in accordance with our instructions.

The Parish Meeting will update HR-related personal data promptly if you advise that your information has changed or is inaccurate. You may be required to provide documentary evidence in some circumstances.

The Parish Meeting keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Special categories of data

The Parish Meeting will only process special categories of your personal data (see above) on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement;
- where it is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent;
- where you have made the data public;
- where it is necessary for the establishment, exercise or defence of legal claims;
- where it is necessary for the purposes of occupational medicine or for the assessment of your working capacity;
- where it is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates to only members or former members provided there is no disclosure to a third party without consent;
- where it is necessary for reasons of substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards;
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If the Parish Meeting processes special categories of your personal data in line with one of the above bases, it does not require your consent. In other cases, the Parish Meeting is required to gain your consent to process your special categories of personal data. If the Parish Meeting asks for your consent to process a special category of personal data, then we will explain the reason for the request. You do not have to consent or can withdraw consent later.

Individual rights

As a data subject, you have a number of rights in relation to your personal data.

Subject access requests

You have the right to make a subject access request. If you make a subject access request, the Parish Meeting will tell you:

- whether or not your data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from yourself;
- to whom your data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long your personal data is stored (or how that period is decided);
- your rights to rectification or erasure of data, or to restrict or object to processing;
- your right to complain to the Information Commissioner if you think the Parish Meeting has failed to comply with your data protection rights; and
- whether or not the Parish Meeting carries out automated decision-making and the logic involved in any such decision-making.

The Parish Meeting will also provide you with a copy of your personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise.

If you want additional copies, the Parish Meeting may charge a fee, which will be based on the administrative cost to the Parish Meeting of providing the additional copies.

To make a subject access request, you should send the request to the Clerk or Chairman of the Parish Meeting. In some cases, the Parish Meeting may need to ask for proof of identification before the request can be processed. The Parish Meeting will inform you if we need to verify your identity and the documents we require.

The Parish Meeting will normally respond to a request within a period of one month from the date it is received. Where the Parish Meeting processes large amounts of your data, this may not be possible within one month. The Parish Meeting will write to you within one month of receiving the original request to tell you if this is the case.

If a subject access request is manifestly unfounded or excessive, the Parish Meeting is not obliged to comply with it. Alternatively, the Parish Meeting can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the Parish Meeting has already responded. If you submit a request that is unfounded or excessive, the Parish Meeting will notify you that this is the case and whether or not we will respond to it.

Other rights

You have a number of other rights in relation to your personal data. You can require the Parish Meeting to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if your interests override the Parish Meeting's legitimate grounds for processing data (where the Parish Meeting relies on our legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not your interests override the Parish Meeting's legitimate grounds for processing data.

To ask the Parish Meeting to take any of these steps, you should send the request to the Clerk or Chairman of the Parish Meeting.

An individual can complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website at <https://ico.org.uk/>.

Data security

Apuldram Parish Meeting takes the security of HR-related personal data seriously. The Parish Meeting has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the Parish Meeting engages third parties to process personal data on our behalf, such parties do so on the basis of written instructions, are under a duty

of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Data breaches

Apuldram Parish Meeting has robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur the Parish Meeting must take notes and keep evidence of that breach.

If you are aware of a data breach you must contact the Clerk or Chairman of the Parish Meeting immediately and keep any evidence, you have in relation to the breach.

If the Parish Meeting discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of yourself, we will report it to the Information Commissioner within 72 hours of discovery. The Parish Meeting will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell you that there has been a breach and provide you with information about its likely consequences and the mitigation measures we have taken.

International data transfers

The Parish Meeting will not transfer HR-related personal data to countries outside the EEA.

Individual responsibilities

You are responsible for helping the Parish Meeting keep your personal data up to date. You should let the Parish Meeting know if data provided to the Parish Meeting changes, for example if you move to a new house or change your bank details.

Everyone who works for, or on behalf of, the Parish Meeting has some responsibility for ensuring data is collected, stored and handled appropriately, in line with the Parish Meeting's policies.

You may have access to the personal data of other individuals and of members of the public in the course of your work with the Parish Meeting. Where this is the case, the Parish Meeting relies on you to help meet our data protection obligations to the Parish Clerk and members of the public. Individuals who have access to personal data are required:

- to access only data that you have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the Parish Meeting) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, locking computer screens when away from desk, and secure file storage and destruction including locking drawers and cabinets, not leaving documents on desk whilst unattended);
- not to remove personal data, or devices containing or that can be used to access personal data, from the Parish Meeting's premises without prior authorisation and without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.
- to never transfer personal data outside the European Economic Area except in compliance with the law and with express authorisation from the Clerk or Chair of the Parish Meeting;
- to ask for help from the Parish Meeting's data protection lead if unsure about data protection or if you notice a potential breach or any areas of data protection or security that can be improved upon.

Significant or deliberate breaches of this policy, such as accessing personal data without authorisation or a legitimate reason to do so or concealing or destroying personal data as part of a subject access request, may constitute gross misconduct and could lead to dismissal without notice.

Apuldram Parish Meeting

The Parish Clerk will be responsible for ensuring that the organisations complies with its responsibilities under the data protection legislation through monitoring or activities and incidents via reporting by the Internal Data Protection Officer.

The Parish Clerk & Parish Meeting Members

The Parish Clerk and Parish Meeting Members will ensure that:

- Personal information is treated in a confidential manner in accordance with this and any associated policies.
- The rights of data subjects are respected at all times.
- Privacy notices will be made available to inform individuals how their data is being processed.

- Personal information is only used for the stated purpose, unless explicit consent has been given by the data subject to use their information for a different purpose.
- Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- Personal information held within applications, systems, personal or shared drives is only accessed in order to carry out work responsibilities.
- Personal information is recorded accurately and is kept up to date.
- Records they are responsible for retaining are disposed of in accordance with the Parish Meeting's Data Retention Policy, by shredding or other confidential method where required.
- They refer any subject access requests and/or requests in relation to the rights of individuals to the Internal Data Protection Officer.
- They raise actual or potential breaches of the DPA to the Internal Data Protection Officer as soon as the breach is discovered.

It is the responsibility of the Parish Clerk and all the Parish Meeting Members to ensure that they comply with the requirements of this policy and any associated policies or procedures.

Volunteers

All volunteers are bound by the same code of behaviour as Parish Parish Meeting members of the Parish Clerk and Parish Meeting Members in relation to data protection legislation. It is the responsibility of the the Parish Clerk member that is arranging volunteer work to ensure that the volunteers are aware of the responsibilities on them under this policy.

Contractors

Where contractors are used, the contracts between the Parish Meeting and these third parties should contain mandatory information assurance clauses to ensure that the contract the Parish Clerk are bound by the same code of behaviour members in relation to data protection legislation.

Complaints

Any expression of dissatisfaction from an individual with reference to the Parish Meeting's handling of personal information will be treated as a complaint. The Data Protection Lead will be involved in responding to the complaint. Should the complainant remain dissatisfied with the outcome of their complaint to the Parish Meeting, a complaint can be made to the Information Commissioner's Office who will then investigate the complaint and take action where necessary.

The contact details for the Information Commissioner Office can be found online at <https://ico.org.uk/global/contact-us>

Review

This policy will be reviewed annually - or upon notification of legislation changes - to ensure it fully complies with the Parish Meeting's requirements.

Adopted on: 23rd May 2024

Minute No: 08.34(4)

Breach notification form

To be completed by the Clerk/Deputy Clerk upon notification of a data breach or potential data breach.

Reference number of incident	
Date incident detected	
Date incident occurred	
Name of incident owner	
Details of incident	
Personal/Sensitive data?	
Manual/Automated data?	
Encrypted data?	
Volume of data	
ICO contacted?	
ICO contact date	
ICO notification reference	
Extra information	