



# Nunburnholme with Kilwick Percy Parish Council (PC)

## Data Protection Policy – 2021 (as at July 2021)

*Note<sup>1</sup>: Lots of policies are unhelpfully long and simply reiterate large portions of legislation. This aims to provide a concise and practical document that can be used as the foundation for a working Data Protection Policy.*

### Definitions

Parish Council (PC)	Means [Nunburnholme with Kilwick Percy PC], a registered local authority.
GDPR	Means General Data Protection Regulation.
DPA	Means Data Protection Act.
Responsible Person	Means PC Data Control Officer [Cllr Tony Phillips as at July 2021].
Register of Systems	Means register of systems or contexts in which personal data processed by PC

**General:** The DPA 2018 and UK-GDPR apply to the PC as they process domestic personal data only. As we do not process any data outside UK borders we have no requirement to apply EU GDPR now we have left the EU and UK legislation was enacted under the [DPPEEC](#). The authoritative source of [advice](#) for GDPR/DPA is the Information Commissioners Office [ [For organisations](#) | [ICO](#) ].

**Data Breaches:** In event of a breach leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the PC Data Protection Officer assess the risk to people's rights and freedoms and, if appropriate, [reports this breach to the ICO](#).

**Data Subject Access Requests (DSAR):** Members of the public can ask to see information held through a DSAR, which they can do by any means; should the PC receive a DSAR we [handle it according to the ICO policy](#).

### 1. Data protection principles

The PC is committed to processing data in accordance with its responsibilities under UK-GDPR, which requires that personal data shall be:

- a. Processed lawfully, fairly and in a transparent manner in relation to individuals.
- b. Collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes; further processing for archiving purposes in the public interest, or historical research or statistical purposes shall not be considered incompatible with the initial purposes.
- c. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- d. Accurate and up to date; reasonable steps must be taken to ensure inaccurate personal data, having regard to purposes for which they are processed, are erased or rectified.
- e. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which personal data is processed; personal data may be stored for longer periods insofar as processed solely for archiving in the public interest, or historical or statistical purposes subject to implementation of appropriate measures to safeguard the rights and freedoms of individuals.
- f. Processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### 2. General provisions

- a. This policy applies to all personal data processed by the PC.
- b. The Responsible Person shall take responsibility for the PC's ongoing compliance with this policy.
- c. This policy shall be reviewed annually.
- d. The PC shall register with Information Commissioner's Office as an organisation that processes personal data.

### 3. Lawful, fair and transparent processing

- a. To ensure its processing of data is lawful, fair and transparent, the PC shall maintain a Register of Systems.
- b. The Register of Systems shall be reviewed annually.
- c. Individuals have a right to access their personal data and requests shall be dealt with in a timely manner.

### 4. Lawful purposes

- a. All data processed by the PC must be done on one of the following lawful bases: consent, contract, legal obligation, vital interests, public task or legitimate interests ([see ICO guidance for more information](#)).

<sup>1</sup> [Template](#) courtesy of White Fuse Resource.

- b. The PC shall note the appropriate lawful basis in the Register of Systems.
- c. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent shall be kept with the personal data.
- d. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent should be clearly available and systems should be in place to ensure such revocation is reflected accurately in the PC's systems.

#### 5. Data minimisation

- a. The PC shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- b. Historical records should be retained longer, and all Minutes of Meetings retained for perpetuity.

#### 6. Accuracy

- a. The PC shall take reasonable steps to ensure personal data is accurate.
- b. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.
- c. It is not necessary to record detail of all discussions, but all decisions are to be recorded.

#### 7. Archiving / removal

- a. To ensure that personal data is kept for no longer than necessary, the PC shall put in place an archiving policy for each area in which personal data is processed and review this process annually.
- b. The archiving policy shall consider what data should/must be retained, for how long, and why.

#### 8. Security

- a. The PC shall ensure that personal data is stored securely using modern software that is kept-up-to-date.
- b. Access to personal data shall be limited to personnel who need access and appropriate security should be in place to avoid unauthorised sharing of information.
- c. When personal data is deleted this should be done safely such that the data is irrecoverable.
- d. Appropriate back-up and disaster recovery solutions shall be in place.

### REGISTER OF SYSTEMS

Ser	Purpose of Processing	Categories of Individuals	Categories of Personal Data
1	PC statutory duties	Councillors and Elected Officials	Contact Details
2	PC statutory duties	PC Employees	Contact Details, CV Details
3	PC statutory duties	Councillors, Employees with Finance brief	Financial Compliance Data
4	PC statutory duties	Non Elected Officials	Contact Details
5	PC statutory duties	Members of the Public	Contact Details
6	PC statutory duties	Statutory Authorities	Contact Details
7	PC statutory duties	Suppliers of contract services	Contact Details Financial Compliance Data
8	PC statutory duties	Planning Applicants	Planning Applications
9		PC Petitioners	Contact Details Nature of Petition
10	PC statutory duties	Candidates for Election to PC	Contact Details, Nomination Details

### ARCHIVING POLICY

1. **Financial:** Includes Bank Statements, Tax documents, Financial Spreadsheets, Precept documents, quotes, invoices and contracts from suppliers: **to be retained for 6 Years.**
2. **Personal:** Includes information gathered with consent: **to be retained as long as required for PC duties.**
3. **Planning:** Includes details on planning applications and additional details lawfully gathered in processing the application: **to be retained until formal comments are lodged with ERYC and Minuted at PC Meeting.**
4. **Policy Documents:** As issued by Government, Statutory Authorities, PC and agencies with delegated powers e.g. Financial Conduct Authority, Environment Agency etc: **to be retained until superceded.**
5. **Minutes of PC Meetings:** **to be retained as historical archive in perpetuity.**
6. **Miscellaneous:** Includes items of a historical, research and at Item 1.e. above: **to be retained as archive but subject to annual review by Data Control Officer and Clerk to decide upon further retention.**