

EVESHAM TOWN COUNCIL

DATA PROTECTION & PRIVACY POLICY

INTRODUCTION

Evesham Town Council is fully committed to compliance with the requirements of the Data Protection Act 1998, which came into force on the 1st March 2000. The Council is also committed to working towards compliance with the General Data Protection Regulations which will become enforceable on 25th May 2018 and which supersedes the Data Protection Act. The Council will therefore follow procedures that aim to ensure that all employees, elected members, contractors, consultants, partners or other servants or agents of the Council who have access to any personal data held by or on behalf of the Council, are fully aware of and abide by their duties and responsibilities under the Act and Regulations and that the Council remains committed to protecting and respecting the privacy of all who provide their data.

For the purpose of the Data Protection Act 1998 (DPA) and General Data Protection Regulations (GDPR), the data controller is Evesham Town Council, Community Contact Centre, Abbey Road, Evesham WR11 4SB

STATEMENT OF POLICY

In order to operate efficiently, the Town Council has to collect and use information about people with whom it works. This may include members of the public, current, past and prospective employees and councillors, clients and customers, and suppliers. In addition, it may be required by law to collect and use information in order to comply with the requirements of central government. This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it be on paper, in computer records or recorded by any other means there are safeguards within the Act and the Regulations to ensure this.

The Town Council regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the Council and those with whom it carries out business. The Council will ensure that it treats personal information lawfully and correctly.

Personal data may be processed on the basis that such processing is necessary for the performance of tasks carried out by public authority acting in the public interest, out of contractual necessity or on a lawful basis.

Article 5 of the General Data Protection Regulations requires that personal data shall be

- Processed lawfully, fairly and in a transparent manner in relation to individuals;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The Town Council uses the information given to it only for the specific purposes for which it has been provided. Any personal information provided will only be used by the Council, its agents and service providers and will not be disclosed unless permitted or obligated to do so by law. Where information is provided to the Town Council either by website www.eveshamtowncouncil.gov.uk or through correspondence by phone, e-mail or otherwise, the information given may include name, address, e-mail address and phone number etc. With regard to visits made to the website, the Town Council would like to advise that Internet protocol (IP) addresses used to connect computers to the Internet may automatically be recorded.

The Regulations provide conditions for the processing of any personal data. It also makes a distinction between personal data and “sensitive” personal data.

HANDLING OF PERSONAL/SENSITIVE INFORMATION

The Town Council will, through appropriate management and the use of criteria and controls:

- Observe fully conditions regarding the fair collection and use of personal information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil
- operational needs or to comply with any legal requirements;

- Ensure the quality of information used;
- Apply checks to determine the length of time information is held;
- Take appropriate measures to safeguard personal information;
- Ensure that the rights of people about whom the information is held can be fully exercised under the Act and/or Regulations. These include
 - The right to be informed that processing is being undertaken.
 - The right of access to one’s personal information within one month. No fee will be charged, although a ‘reasonable’ fee may be charged for repetitive, manifestly unfounded or excessive requests or further copies.
 - The right to correct, rectify, block or erase information regarded as wrong information.

As stated above the Act provides conditions for the processing of any personal data. It also makes a distinction between personal data and 'special category' data. Personal data is defined as any information relating to an identified or identifiable natural person. Special category data is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinion
- Religious/philosophical beliefs
- Trade union membership
- Physical or mental health or condition
- Sexual life or sexual orientation
- Biometric data (*a general term used to refer to any computer data that is created during a biometric process. This includes samples, models, fingerprints, similarity scores and all verification or identification data excluding the individual's name and demographics*).

IMPLEMENTATION

The Town Clerk is responsible for ensuring adherence with the Act and Regulations.

NOTIFICATION TO THE INFORMATION COMMISSIONER/DATA PROTECTION OFFICER

Currently the Information Commissioner maintains a public register of data controllers. The Town Council is registered as such. The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.

As a Public Authority, Evesham Town Council is required under the General Data Protection Regulations to appoint a Data Protection Officer, which will be the Town Clerk unless otherwise advised, appointed and published.

Further information about the General Data Protection Regulations, your rights and the Council’s obligations can be found on the ICO website www.ico.org.uk