

Data Protection Policy

(compiled with reference to the NALC LTN 38 January 2013)

Introduction

Brickhill Parish Council (the Council) recognises its responsibility to comply with the Data Protection Act 2018. The Act provides the statutory framework for regulating the use of computerised and manual information containing personal data about living identifiable individuals in the United Kingdom. This includes any expression of opinion about the individual and any indication of the intention of the Clerk of the Council or any of its parish councillors in respect of the individual.

In the case of Brickhill Parish Council, the Council in its corporate entity is the controller of the personal data it handles and determines the purposes for which and the manner in which any personal data is to be processed.

In terms of the Act, processing is very widely defined and it covers almost anything: “retaining, recording or holding..... including organisation, adaptation, or alteration, retrieval, consultation or use, disclosure by transmission, dissemination or otherwise making available, alignment, combination, blocking, erasure or destruction of the data.”.

Brickhill Parish Council processes personal data in order to:

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations and maintaining information required by law.
- Monitor its activities including the equality and diversity of its activities.
- Assist regulatory and law enforcement agencies.
- Process information including the recording and updating details about its councillors, employees, partners and volunteers.
- Process information including the recording and updating details about individuals who contact it for information, or to access a service or make a complaint.
- Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- Undertake research, audit and quality improvement work to fulfil its objectives and purposes.
- Carry out Council administration.

Brickhill Parish Council will ensure at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is needed to carry out public functions
- Processing is necessary to pursue the legitimate interests of the data controller or third parties.

When processing such personal information, the Council complies with the principles set out in the Act.

- Data is processed fairly and lawfully and transparently: personal information is only collected from individuals if the clerk and councillors have been open and honest about why they want the personal information and consent has been given by the individual for the collection and processing.
- Data is collected and processed for specific purposes only: the information gained must only be held, used and disclosed for the purpose for which it was obtained.
- Data is relevant for what it is needed for: information will be monitored so that too much or too little is not kept; only information that is needed should be held.
- Data should be accurate and where necessary, kept up-to-date:
 - Data should not be kept for longer than is necessary for the purpose or purposes for which it was processed: data should be shredded or securely disposed of as soon as no longer needed.
- Data is processed in accordance with the rights of individuals: individuals must be informed, upon request, of all the personal information held about them (see below).
- Data handled in a way which ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage:

Brickhill Parish Council strives to keep all information safe and secure at all times.

- Manual records: All papers are securely locked away when not in use to prevent other people from inadvertently gaining access.
- Computerised records: Access should be controlled by unique password and passwords should be changed on a regular basis and are kept secure when not in use.

CCTV Equipment:

Brickhill Parish Council own CCTV equipment located on Ashmead Road (near the Owl Park) and also at the other end of Ashmead Road adjacent to Westrope Way. The parish council have entered into an agreement with Bedford Borough Council. That agreement specifies the following.

“The system will remain owned by and the responsibility of Brickhill Parish Council in terms of replacement, upgrading and repairs. Brickhill Parish Council have provided the operational requirement to bring the system into being and will be the *Data Controller* for the system and have ultimate responsibility for ensuring the provisions of the Data Protection Act are met. Bedford Borough Council CCTV will act as *Data Processors* but with some data controller responsibilities. Bedford CCTV will manage the day to day monitoring, recording, processing and control of the data collected by the system on behalf of the Parish and discharge the responsibilities of liaising with law enforcement and other agencies for release of data including routine subject access requests relating to CCTV Footage. Signage will quote the CCTV Control centre number for subject access requests”

Rights to Access Personal Data Held:

A person about whom information is held is entitled to be informed as to whether any information is held about them. Initial contact should be made to the Parish Clerk whose details are on the website, parish noticeboards as well as the quarterly newsletter (when published). If a person makes a request to see any data held about them, Brickhill Parish Council will send them a copy within 21 days. Whilst requests for information is normally free, Brickhill Parish Council can charge an administrative cost in some cases, for example if:

- A large amount of information is asked for
- The information requested will take a lot of time and effort to process.

Brickhill Parish Council will inform the requestor in advance of what the likely costs will be. The requestor must prove that they are the individual about whom the information has been requested, by way of photographic identification. Individuals also have the right to have wrong information corrected, blocked from processing or erased.

When information can be withheld:

There are situations when organisations are allowed to withhold information, e.g. if the information is about:

- The prevention, detection or investigation of a crime
- National security or the armed forces
- The assessment or collection of taxes
- Judicial or ministerial appointments

Brickhill Parish Council does not have to say why it is withholding information.

Notification:

Brickhill Parish Council has notified the Information Commissioner in broad terms, of the purposes of their processing, a description of the personal data processed and the recipients of the personal data processed. This information is made publicly available in a register. This notification is renewable annually.

Elected members:

Where holding and processing personal data about individuals in the course of undertaking council business, elected members will be covered by the authority's notification and have the same responsibilities with regard to data protection as an employee of the authority.

Elected members who process electronic personal data in an individual capacity (i.e. where they are not acting on behalf of their council) are likely to qualify as data controllers and they would individually need to notify the Information Commissioner.

Exemptions:

The 2018 Act allows personal data to be disclosed to third parties if that disclosure is in accordance with the following exemptions allowed under the Act namely:

- staff administration (including payroll)
- advertising, marketing and public relations (of the council itself)
- accounts and records
- disclosures required by law
- where disclosure is necessary for the purpose of legal proceedings or for obtaining legal advice

Make a complaint:

If you think that your data has been misused or that Brickhill Parish Council is not holding it securely you should contact us and inform us of this. If you remain unhappy with our response or you need advice then you should contact the Information Commissioner's Office

The Information Commissioner's contact details are:

By Post:

Information Commissioner's Office, Wycliffe
House, Water Lane,
Wilmslow, Cheshire SK9 5AF

Telephone: 0303 123 1113

The website for the ICO is available at www.ico.org.uk

Review of this Policy: This will take place as required by changes in legislation.

Adopted 3rd February 2022