

BINFIELD HEATH PARISH COUNCIL

DATA PROTECTION POLICY

The Data Protection Act

The May 2018 General Data Protection Regulation (GDPR) entirely supersedes the 1998 Data Protection Act, along with the UK Data Protection Bill 2018. It sets out standards for handling personal information and protecting individuals' rights to privacy. They regulate how personal information can be collected, handled and used. The Data Protection Acts apply to anyone holding personal information about people electronically or on paper.

As a local authority Binfield Heath Parish Council has procedures in place to ensure that it complies 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 Clerk and Councillors must ensure that:

- **Data is processed fairly and lawfully**
Personal information should only be collected from individuals if the Clerk and Councillors have been open and honest about why they want it.
- **Data is processed for specified purposes only**
- **Data is relevant to what it is needed for**
Data will be monitored so that only data that is needed is held.
- **Data is accurate and kept up to date**
Personal data should be accurate and corrected if not up to date. People have a responsibility to tell the council if their details change.
- **Data is not kept longer than it is needed**
Data will only be kept as long as it is needed for its original purpose or anticipated needs.
- **Data is processed in accordance with the rights of individuals**
Individuals must be informed, on request, of all the personal information held about them.
- **Data is kept securely**
Only the Clerk 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.

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 Act does not give people access to their own personal data as this is covered under Data Protection Act 1998.

Environmental Information Regulations (EIR)

The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. The Regulations do this in two ways:

- public authorities must make environmental information available proactively;
- members of the public are entitled to request environmental information from public authorities.

The Regulations cover any recorded information held by public authorities in England, Wales and Northern Ireland. Environmental information held by Scottish public authorities is covered by the Environmental Information (Scotland) Regulations 2004.

The Regulations apply only to the environmental information held by public authorities. The Freedom of Information Act gives people access to most other types of information held by public authorities.

The Regulations and the Freedom of Information Act do not give people access to their own personal data such as their health records or credit reference files. Individuals have a right of access to information held about them under the Data Protection Act 1998.

Storing and accessing data [including emails]

Binfield Heath Parish Council recognises its responsibility to be open with people when taking personal details from them. The Councillors and Clerk must be honest about why they want a particular piece of personal information. If, for example, a member of the public gives an email or telephone number to the Clerk or a member of the Parish Council, this will only be used for the purpose for which it has been given and will not be disclosed to anyone else.

The Parish Council may hold personal information about individuals such as their emails, addresses and telephone numbers. This information will be kept in a secure location at the home of the Parish Clerk or in some circumstances at the home of a Councillor and is not available for public access. 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 people request to see any of their data:

- 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;
- it must be sent within 40 days.

A fee to cover photocopying and postage charges will be charged to the person requesting the personal information. This fee will be agreed by the Parish Council and amended in line with inflation from time to time. Currently this fee must not exceed £10.

Disclosure of personal information

If Councillors need 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 Parish 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 or EIR), 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).

Confidentiality

Binfield Heath Parish Council Councillors and the Clerk 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.

This document was considered and ratified at the Parish Council meeting on July 23, 2018. It is to be reviewed in two years, or sooner if legislation dictates.