

## Harberton Parish Council Data Protection Statement

### 1. Statement of policy

Harberton Parish Council recognises its responsibility to comply with the Data Protection Act 1998 which came into force on the 1<sup>st</sup> March 2000.

Harberton Parish Council collects and uses certain types of information about people with whom it deals in order to perform its functions.

The personal information held by Harberton Parish Council will be of:

- members of the public
- elected members of the Parish Council and its committees
- current, past and prospective employees and freelance contractors
- people who have used or use our services
- suppliers

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, and there are safeguards within the Act to ensure this.

A 'Data Subject' means an individual who is the subject of personal data, a 'Data Controller' means a person who (either alone or jointly in common with other persons) determines the purposes for which and the manner in which any personal data is, or are to be, processed.

### 2. The principles of data protection

The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable.

The Principles require that personal information:

1. shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. shall be accurate and where necessary, kept up to date;
5. shall not be kept for longer than is necessary for that purpose or those purposes;
6. shall be processed in accordance with the rights of data subjects under the Act;
7. shall be kept secure i.e. protected by an appropriate degree of security;
8. shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and "**sensitive**" **personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- that data;
- that data and other information which is in the possession of the data controller, and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- racial or ethnic origin;
- political opinion;
- religious or other beliefs;
- trade union membership;

- physical or mental health or condition;
- sexual life;
- criminal proceedings or convictions.

### **3. Handling data**

The Parish Clerk is the data controller within Harberton Parish Council. The Clerk and Councillors are required to be aware of the provisions of the Data Protection Act 1998, such as keeping records up to date and accurate, and its impact on the work they undertake on behalf of the Council.

- everyone managing and handling personal information understands that they are responsible for following good data protection practice;
- queries about handling personal information are promptly and courteously dealt with;
- methods of handling personal information are regularly assessed and evaluated;
- the rights of people about whom the information is held can be fully exercised under the Act.

These include:

- The right to be informed that processing is being undertaken;
- The right of access to one's personal information within the statutory 40 days;
- The right to prevent processing in certain circumstances;
- The right to correct, rectify, block or erase information regarded as wrong information.

Any breach of the Data Protection Policy, whether deliberate or through negligence, may lead to disciplinary action being taken or even a criminal prosecution.

### **4. Notification to the Information Commissioner**

The Information Commissioner maintains a public register of data controllers, to which Harberton Parish Council has registered.

### **5. Data Subject Access Requests**

An individual who makes a written request and pays a fee is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed and whether it will be given to any other organisations or people;
- given a copy of the information comprising the data;
- and given details for the source of the data (where this is available).

A request for subject access must be responded to within 40 days. If it is not, the individual is entitled to complain to the Information Commissioners.

All Data Subject Access requests must be made in writing to the Parish Clerk, who will co-ordinate the processing of the request. The Parish Clerk will refer to the ICO Publications 'Subject access code of practice checklist; How do I handle subject access requests?' (2013) and 'The Guide to Data Protection' (2015) when processing the request to ensure good practice and to establish any exemptions or reasons to refuse the data requested.

The Parish Council is entitled to ask for a fee of not more than £10.00 to process the request, and the 40 day notice period does not begin until this fee is received.

Responsibility for enforcing the Acts requirements and promoting compliance and good practice lies with the Information Commissioner:

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

*Policy adopted 12<sup>th</sup> May 2015 last reviewed 9<sup>th</sup> May 2017*

