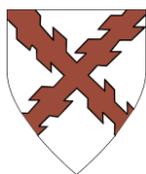


# St Austell Town Council



## Information & Data Protection Policy

### Introduction

In order to conduct its business, services and duties, St Austell Town Council processes a wide range of data relating to its own operations and some handled on behalf of partners.

In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, current and potential contractors and volunteers.
- Personal data concerning individuals who contact it for information, access its services or make a complaint.

St Austell Town Council will adopt procedures and manage responsibly all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations and members of the public.

This Policy is linked to our Document Retention Policy and is integral to our governance arrangements which seek to ensure that information considerations are central to the ethos of the organisation.

The Town Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioner's Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the community. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

### Protecting Confidential or Sensitive Information

St Austell Town Council recognises it must at times keep and process sensitive and personal information about employees, Councillors and the public. It has adopted this policy not only to meet its legal obligations but also to ensure high standards.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 which apply from the 25<sup>th</sup> May 2018 will seek to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Town Council with legitimate reasons for using personal information.

**The policy is based on the premise that Personal Data must be:**

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.
- Accurate and as far as possible kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.
- 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.

**Data Protection Terminology**

**Data subject** - means the person whose personal data is being processed.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, an address, date of birth, an email address, bank details, posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means an organization or person (eg: Town Council, or an individual Councillor) who determines the purposes for which, and the manner in which, any personal data is to be processed.

**Data processor** - in relation to personal data, means any person who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data regardless of the technology used.

St Austell Town 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.
- fulfil its duties in operating business premises including security.
- assist regulatory and law enforcement agencies.
- process information including recording and updating details about its Councillors, employees, partners, contractors 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 objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

**The Council will ensure that 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 necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Town Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

**Who is responsible for protecting a person's personal data?**

The Town Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Town Clerk.

- Email: [dpo@staustell-tc.gov.uk](mailto:dpo@staustell-tc.gov.uk)
- Phone: 01726 829859
- Correspondence: The Town Clerk, St Austell Town Council, The Stable Block, Pondhu House, Penwinnick Road, St Austell, PL25 5DP

**Diversity Monitoring**

St Austell Town Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This

data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **Information provided to us**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with St Austell Town Council individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up-to-date. The personal information will not be shared or provided to any other third party or be used for any purpose other than that for which it was provided.

### **The Councils Right to Process Information**

General Data Protection Regulation Article 6 (1) (a) (b) and (e) (and Data Protection Act) identify the following rights to process personal data. One or more must always apply:

Processing is with consent of the data subject, or  
Processing is necessary for compliance with a legal obligation, or  
Processing is necessary for the legitimate interests of the Council.

### **Information Security**

The Town Council strives to ensure the security of personal data. It will as far as possible make sure that personal information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. The Council will only keep personal data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

### **Children**

The Council will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

### **Rights of a Data Subject**

**Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting the Town Clerk who is the designated Data Protection Officer.

**Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Town Clerk.

**Information Deletion:** If the individual wishes the Town Council to delete the information about them, they can request this by contacting the Town Clerk.

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Town Clerk.

The Town Council does not use automated decision making or profiling of individual personal data.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk (the Council's Data Protection Officer) or the Information Commissioner's Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Council will give guidance on the personnel data processed to each individual employee by letter.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

### **Making Information Available**

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed.

This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

### **Disclosure Information**

The Council will as necessary undertake checks on both staff and Members with the the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information.

### **Data Transparency**

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the types of information which local authorities should publish and identifies the following key principles:

**Demand led:** new technologies and publication of data should support transparency and accountability

**Open:** the provision of public data will be integral to the Council's engagement with residents so that it drives accountability to them

**Timely:** data will be published as soon as possible following production.

St Austell Town Council will ensure the following information is published on its Website for ease of access:

- All transactions above £500.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.
- Details of staffing structures and salary grades above an agreed threshold.

### **Data Security Breaches**

A data security breach can happen for a number of reasons. All breaches should be reported immediately to the Town Clerk who will determine the appropriate remedial action and reports to be made to affected data subjects and the Information Commissioner's Office.

The Town Clerk will ensure that reports are made in compliance with the Data Protection Act 2018 and report all data security breaches to the Finance and General Purposes Committee with details of potential consequences, on-going risks and proposed remedial action.

Appendix 1 provides a form for completion as far as possible for each security breach.

David Pooley  
**Town Clerk**

28<sup>th</sup> June 2018