



# **TATWORTH AND FORTON PARISH COUNCIL**

## **DATA PROTECTION ACT 2018**

Reviewed and approved

02 March 2023

Minute

06/23

This statement relates to the Data Protection Policy adopted by Tatworth & Forton Parish Council. In the course of its normal business the Council collects and uses certain types of information about residents of the parish and others in order to carry out its functions. This information includes current, past and prospective employees, suppliers, clients, customers, service users and others.

Parish Councils are also required by law to collect and use certain types of information to fulfil their statutory duties and also to comply with the requirements of the Government. However it is collected, this personal information must be dealt with according to the safeguards in the Data Protection Act 2018 (DPA2018) whether on paper, or other media.

Tatworth & Forton Parish Council regards the lawful handling of personal information as critical to its successful operation. It is also vital in maintaining confidence between those with whom it deals and the Council. To this end the Council adheres to the Principles of data protection as stated in the DPA2018.

The Principles of Data Protection:

1. Personal data shall be processed fairly, lawfully and in a transparent manner in relation to the identified or identifiable living individual. It shall not be processed unless specific conditions are met.
2. Personal data shall be collected for specified, explicit and legitimate purposes and shall not be further processed in any manner incompatible with those purposes.
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data shall be kept in a form that permits identification of individuals for no longer than is necessary for the purposes for which the personal data are processed.
6. Personal data shall be processed in accordance with the rights of data subjects under the Act.
7. Personal data shall be processed in a manner that ensures appropriate security including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

In addition, the Council will not transfer personal data to a country or territory which does not have an adequate level of protection as specified in the Data Protection Act 2018.

## **DATA PROTECTION POLICY**

**A. Tatworth and Forton Parish Council will, through appropriate management and strict application of controls:**

1. Observe fully, conditions regarding the fair collection and use of information.

2. Meets its legal obligations to specify the purposes for which information is used.
3. Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or comply with any legal requirements.
4. Ensure the quality of information used.
5. Apply strict checks to determine the length of time information is held.
6. Ensure that the rights of people, about whom information is held, can be fully exercised under the Act. (this includes: the right to be informed that processing is being undertaken, the right of access to the Council's Data Protection Policy, access to one's personal information, the right to have personal data erased when no longer needed for the purposes it was originally processed and the right to rectify, block or erase information which is regarded as incorrect).
7. Take appropriate technical and organisational security measures to safeguard personal information.
8. Ensure that any third party processors contracted by the Council adhere to appropriate controls.

**B. Responsibilities and Roles:**

1. The Clerk has specific responsibility for data protection in the organisation.
2. Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
3. Documents and any storage media containing paper or electronic material detailing personal information will be held, transported and disposed of with due regard to sensitivity.
4. Confidential paper output no longer required will be shredded before it is included in the recycling process.
5. In legal terms, the overall responsibility for the notification of the Council as a data controller and for ensuring compliance rests with the Parish Clerk.
6. The Clerk and all Councillors are required to be aware of the provisions of the Data Protection Act 2018, such as keeping records up to date and accurate, and its impact on the work they undertake on behalf of the Council.
7. Any breach of the Data Protection Policy, whether deliberate or through negligence, may lead to disciplinary action being taken or even a criminal prosecution.
8. Personal information is not disclosed deliberately or accidentally either orally or in writing to any unauthorised third party

**C. Access to Data:**

1. An individual is entitled, on making a written request, to be supplied with a copy of all information, with limited exceptions, which forms the personal data held about them.

2. A request for subject access must be responded to within one month. If it is not, the individual is entitled to complain to the Information Commissioner.
3. All data subject access requests must be referred to the Parish Clerk, who will co-ordinate the processing of the requests.