

Policy

Data Protection Policy

DOCUMENT NO:	PCD0010		
Lead author(s): (enter job titles)	Cllr. Mike Passfield		
Developed by:	Cllr. Mike Passfield Cllr. Kathryn Locke Cllr. Ron Chatten Cllr. Shelley Underwood Mrs Carol Willingham – Parish Clerk		
Approved by: (Enter Full Council or Sub-Committee)	Policy Administration Committee		
Ratified/adopted by	Full Member Council		
Approval date:	19/01/2016		
Ratified/adoption date	‘01/02/2016		
Review date:	18/01/2019		
Version no:	1		
Version Control And Revisions:			
1	First published		March 2009
Version	Page/Para No.	Description of change	Date

THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the Billingham Parish Council website is the controlled copy. Any printed copies of this document are not controlled.

1. DOCUMENT CONTROL SHEET

Purpose of document:	The purpose of this policy is to remind and inform all staff and council members or others who process or use any personal information, must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act).
Dissemination:	This policy will be disseminated to all staff and council members and be made available on the parish website
Implementation:	This document will be accessible via the parish council website and is applicable to all staff and council members.
Review:	This document will be reviewed in 2018 unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
Documents replaced or superseded by this document:	
This document supports (enter Standards and Legislation:	Data Protection Act 1998
Key related documents:	
Equality & Diversity:	An Equality and Diversity Impact Assessment has been carried out.
Financial Implications:	This document has no financial implications for the Billingham Parish Council.
Key word search	Data, protection

2. TABLE OF CONTENTS

1.	DOCUMENT CONTROL SHEET	2
2.	TABLE OF CONTENTS	4
3.	POLICY STATEMENT	5
4.	INTRODUCTION	6
5.	OBJECTIVES	6
6.	DUTIES & PRINCIPLES	6
7.	DEFINITIONS	7
8.	RIGHTS TO ACCESS INFORMATION	7
9.	SUBJECT CONSENT	8
10.	THE DATA CONTROLLER AND THE DESIGNATED DATA	8
11.	RETENTION OF DATA	8
12.	COMPLIANCE	9
13.	EQUALITY & DIVERSITY STATEMENT	9
14.	RAPID EQUALITY AND DIVERSITY IMPACT ASSESSMENT	10

3. POLICY STATEMENT

This Policy is a formal, strategic level document and provides a 'statement of intent' about how the Parish Council will comply with the legislation and directives of its subject matter.

This is a **mandatory document** and does not allow for variation of practice. It is relevant to all staff and council members including volunteers and third party contractors. Non-compliance with this Policy may result in disciplinary action.

It provides a corporate framework and is supported by a number of Parish Council procedures and guidelines. It will be reviewed every 3 years unless there are changes in legislation, directive or agreed variation by full council.

A Rapid Equality and Diversity Impact Assessment has been carried out on this document

4. INTRODUCTION

Billingham Parish Council hereafter referred to as the Parish Council holds and processes information about employees, Councillors, residents and customers, and other data subjects for administrative and commercial purposes. When handling such information, the Parish Council, and all staff or others who process or use any personal information, must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act).

5. OBJECTIVES

This document will act as a source of information for all staff and councillors to raise their awareness and ensure state that personal data shall:

- be processed fairly and lawfully;
- be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with the purpose;
- be adequate, relevant and not excessive for the purpose
- be accurate and up-to-date;
- not be kept for longer than necessary for the purpose;
- be processed in accordance with the data subject's rights;
- be kept safe from unauthorised processing, and accidental loss, damage or destruction;
- not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

6. DUTIES & PRINCIPLES

Billingham Parish Council (The Council) has a duty under legislation to make arrangements to ensure that, in discharging its functions, It has a regard to the need to safeguard information. It is expected that any organisation will ensure that their staff are aware of such policies.

There are eight principles contained in the Data Protection Act;

- Data must be processed fairly and lawfully
- Data must be obtained for specified and lawful purposes and not further processed in a manner incompatible with that purpose
- Data collected must be adequate, relevant and not excessive
- Data must be accurate and where necessary kept up to date
- Data must not be kept for longer than necessary
- Data must be processed in accordance with the data subject's rights
- Data must be protected by appropriate security
- Data must not be transferred without adequate protection

Duties of Staff and Councillors

Staff and councillors have a vital role to play in ensuring that, through their leadership and robust governance, the data protection act and its principles are embedded in the culture of the Parish Council.

All staff and councillors, have a responsibility to ensure they are equipped with the knowledge and skills to undertake their data protection responsibilities.

When staff hold or process information about Councillors, residents and customers, colleagues or other data subjects (for example, Councillors, residents and customers' course work, pastoral files, references to other academic institutions, or details of personal circumstances), they should comply with Data Protection Guidelines.

Staff shall ensure that:

- all personal information is kept securely;
- personal information is not disclosed either orally or in writing, accidentally or otherwise to any unauthorised third party;

Unauthorised disclosure may be a disciplinary matter, and may be considered gross misconduct in some cases.

When members of staff supervise Councillors, residents and customers doing work which involves the processing of personal information, they must ensure that those Councillors, residents and customers are aware of the Data Protection Principles, in particular, the requirement to obtain the data subject's consent where appropriate.

The Council shall not be held responsible for errors of which it has not been informed

7. DEFINITIONS

Staff, Councillors, residents and customers and other data subjects may include past, present and potential members of those groups.

Other data subjects and third parties may include contractors, suppliers, contacts, referees, friends or family members.

Processing refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information

8. RIGHTS TO ACCESS INFORMATION

Staff, Councillors, residents and customers and other data subjects in the Parish Council have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the Parish Clerk.

The Parish Council will make a charge of £15 for each official Subject Access Request under the Act.

The Parish Council aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing by the Parish Clerk to the data subject making the request.

The Data Protection Act 1998 requires every data controller (e.g. organisation, sole trader) who is processing personal information to register with the ICO, unless they are exempt. The Parish Council is not obliged to register, however has taken steps to register voluntarily at the cost of £35.

9. SUBJECT CONSENT

In some cases, such as the handling of sensitive information or the processing of customer data, the Parish Council is entitled to process personal data only with the consent of the individual. Agreement to the Parish Council processing some specified classes of personal data is by agreement with the customer, and a condition of employment for staff. (See Appendix 1).

Sensitive Information

The Parish Council may process sensitive information about a person's health, disabilities, criminal convictions, race or ethnic origin, or trade union membership. For example, some jobs or courses will bring the applicants into contact with children, including young people between the ages of 16 and 18, and the Parish Council has a duty under the Children Act 1989 and other enactments to ensure that members of staff are suitable for the job. The Parish Council may also require such information for the administration of the sick pay policy, the absence policy or the equal opportunities policy.

The Parish Council also asks staff for information about particular health needs, such as allergies to particular forms of medication, or conditions such as asthma or diabetes. The Parish Council will only use such information to protect the health and safety of the individual, for example, in the event of a medical emergency.

10. THE DATA CONTROLLER AND THE DESIGNATED DATA

The Parish Council (As a Corporate Body) is the data controller under the Act, and is ultimately responsible for implementation. Information and advice about the holding and processing of personal information is available from the Parish Clerk.

11. RETENTION OF DATA

The Parish Council will keep different types of information for differing lengths of time, depending on legal and operational requirements

12. COMPLIANCE

Compliance with the Act is the responsibility of all Councillors, residents and customers and members of staff. Any deliberate or reckless breach of this Policy may lead to disciplinary, and where appropriate, legal proceedings. Any questions or concerns about the interpretation or operation of this policy should be taken up with the Parish Clerk.

Any individual, who considers that the policy has not been followed in respect of personal data about him or herself, should raise the matter with the designated data controller initially. If the matter is not resolved it should be referred to the staff grievance or complaints procedure.

13. EQUALITY & DIVERSITY STATEMENT

The Parish Council will ensure that this document is applied in a fair and reasonable manner that does not discriminate on such grounds as race, gender, disability, sexual orientation, age religion or belief.

14. RAPID EQUALITY AND DIVERSITY IMPACT ASSESSMENT

In which areas are there concerns that the POLICY could have a different impact (either positive or negative) on different groups?	
Minority ethnic including Gypsy/travellers, refugees and asylum seekers	No impact
Women and men	No impact
People in religious/faith groups	No impact
Disabled people	No impact
Older people	No impact
Children and young people	No impact
Lesbian, gay, bisexual and transgender people	No impact
Marriage and Civil Partnership status	No impact
Maternity status	No impact
People of low income	No impact
People with learning disabilities	No impact
People with mental health problems	No impact
Homeless people	No impact
People involved in criminal justice system	No impact
Staff	No impact
Any other groups	No impact
Will the POLICY have any impact on the social environment? things that might be affected include:	
Social status	No impact
Employment (paid or unpaid)	No impact
Social family support	No impact
Stress	No impact
Income	No impact
Any other areas	No impact
Will the POLICY have any impact on:	
Discrimination	No impact
Equality of opportunity	No impact
Relations between groups	No impact
Any other areas	No impact
Will the POLICY have an impact on the physical environment? for example, will there be impacts on:	
Living conditions	No impact
Working conditions	No impact
Pollution or climate change	No impact
Accidental injuries or public safety	Positive
Transmission of infectious disease	No impact
Any other areas	No impact
Will the POLICY affect access to and experience of services?	
Health care	No impact
Transport	No impact

Social services	No impact
Housing services	No impact
Education	No impact
Any other areas	No impact

Rapid Impact Assessment: Summary sheet

Negative impacts: groups affected	No impact		
Action Plan:	Not required		
Will there be any negative impacts remaining after implementation of action plan?	No		
Summarize impact:	No impact		
What is the likelihood of this occurring? (enter score from table)	0	What is the consequence of this occurring? (enter score from table)	0

Risk likelihood consequence
Score: 0 X 0 = 0

For the full EDIA please refer to the Human Resources Department and the Single Equality Scheme document.

See Risk Assessment Policy for definitions	LIKELIHOOD					
CONSEQUENCES	Impossible 0	Rare 1	Unlikely 2	Moderate 3	Likely 4	Certain 5
Negligible - 0	0	0	0	0	0	0
Minor - 1	0	1	2	3	4	5
Moderate - 2	0	2	4	6	8	10
Serious - 3	0	3	6	9	12	15
Major - 4	0	4	8	12	16	20
Critical - 5	0	5	10	15	20	25