



# Tiverton Town Council

## Data Protection Policy

Policy Name	Data Protection Policy
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### 1. Introduction

Tiverton Town Council is committed to ensuring that all personal data collected is processed in accordance with all relevant data protection laws including the General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA2018).

The Town Council is registered as a data controller with the Information Commissioner.

Details of the Town Council's Data Protection Officer can be found in this document.

### 2. Scope

This policy applies to anyone who has access to and/or is a user of Town Council ICT systems and records, both in and outside of the Town Council, including staff, councillors, visitors, contractors and other building users/hirers.

The policy applies to all personal data in all forms and across all systems.

### 3. Distribution

This policy is available on the Town Council website and in hard copy format from the Town Council's Office.

In order to comply with the fair processing requirements of GDPR, the Town Council informs its staff and citizens of the data it collects, processes and holds, the purposes for which the data is being gathered/held.

A copy of the Privacy Notice is available to view on the website.

## 4. Definitions

### **Personal Data :**

Any combination of data items which could identify a person and provide specific information about them, their families, or their circumstances. The term covers both facts and opinions about an individual. The Town Council may process wide range of personal data and residents as part of its operations. This includes but is not limited to:

- Names and addresses
- Email addresses
- Bank details
- References
- Employment History
- National Health & Taxation records
- Bookings
- Complaints

### **Special Category Personal Data ( More sensitive Data & may need more protection) :**

- Race or ethnic origin
- Political Opinions
- Religious beliefs
- Trade Union Membership
- Genetics
- Gender
- Health – Physical or Mental
- Sexual orientation

Employees or potential employees will be advised by the Council of the personal data, which has been obtained or retained, its source, and the purposes for which the personal data may be used or to whom it will be disclosed.

To hold sensitive personal data, the Council must additionally satisfy a sensitive data condition. The most appropriate condition for employment purposes is that the processing is necessary to enable the Council to meet its legal obligations (for example, to ensure health and safety or to avoid unlawful discrimination).

The Council will review the nature of the information being collected and held on an annual basis to ensure there is a sound business reason for requiring the information to be retained.

## 5. Responsibility for the Processing of Personal Data

The Council will appoint a Data Controller as the named individual responsible for ensuring all personal data is controlled in compliance with the Data Protection Act 1998. The Town Clerk acts with delegated authority of the Full Council on a day-to-day basis and will liaise with the DPO. In the Town Clerk's absence this role would be delegated to the Assistant to the Town Clerk.

**All Council staff are responsible for:**

- Familiarising themselves with and complying with this policy and acceptable use policies for staff.
- Taking care to ensure the staff keeping of personal data, always minimising the risk of its loss or misuse.
- Safe storing and transferring of personal data on secure, password protected devices.
- Deleting old, or out of data, or obsolete data in line appropriate record retention guidelines.
- Informing the Town Council of any changes to their personal data, such as change of address.
- Reporting to the Town Clerk on the following; questions regarding this policy, any uncertainty over whether they have a lawful basis to use/store certain data, discovery of data breach or near miss, when engaging in a new activity where there may be a concern regarding data security or processing or sharing of data with third parties.
- To undertake training as required to ensure that all staff have the required level of knowledge with regards to how to handle data within their role.
- To ensure that processes are updated in line with legislation changes.

Employees who have access to personal data must comply with this Policy and adhere to the procedures laid down by the Data Controller. Failure to comply with the Policy and procedures may result in disciplinary action up to and including summary dismissal.

## 6. Processing Personal Data

In order to ensure that the Town Council's processing of personal data is lawful; it will always identify one of the following six grounds for processing before starting the processing:

- The data needs to be processed so that the Town Council can fulfil a contract with the individual, or the individual has asked the Council to take specific steps before entering into a contract.
- The data needs to be processed so that the Council can comply with a legal obligation.
- The data needs to be processed to ensure the vital interests of the individual.
- The data needs to be processed so that the Council, as a public authority can, perform a task in the public interest and conduct its official functions.

The Council will always ensure it follows GDPR Principles when processing personal data.

- Data will be processed lawfully, fairly and in a transparent manner
- Collected for specified and legitimate purposes
- Data gathered will be adequate, relevant and limited to fulfil the purpose for which it was gathered
- Accurately and safely kept, and records are regularly updated as and when required.
- Kept for no longer than necessary for the purposes for which it was processed and records no longer required to be kept for the specified purpose will safely be destroyed

## 7. Personal Data Held for Equal Opportunities Monitoring Purposes

Where personal data obtained about candidates is to be held for the purpose of equal opportunities monitoring, all such data must be made anonymous.

## 8. Disclosure of Personal Data

Personal data may only be disclosed outside the Council with the employee's written consent, where disclosure is required by law or where there is immediate danger to the employee's health.

## 9. Accuracy of Personal Data

The Council will review personal data regularly to ensure that it is accurate, relevant and up to date.

In order to ensure The Council's files are accurate and up to date, and so that the Council is able to contact the employee or, in the case of an emergency, another designated person, employees must notify T.D.C.T.A as soon as possible of any change in their personal details (e.g., change of name, address; telephone number; loss of driving licence where relevant; next of kin details, etc.).

Standard printouts of personal records will be issued to all employees on an annual basis for the purposes of ensuring the data is up to date and accurate. Employees will be entitled to amend any incorrect details and these corrections will be made to all files held on the Council's information systems. In some cases, documentary evidence, e.g., qualification certificates will be requested before any changes are made.

Once completed, these records will be stored in the employee's personnel file.