

WEST MOORS TOWN COUNCIL



DATA PROTECTION POLICY

Adopted by the Council on 26.07.2018

West Moors Town Council

Data Protection Policy

1. Introduction

West Moors Town Council issues this policy to meet the obligatory requirements under The Data Protection Act 2018 for the handling of personal data in the role of controller.

If appropriate it can also be used for the control and release of data under the Freedom of Information Act 2000.

2. Scope

This policy applies to all employees of West Moors Town Council, contract, agency and temporary staff, volunteers, suppliers, customers and residents.

3. Legal Principles

In execution of this policy West Moors Town Council will comply with the data protection principles of the Data Protection Act 2018. These are that personal data be:

- a) processed **lawfully, fairly and in a transparent manner** in relation to individuals;
- b) collected for **specified, explicit and legitimate purposes** and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) **adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed;
- d) **accurate and, where necessary, kept up to date**; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits **identification of data subjects for no longer than is necessary** for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the law in order to safeguard the rights and freedoms of individuals;
- f) 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.

West Moors Town Council will adopt the appropriate technological and organisational measures to ensure compliance with the Data Protection Principles by carrying out the necessary procedures.

In all aspects of our work we will ensure that the rights of the data subject are protected by all practicable measures associated with the conduct of our work. The rights of the data subject as defined in law are;

- a) The Right to be informed in a clear, concise and transparent manner
- b) The Right of access

- c) The Right to rectification
- d) The Right to erasure
- e) The Right to restrict processing
- f) The Right to data portability
- g) The Right to object
- h) Rights related to automated decision making

4. Response Times in the Application of Legislation

In applying these regulations West Moors Town Council is obliged to adhere to the procedures for subject access as detailed in Appendix 1.

- a) Subject Access Requests (SARs) whereby an individual may request personal information held by West Moors Town Council about themselves or a nominated individual on their behalf must be responded to within 1 month.
- b) Where the above is found to be complex or numerous an extension may be granted allowing an additional 1 month however the subject must be informed within 1 month of their request.
- c) No fee shall be charged for the above except where it is found to be excessive, repetitive or manifestly unfounded in accordance with the law.

IF APPROPRIATE

- d) Freedom of Information Act Requests, whereby an individual may request information held by the council but may not contain information relating to individuals, subject to certain exceptions, must be responded to as soon as possible within 20 working days.
- e) No fee shall normally be charged for the above. However, in exceptional circumstances a fee may be charged.

5. Rights of the Data Subject

Where consent has been sought as the justification on processing, adequate measures must be in place to record consent and an appropriate method of removing the individual's personal data should consent be revoked must be adopted. In the vast majority of data processing activities a statutory power will be the reason for data processing.

Except where a statutory exemption applies an individual who wishes to exercise their right to erasure shall have their personal data removed from all areas where applicable.

An individual when making a Subject Access Request is entitled to the following;

- a) confirmation that their data is being processed;
- b) access to their personal data;
- c) other supplementary information - this largely corresponds to the information that should be provided in a privacy notice.

6. Data Retention

Any period of data retention is defined in the West Moors Town Council record retention schedule, including the legal basis where applicable.

7. Complaints

If an individual is unhappy and wishes to make a complaint about how their data has been processed by West Moors Town Council, they should contact:

Information Commissioner's Office

Wycliffe House,

Water Lane,

Wilmslow,

Cheshire,

SK9 5AF.

8. Security Incidents

Wherever it is believed that a security incident has occurred or a 'near miss' has occurred, the Council must be informed immediately.

In any case an incident must be reported no later than 24 hours from identification, except where a malicious incident has occurred. The culture within the organisation seeks the avoidance of a blame culture and is key to allowing individuals the confidence to report genuine mistakes.

9. Monitoring and Discipline

Compliance with this policy shall be monitored through a review process.

Should it be found that this policy has not been complied with, or if an intentional breach of the policy has taken place, the Council, shall have full authority to take the immediate steps considered necessary, including disciplinary action.

10. Review this Policy upon;

This policy will be reviewed upon change of Legislation

Appendix 1 - Subject Access Request Procedures

The organisation shall complete the following steps when processing a request for personal data (Subject Access Request or SAR).

1. Ascertain whether the requester has a right to access the information and capacity.
2. Obtain proof of identity (once this step has been completed the clock can start)
3. Engage with the requester if the request is too broad or needs clarifying
4. Make a judgement on whether the request is complex and therefore can be extended to a 2 month response time.
5. Acknowledge the requester providing them with
 - a. the response time - 1 month (as standard), 2 months if complex; and
 - b. details of any costs - Free for standard requests, or you can charge if the request is manifestly unfounded or excessive, or further copies of the same information is required, the fee must be in line with the administrative cost.
6. Use its Audit of Processing Activities to identify data sources and where they are held.
7. Collect the data
8. If (6) identifies third parties who process it, then engage with them to release the data to West Moors Town Council.
9. Review the identified data for exemptions and redactions in line with the ICO's Code of Practice on Subject Access.
10. Create the final bundle and check to ensure all redactions have been applied.
11. Submit the final bundle to the requester in a secure manner and in the format they have requested.