Mary Tavy Parish Council

Information & Data Protection Policy

Introduction
In order to conduct its business, services and duties, Mary Tavy Parish Council processes a wide range of information and data. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of 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 councillors and volunteers and its current, past and potential employees.
- Personal data concerning individuals who contact it for information, to access its services or facilities, or to make a complaint.

Mary Tavy Parish 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 any partner organisation and members of the public it works with. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Council will periodically review and revise this policy in light of experience, comments from data subjects and guidance from the Information Commissioners 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 members of the public. Details of information which is routinely available is contained in the council's Freedom of Information Policy/Publication Scheme which is based on the Model Publication Scheme approved by the Information Commissioner.

Protecting Confidential or Sensitive Information
Mary Tavy Parish Council recognises it must, at times, keep and process sensitive and personal information about both employees and members of the public; therefore, it has adopted this policy not only to meet its legal obligations but also to ensure high standards.

The General Data Protection Regulation (GDPR, now known in this country as UK GDPR), which first became law on 25th May 2018 and, like the Data Protection Act 1998 (now superseded by the Data Protection Act 2018) before it, sought to strike a balance between the rights of individuals and the sometimes competing interests of those, such as the parish council, with legitimate reasons for processing 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 purpose(s) for which it is processed.
• Accurate and, where necessary, 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 are processed (storage limitation principle).
• 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.
That may be an employee, prospective employee, associate or prospective associate of Mary Tavy Parish Council or someone transacting with it in some way.

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, and 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 a person or corporate body who determines the purposes for which, and the manner in which, any personal data is to be processed. Mary Tavy Parish Council is a data controller.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding information/data, or carrying out any operation or set of operations on information/data including:
• organising, adapting or altering it
• retrieving, consulting or using information or data
• disclosing information or data by transmission, dissemination or otherwise making it available
• aligning, combining, blocking, erasing or destroying information or data regardless of the technology used.

Mary Tavy Parish 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 and maintaining information required by law
- monitor its activities including the equality and diversity of its activities
- assist regulatory and law enforcement agencies
- process information including the recording and updating of details about its councillors, employees, and volunteers
- process information including the recording and updating of details about individuals who contact it for information, to access a service, or make a complaint
- carry out council administration.

Mary Tavy Parish Council will not process data if it does not have a legal basis for processing. The council will ensure that at least one of the following conditions is met each time it processes personal data (the lawful bases for processing, Article 6 of the UK General Data Protection Regulation, UK GDPR):

- the individual has consented to the processing or
- processing is necessary for the performance of a contract or agreement with the individual or
- processing is required under a legal obligation or
- processing is necessary to protect someone's vital interest or life or
- processing is necessary to carry out lawful public tasks or functions or
- processing is necessary in order to pursue our legitimate interests.

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

- explicit consent of the individual
- a requirement 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 parish council as a corporate body has ultimate responsibility for ensuring compliance with data protection legislation. The council has delegated this responsibility day-to-day to the clerk who is the council's internal data protection lead. The council is not required to have an external Data Protection Officer to ensure compliance with data protection legislation.

- Clerk & RFO: Ms A Christie
- Email: **clerk@marytavyparishcouncil.gov.uk**

Diversity Monitoring
Mary Tavy Parish Council monitors the diversity of its employees 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 personal data to employees, councillors, volunteers and members of the public 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 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 Mary Tavy Parish 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, written consent will be sought. It is the responsibility of those individuals to ensure that the council is able to keep their personal data accurate and up-to-date. Personal information will be not shared or provided to a third party (except in certain specific circumstances, e.g., to allow the council to comply with a legal obligation or to protect someone's vital interests or life).

We 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.

Information Security
The council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

Children
We 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: -

Right to be informed
A data subject has the right to clear and concise information about what the council will do with their personal data. Individuals can contact the clerk to exercise the right to be informed.

Right of access
A data subject has the right to request access to the information we have on them. Individuals can contact the clerk to exercise their right of access.

Right to rectification
If an individual believes that the information that we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Individuals can contact the clerk to exercise their right to rectification.

Right to erasure

If an individual wishes the council to delete the information held about them, they can request this by contacting the clerk.

Right to restrict processing
If an individual would like us to restrict or limit the processing of their personal data, they may request this by contacting the clerk.

Right to object
If an individual believes that their data is not being processed for the purpose it has been collected, they may object. Individuals can contact the clerk to exercise their right to object.

Right not to be subject to automated decision-making including profiling: the council **does not** use automated decision-making or profiling.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the clerk or the Information Commissioners Office: **casework@ico.org.uk** Tel: 0303 123 1113.

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, the publication scheme specifies the classes of information which the council publishes or intends to publish. It is supplemented with an information section in the Freedom of Information policy which gives greater detail of what the council will make available and, hopefully, make it easier for people to access the information.

All formal meetings of the council and its committees are subject to statutory notice being given on the parish council's noticeboard and its website. 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 at the beginning of each council meeting.

Occasionally, the council or its committees may need to consider matters in private. Examples of this are matters involving personal details of staff, 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 using 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 and Vice Chairman, such as the authorisation of an expenditure for repair, replacement or other work in a circumstance that involves extreme risk to the delivery of council services.

The 2014 Regulations also 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.

Disclosure Information
The Council will, as necessary, undertake checks on both staff and its members with the Disclosure and Barring Service (DBS) and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of disclosures and disclosure information. It will include an appropriate operating procedure in its integrated quality management system.

DBS checks on staff or council members will only be carried out if they are required, e.g., if the parish council were to provide a service to vulnerable service users (a youth club for example) and these service users would come into contact with the staff or council member.

Data Transparency
The Council will act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet the obligations of the legislative framework concerning information.

"Public data" means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected, or generated, in the course of public service delivery.

The Code will therefore underpin the council's decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:
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.

The government has also issued a further Code of Recommended Practice on Transparency; compliance of which is compulsory for parish councils with a turnover (gross income or gross expenditure) **not** exceeding £25,000 per annum. These councils have been exempted from the requirement to have an external audit since April 2017. Mary Tavy Parish Council will ensure the following information is published on its website for ease of access:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- Internal Audit reports
- List of Councillor responsibilities
- Details of public land and building assets
- Draft minutes of council and committee meetings within one month
- Agendas and associated papers no later than three clear days before the meeting.

This Information & Data Protection Policy was reviewed and readopted by Mary Tavy Parish Council at the full council meeting held on Tuesday 23rd June 2026.

Next review due: June 2027