

Scagglethorpe Parish Council General Data Protection Regulations

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1. Introduction

This document describes the policies and principles used by Scagglethorpe Parish Council to comply with the regulations for the handling of Personal information.

Information is only considered to be “personal information” if an individual can be identified from the information presented. Individuals can only be identified if the information includes their name (or an obvious representation of their name, such as an email address) and one of the following

- Village or Town Location
- Post Code
- Email address
- Place of Work

2. Data Audit and processing policies

The following sources of personal data have been identified.

2.1 Email and paper correspondence with the Clerk and Councillors

In this section reference to the “Parish Council” means any Officer of the Council. Councillors may wish to transfer the information they hold to the Clerk for retention purposes and delete or destroy any copies they have.

2.1.1 Correspondence with other organisations which the PC frequently liaises with – NALC, YLCA, NYC, officers of other parishes.

Individuals belonging to these organisations are aware that their correspondence may be kept indefinitely as they are sent in the course of day-to-day operational activities and may be required for audit purposes. It should be unnecessary to inform correspondents of their rights under the GDPR.

Policy – Correspondence regarding specific issues within the Parish will be retained for 7 years, Emails received for information only will be deleted after two years

2.1.2 Correspondence with other organisations which correspond with the PC on an infrequent or one off basis, e.g. suppliers of goods and services.

Individuals from these organisations are aware that their correspondence is used for processing business affairs and should be aware that it may be kept indefinitely for audit purposes and reference in future dealings. It should be unnecessary to inform correspondents of their rights under the GDPR.

Policy – Correspondence regarding specific issues within the Parish will be retained for 7 years, Emails received for information only will be deleted after two years.

2.1.3 Correspondence from parishioners and other private individuals.

Individuals should expect that their correspondence will be retained until the specific issue has been resolved. However the PC may wish to retain it for an extended period

Policy – On receipt of the correspondence from the individual, an acknowledgement will be sent by the appropriate medium which must also include details of our policy on email retention (See 3.4 below). Correspondence will be retained for a minimum of 2 years after the date of the last communication on the subject. Communications received for information only will be retained for a maximum of two years.

2.1.4 Correspondence between Scagglethorpe Councillors and with the Clerk

Senders of the email should be aware that their emails may be kept indefinitely as they are sent in the course of day today operational activities and may be required for audit purposes. It should be unnecessary to inform correspondents of their rights under the GDPR.

Policy – Correspondence will be retained for a minimum of 2 years after the date of the last communication on the subject. Communications received for information only will be retained for a maximum of two years.

However, if emails contain personal details of other individuals, for example if an email from a third party is circulated, then the person receiving the initial email has the responsibility of informing the correspondent of their rights under the GDPR, if appropriate.

2.1.5 Personal information received from other organisations about an individual.

An example of this would be the receipt of copies of planning applications from North Yorkshire Council. NYC would be primarily responsible of informing the individual of their GDPR rights.

Policy – the information will be retained for 2 years after the completion of the activity which gave rise to the correspondence.

2.2 Personal information of Officers of Scagglethorpe Parish Council

Officers of the Council must process the information in accordance with the privacy notice given to all council staff – section 4. below.

2.3 Personal information given voluntarily to the Parish Council for specific purposes

From time to time the parish council may collect personal information from individuals to facilitate participation in an activity or to receive progress reports on an ongoing issue. Examples of this would be participation in the Community Speedwatch scheme, or to join a mailing list for a parish Newsletter, should we have one in the future.

Policy – The organiser of the activity will be responsible for obtaining evidence of permission to use the data for specific purposes and informing the individuals of their access rights.

2.4 Personal information collected and held by the Parish Council which is not voluntarily given

Occasionally the Parish Council may need to seek and record personal information in order to deal with an issue which has occurred within the Parish. For example, in order to report activities to the police or other local authorities.

Policy – because of the nature of this situation, no attempt will be made to contact the individual that the information has been collected. The personal details must be deleted or destroyed as soon as the other authority has confirmed receipt of the information. The PC may wish to retain references to the issue which must hold no personal information.

3. General policies regarding the receipt and handling of personal information.

3.1 Information is only considered to be “personal information” if an individual can be identified from the information presented. Individuals can only be identified if the information includes their name (or an obvious representation of their name, such as an email address) and one of the following

- Village or town location
- Post Code
- Email address

- Place of Work

3.2 Council Officers are responsible for the GDPR obligations, safekeeping and disposal of all personal information directly sent to them from outside the PC (Section 2 above). They must also dispose of information circulated to them from other PC officers as soon as it is no longer necessary to retain it. Council officers may forward information to the Clerk for long term retention.

3.3 In storing personal information, PC Officers should be aware that the individual about whom the information relates has rights to that information including

- the right of to access the information held including disclosure as to whether or not we hold information
- the right to have the information corrected if wrong
- the right to have the information deleted unless we have a legitimate reason to retain the information
- The response to any request to exercise these rights must be made with 30 days

3.4 In replying to Correspondence from private individuals (2.1.3 above) the following should be included:

“In order to comply with the General Data Processing Regulations (GDPR) we would like to make you aware that your Email/Letter will be held on record by the Parish Council for two years after the completion or resolution of the subject matter of the correspondence.”

3.5 If personal information is collected for a specific purpose

“In order to comply with the General Data Processing Regulations (GDPR) we would like to make you aware that your information will stored indefinitely by the Parish Council for the purpose of [.....],but you can ask us to remove it at any time”

3.6 In order to reduce the burden of GDPR compliance, recording of personal information will be avoided if it is not completely necessary to do so. For example, individual names will only recorded in meeting minutes if naming an individual is necessary for the understanding of the minutes, and he or she is present at that meeting.

4. Privacy notice for Officers of Scagglethorpe Parish Council

Your Personal Data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Scagglethorpe Parish Council which is the data controller for your data.

Scagglethorpe PC works with other organisations in the processing of your data:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC

We may need to share personal data we hold with them so that they can carry out their responsibilities to Scagglethorpe PC.

Scagglethorpe PC will comply with data protection Law. This says that the data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

What Data Does Scagglethorpe PC process?

- Names, titles, and aliases
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as tax reference codes, and national insurance numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.

We use your personal data for all or some of the following purposes:

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.

- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Complying with health and safety obligations.
- To prevent fraud.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To administer councillors' interests

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].
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What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role at Scagglethorpe PC including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC

How long does Scagglethorpe PC keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. Scagglethorpe PC is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your Responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases, we will need you to respond with proof of your identity before you

can exercise these rights.

1. *The right to access personal data we hold on you*

- At any point, you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2. *The right to correct and update the personal data we hold on you*

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3. *The right to have your personal data erased*

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4. *The right to object to the processing of your personal data or to restrict it to certain purposes only*

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5. *The right to data portability*

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6. *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7. *The right to lodge a complaint with the Information Commissioner's Office.*

- You can contact the Information Commissioners Office on 0303 123 1113 or via [email](#) or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this notice

We will keep this Privacy Notice updated with changes to legislation. This Notice was last updated 3rd August 2018.

5. Data Breaches

5.1 A data breach is a breach of security leading to 'accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data'.

5.2 Scagglethorpe PC processes a relatively small amount of personal information, and mostly of a non-sensitive nature. As the impact of a data breach is low, it would be appropriate to rely on adherence to data handling policies described in the sections above and physical security of IT equipment as the means of mitigating the risk of a breach.

5.3 PC Officers should be mindful of their responsibilities to protect any information about PC business from unauthorised access as well as personal information. Examples of personal data breaches include:

1. Emails and attachments being sent to the wrong person, or several people
2. The wrong people being copied in to emails and attachments.
3. Equipment theft

5.4 The PC has a duty to report certain types of data breaches to the Information Commissioners Office (ICO) and in some cases to the individuals concerned. If there is no risk of harm to an individual (for example because some low risk data has been inadvertently released or made public such as an email address) then this type of breach would not need to be reported. Unauthorised access to data that could be used to steal someone's identity such as their banking data must be reported.

5.5 If a data breach is identified, it should be reported to the Clerk and the Chairman in the first instance, or in their absence any two Parish Council members. They will be responsible for deciding whether it will be necessary to report the breach to the ICO.