



BARNSTAPLE TOWN COUNCIL

DATA PROTECTION POLICY

1. Introduction

1.1 The Town Council holds and processes information about employees, Councillors, residents, customers, and other data subjects for administrative and commercial purposes. When handling such information, the Town 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”*). In summary these 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.

1.2 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.

2. Notification of Data Held

- 2.1 The Town Council shall notify all staff and Councillors, residents and customers and other relevant data subjects of the types of data held and processed by the Town Council concerning them, and the reasons for which it is processed. The information which is currently held by the Town Council and the purposes for which it is processed are set out in the Appendix 1 to this Policy. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and the Appendix 1 will be amended.

3. Staff Responsibilities

- 3.1 All staff will:

- ensure that all personal information which they provide to the Town Council in connection with their employment is accurate and up-to-date;
- inform the Town Council of any changes to information, for example, changes of address;
- check the information which the Town Council shall make available from time to time, in written or automated form, and inform the Town Council of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The Town Council shall not be held responsible for errors of which it has not been informed.

- 3.2 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.

- 3.3 Staff will 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.

- 3.4 When 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.

4. Councillor and other Data Subjects Responsibilities

4.1 All Councillors, residents and customers will:

- ensure that all personal information which they provide to the Town Council is accurate and up-to-date;
- inform the Town Council of any changes to that information, for example, changes of address;
- check the information which the Town Council shall make available from time to time, in written or automated form, and inform the Town Council of any errors or, where appropriate, follow procedures for up-dating entries on computer forms. The Town Council shall not be held responsible for errors of which it has not been informed.

5. Rights to Access Information

5.1 Staff, Councillors, residents and customers and other data subjects in the Town 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 Town Clerk.

5.2 The Town Council will make a charge of £10 for each official Subject Access Request under the Act.

5.3 The Town 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 Town Clerk to the data subject making the request.

6. Subject Consent

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

6.2 Sensitive Information

The Town 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 Town Council has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The Town Council may also require such information for the administration of the sick pay policy, the absence policy or the equal opportunities policy.

- 6.3 The Town 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 Town Council will only use such information to protect the health and safety of the individual, for example, in the event of a medical emergency.

7. The Data Controller and the Designated Data Controllers

- 7.1 The Town Council 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 Town Clerk.

8. Retention of Data

- 8.1 The Town Council will keep different types of information for differing lengths of time, depending on legal and operational requirements.

9. Compliance

- 9.1 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 Town Clerk.
- 9.2 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.

Last reviewed: September 2014

Next review due: September 2015

Appendix 1

Town Council Information Processing

The Town Council has notified the Information Commissioner that personal information may need to be processed for the following purposes:

- Staff, Agent and Contractor Administration
- Advertising, Marketing, Public Relations, General Advice Services
- Accounts & Records
- Staff Support Services
- Research
- Other Commercial Services
- Town Council publications
- Legal proceedings or potential legal proceedings
- Crime Prevention and Prosecution of Offenders

Complete details of the Town Council's current entry on the Data Protection Register can be found on the notification section of the Information Commissioner's web site.

Select the option to **Search the Register** and when the search form is displayed type Barnstaple Town Council into the Name box and then click on **Search**

The register entry provides:

- a fuller explanation of the purposes for which personal information may be used
- details of the types of data subjects about whom personal information may be held
- details of the types of personal information that may be processed
- details of the individuals and organisations that may be recipients of personal information collected by the Town Council
- information about transfers of personal information