



Information and Data Protection Policy

Introduction

In order to conduct its business, services and duties, Credition Town Council (CTC) processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. 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 on
- Confidential information about other organisations because of commercial sensitivity
- Personal data concerning its current, past and potential employees, councillors, and volunteers
- Personal data concerning individuals who contact CTC for information, to access its services or facilities or to make a complaint

CTC will adopt procedures and manage responsibly all data it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. 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.

CTC will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office (ICO).

CTC will be as transparent as possible about its operations and will work closely with public, community, stakeholders and other organisation. Details of information which is routinely available is contained in CTC's Publication Scheme which is based on the National Association of Local Council's (NALC) Model Document.

Protecting Confidential or Sensitive Information

CTC recognises it must, at times, keep and process sensitive and personal information about both employees and the public. It has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which became law on 25th May 2018 and will, like the Data Protection Act 1998 before it, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as CTC with legitimate reasons for using personal information.

This 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 purposes for which they are 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

- 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

Subject: means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of CTC or someone transacting with it in some way, or an employee, councillor or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

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, and an address, date of birth, an email address, bank details, and 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 who (either alone or jointly or in common with other persons) determines the purposes for which and the way any personal data is to be processed.

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 the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

CTC 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 with other organisations, and maintaining information required by law
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its councillors, employees, partners and volunteers
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of CTC
- undertake research, audit and quality improvement work to fulfil its objects and purposes
- carry out council administration. Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

CTC will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

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

- Explicit consent of the individual
- Required 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?

CTC as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation.

CTC has delegated this responsibility day to day to the Town Clerk as the Data Controller, who is contactable using the below details:

- Email: r.avery@crediton.gov.uk
- Phone: 01363 773717
- Post: Manor Office, 6 North Street, Crediton, EX17 2BT

Diversity Monitoring

CTC monitors the diversity of its employees and councillors, 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 CTC 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. CTC will always give guidance on personnel data to employees, councillors, partners and volunteers 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 measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Information provided to us

Information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for CTC to contact, respond to or conduct the transaction requested by the individual. By transacting with CTC, individuals are deemed to be giving consent for their personal data to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that CTC is able to keep their personal data accurate and up to date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

CTC's Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) Processing is with the consent of the data subject, or:

- Processing is necessary for compliance with a legal obligation
- Processing is necessary for the legitimate interests of CTC.

Information Security

CTC cares to ensure the security of personal data and will 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.

CTC will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

CTC 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

Access to Information

An individual has the right to request access to the information held on them. This can be done by contacting the Town Clerk:

- Email: r.avery@crediton.gov.uk
- Phone: 01363 773717
- Post: Manor Office, 6 North Street, Crediton, EX17 2BT

Information Correction

If an individual believes that the information held about them is incorrect, they may contact the Town Clerk to ensure that it can be updated it and keep their data accurate.

Information Deletion

If an individual wishes CTC to delete the information about them, they may contact the Town Clerk.

Right to Object

If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting CTC.

CTC does not use automated decision-making or profiling of individual personal data.

Complaints

If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk or directly to the Information Commissioner's Office:

- Email: casework@ico.org.uk
- Phone: 0303 123 1113

CTC will always give guidance on personnel data to employees through the Employee Handbook. CTC 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 adopted Publication Scheme is a means by which CTC 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 CTC 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 CTC publishes or intends to publish.

All formal meetings of CTC and its committees are subject to statutory notice being given. CTC publishes an annual calendar of meetings in May each year. 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.

CTC welcomes public participation and has a Public Participation Policy. Further details on speaking at meetings are detailed in CTC's Standing Orders, which are available on its website or can be made available by requesting a paper copy.

Occasionally, CTC may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, 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 under delegated powers and are detailed in CTC's Scheme of Delegation.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. CTC will, where possible, facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, and vulnerable/members of the public who object to being filmed are protected, without undermining the broader purpose of the meeting.

CTC will be pleased to make special arrangements on request (provided advance notice is given) for persons who do not have English as their first language or those with hearing or sight difficulties, where at all possible.

Disclosure Information

CTC will, as necessary, undertake checks on both staff and members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. Further details are available in the DBS Policy.

Data Transparency

CTC acts, as appropriate and required, in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011).