SHALDON PARISH COUNCIL

DATA PROTECTION POLICY

REVISED - ADOPTED 27 May 2025
NEXT REVIEW May 2026

Introduction

To conduct its business, services and duties, Shaldon Parish Council ('the Council') 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 itis 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, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

The 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 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.

The Council will periodically review and revise this policy in the light of experience comments from data subjects and guidance from the Information Commissioners Office.

The Council will be transparent about its operations and will work closely with public, community and voluntary organisations. Therefore, it will give due consideration to all requests for information made by partners and members of the community. Details of information which is routinely available is contained in the statutory model publication scheme for local councils which the Council has adopted details of which can be found on the ICO website.ico.org.uk.

Protecting Confidential or Sensitive Information

The Council 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) became law on 25 May 2018. As under the Data Protection Act 1998, the Council will seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Council with legitimate reasons for using 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 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

Data subject - means the person whose personal data is being processed.

This may be an employee, prospective employee, associate or prospective associate of the 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, 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) (e.g. Parish Council, employer, council) determines the purposes for which and the manner in which 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.

The Council processes personal data to:

- Handle requests, queries, concerns and complaints by those within the parish and working with other bodies in and outside the parish on their behalf.
- 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, including by identifying potential suppliers and other counter parties, negotiating terms with the same and managing and fulfilling contractual terms with individuals and/or other organisations (including managing any disputes), and maintaining information required by law.
- Monitor its activities including the equality and diversity of its activities.
- Fulfil its duties in operating premises and land including security.
- Assist regulatory and law enforcement agencies.
- Record and update details about its Councillors, employees, partners and volunteers.
- Record and update 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 the Council.
- 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.

The Council processes personal information on one of the following grounds:

- 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. Those legitimate interests typically involve the conduct of Council business in accordance with the law.

Particular attention is paid to the processing of any special category personal information or information about criminal convictions or offences. Where the Council processes that information, they do so on one of the following grounds:

- Explicit consent of the individual.
- Required by law to process the data for employment purposes.
- A requirement to protect the vital interests of the individual or another person.
- Processing is of personal information manifestly made public by the data subject.
- Processing is in the substantial public interest on the basis of UK law or public health.
- Processing is necessary for the establishment, exercise or defence of legal claims.

Diversity Monitoring

The Council monitors the diversity of its employee(s), 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 employee(s). It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals without a lawful basis. 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.

Appropriate technical and organisational 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.

Who we share information with

Our email accounts are provided by parishcouncilwebsites.co.uk. They do not have day-to-day access to email but may do so in order to resolve issues with our email service.

We may share information provided to us with third parties that provide services to us (such as ITUS, who provide event support for major council run events), third parties who we engage with regularly on the Parish's behalf (like South West Water) and relevant local and national government bodies (such as the Environment Agency, the Police, Devon Highways, Teignmouth Town Council, Teignbridge and Devon County Council).

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. The Council 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

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

Access to Information: an individual has the right to request access to the information we have on them. They can do this by contacting the Parish Clerk.

Information Correction: If an individual believes that the information, the Council has about them is incorrect, they may contact the Council so that it can update the information and keep their data accurate. Please contact: Parish Clerk.

Information Deletion: If the individual wishes the Council to delete the information about them, they can do so by contacting the Parish 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 the Parish Clerk.

The Council 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 Parish Clerk, or the Information Commissioners Office casework@ico.org.uk Telephone: 0303 123 1113.

The Council will always give guidance on personnel data to employee(s) through the Employee handbook.

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, this Scheme specifies the classes of information which the Council publishes or intends to publish.

All formal meetings of the Council and its committees are subject to statutory notice being given on notice boards, the 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 on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its website or by request made to the Parish Clerk.

Occasionally, Council or committees 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. 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, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

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. 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.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

The Council 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. It will include an appropriate operating procedure in its integrated quality management system.

Data Transparency

The Council acts, as appropriate and required 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 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.

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. The Council exceeds this turnover but will nevertheless ensure the following information is published on its Website for ease of access:

- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

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