Bournheath Parish Council
Data Protection policy

Policy adopted May 2021
Review annually.

Introduction
The Data Protection Act 1998 became effective from 01/03/2000; its purpose is to regulate the use of personal data.

The Act is concerned with personal data, ie information about living, identifiable individuals. This need not be particularly sensitive information and can be as little as a name and address.

The Act gives individuals (data subjects) certain rights. It also requires those who record and use personal information (data controllers) to be open about their use of that information and to follow sound and proper practices (the Data Protection Principles).

Data controllers are those who control the purpose for which and the manner in which personal data is processed. Data subjects are the individuals to whom the personal data relate.

The Information Commissioner is responsible for administering and enforcing the Data Protection Act. As the Parish Council holds personal information about living individuals on paper and computer such as details of planning applications, grant application etc. we have notified our registration with the ICO under the Data Protection Act 1998. The Parish Council is listed on the ICO's website.

The Data Protection Principles
The Parish Council is required to comply with the eight data protection principles, as set out below:

1. **Data must be obtained fairly and lawfully**
   Information should be 'fairly processed', this means that when the Parish Council collects the information from individuals it will be honest and open about the reason for collecting it.

2. **Data must be held only for specific and lawful purposes and not processed in any manner incompatible with those purposes**
   The Parish Council must have a legitimate reason for processing the data. An explanation must be given (in most cases in writing) stating the name of the council, the intended use of the information and to whom it is to be given. This may be a specific 3rd -party, or may be a more general description such as 'other Councils' etc.

3. **Data must be relevant, adequate and not excessive for those purposes**
   Data users should monitor the quantities of data held and ensure that they hold neither too much nor too little. The Parish Council must hold only the data which is actually needed.

4. **Data must be accurate and where necessary kept up to date**
   Personal data should be accurate; if it is not then it must be corrected.

5. **Data must not be kept for longer than necessary**
   Only in exceptional circumstances should data be kept indefinitely. In order to comply with the principle, the Parish Council should have a system for the removal of different categories of data from its system after certain periods, for instance when the information is no longer required for audit purposes.

6. **Data should be processed in accordance with the rights of data subjects under this Act**
   This means that individuals must be informed, upon request, of all the information held about them. They can prevent the processing of data for direct marketing purposes and are entitled to compensation if they have been caused damage by any contravention of the Act.

7. **Security precautions in place to prevent the loss, destruction or unauthorised disclosure of the data**
   Data controllers should ensure that they provide adequate security for the data taking into account the nature of the data, and the harm to the data subject which could arise from disclosure or loss of the data. A system of passwords should be in use to ensure that only staff who are authorised can gain access to personal data. Passwords should be changed fairly frequently. Councils should have established written procedures setting out who is authorised to access which records and for what purpose.

8. **Not to transfer data outside the European Economic Area unless you are satisfied that the country in question can provide an adequate level of security for that data**

Dealing with subject access requests

If the Parish Council receives a written subject access request it must be dealt with promptly and in any case within 40 days from the date of receipt. If further information is required, the 40 days will begin when this further information is received. The Parish Council is entitled to request a fee of not more than £10 and the 40 days does not begin until this is received.

In response to a subject access request individuals are entitled to a copy of the information held about them, both on computer and as part of a relevant filing system. They also have the right to receive a description of why their information is processed, anyone it may be disclosed to, and any information available about the source of the data.