LEVENS PARISH COUNCIL

DATA PROTECTION POLICY

Reviewed 11 March 2025

Levens Parish Council recognises its responsibility to comply with the 2018 General Data Protection Regulation. The General Data Protection Regulation retains the existing legal principles of the 1998 Data Protection Act and adds some additional protections as to how personal data and sensitive personal data can be used.

THE DATA PROTECTION ACT:

The Data Protection Act 1998 set out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulated how information can be collected, handled and used.

The Data Protection Act applies to anyone holding information about people electronically or on paper.

THE GENERAL DATA PROTECTION REGULATION:

The General Data Protection Regulation 2018 says that the information provided to people about how we process their personal data must be concise, transparent, intelligible and easily accessible, written in clear and plain language, particularly if addressed to a child and free of charge.

The six lawful bases for processing personal data under the GDPR are:

1. **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
2. **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
3. **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
4. **Vital interests:** the processing is necessary to protect someone's life.
5. **Public task/interest:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
6. **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (**This cannot apply if you are a public authority processing data to perform your official tasks.)**

As a local authority Levens Parish Council has a number of procedures in place to ensure that it complies with the General Data Protection Regulation 2018 when holding personal information. Although Parish Councils do not need to appoint designated Data Protection Officer, Levens Parish Council has nominated its Clerk to oversee data management in line with the new Regulations.

When dealing with personal data, Levens Parish Council staff and Councillors must ensure that:

- IT IS PROCESSED FAIRLY AND LAWFULLY: This means that information should only be collected from individuals if staff and Councillors have been open and honest about why they want the information.

- IT IS PROCESSED FOR SPECIFIED PURPOSES ONLY

- IT IS RELEVANT TO WHAT IT IS NEEDED FOR: Data will be monitored so that too much or too little is not kept; only data that is needed should be held.

- IT IS ACCURATE AND KEPT UP TO DATE: Personal data should be accurate, if it is not it should be corrected.

- IT IS NOT KEPT LONGER THAN IT IS NEEDED

- IT IS PROCESSED IN ACCORDANCE WITH THE RIGHTS OF INDIVIDUALS: This means that individuals must be informed, upon request, of all the information held about them.

- IT IS KEPT SECURELY: This means that only staff and Councillors can access the data, it should be stored securely so it cannot be accessed by members of the public.

COLLECTING DATA

Levens Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number to staff or a member of Levens Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else. Data may be collected via the Parish Council's website via the 'Contact Us' form. The contact us webpage contains a privacy statement about how the data will be stored and used.

LEVENS PARISH COUNCIL

STORING AND ACCESSING DATA

Levens Parish Council may hold information about individuals such as their addresses and telephone numbers. These are kept in a secure location at the Parish Clerk's place of residence and are not available for the public to access.

All data stored on a computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

The Parish Council is aware that people have the right to access any information that is held about them. If a person requests to see any data that is being held about them:

- They must be sent all of the information that is being held about them
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within one month
- Requests that are manifestly unfounded or excessive may be refused or a charge made
- If a request is refused, a reason must be given

If an individual requests that their data is rectified or erased, this will be carried out.

DISCLOSURE OF INFORMATION

If an elected member of the council, for example a Councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose. If for instance someone has made a complaint about over hanging bushes in a garden, a Councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry. However, before they access any sensitive information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

CONFIDENTIALITY

Levens Parish Council Members and staff are aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

If a data breach is identified the ICO must be informed within 72 hours and an investigation will be conducted.

This policy will be reviewed annually, as well as an annual review of the compliance and effectiveness of the policy.

Martin Curry
Clerk, Levens Parish Council