**NORTH MARSTON**

**DATA PROTECTION POLICY**

**1. INTRODUCTION**

1.1 The Data Protection Act 1998 came into effect on 1st March 2000. The Act regulates the use of personal data relating to living data subjects. The purpose of The Act is to regulate the way that personal information about living individuals, (no matter how that information is held) is obtained, recorded, stored, used and disposed. The legislation grants rights to individuals, to see data stored about them and to require modification if the data are incorrect, and, in certain cases, to compensation. These provisions amount to a right of privacy for the individual.

1.2 The Act requires that all processing of personal data must be notified to the Information Commissioner and that personal data must be kept and used in accordance with the provisions of the Act. North Marston Parish Council is registered with the Information Commissioner under the Data Protection Act. The Council is required to notify to the Office of the Information Commissioner on a yearly basis. This notification is facilitated by the clerk and the notification details the main processing activities of the council.

1.3 The purpose of this Policy Statement is to formalise the position of the Parish Council and to state its commitment to maintaining the strictest level of confidentiality of personal data within its record system in accordance with the provisions of the Act.

**2. SCOPE**

2.1 The obligations contained in this policy apply equally to councillors and employees of the Parish Council.

2.2 The clerk to the parish council is the Data Controller appointed by the Parish Council and has the responsibility to administer the Parish Council’s day to day compliance with the Act. Overall responsibility to ensure the Data Protection Policy is understood and enforced remains with the Parish Council.

2.3 Disclosure of personal data within North Marston Parish Council to councillors or officers will be on the basis of a need to know.

2.4 The Act applies to records held in a relevant filing system, which includes structured and, in the case of public bodies, unstructured files where personal data relating to an individual is readily accessible.

**3. DEFINITIONS**

3.1 **Personal Data** means information about a living individual that can be used on its own, or with other information, to identify them.This includes any expression of opinion about the individual and any indication of the intentions of the Parish Council in respect of the individual

3.2  **Processing**, in relation to information or data, means obtaining, recording or holding information or data or carrying out any operation or set of operations on the information or data, including retrieval disclosure of that information or data.

3.3 **Data Subject** is an individual who is the subject of Personal data.

3.4 **Sensitive Personal Data** is defined in the Act defines by eight categories of information about the Data Subject relating to;

1) racial or ethnic origins

2) political opinions

3) religious or similar beliefs

4) membership of a trade union

5) physical or mental health

6) sexual life

7) the commission or alleged commission of any offence, or

8) any proceedings relating to any offence or alleged offence, the disposal of such proceedings or the sentence of any court in such proceedings.

3.5  **Data Controller** is a person who, either alone or jointly with others, determines the purposes for which, and the manner in which, personal data is, or will be, processed. The Data Controller for North Marston Parish Council is the clerk.

3.6 **Person** relates to a legal person and thus includes a corporate body such as the Parish Council.

3.7 **Information Commissioners Office (ICO)** is the organisation responsible for administering and enforcing the Data Protection Act 1998 nationally.

3.8 The **eight principles of data protection** are as follows;

1) Personal data shall be processed fairly and lawfully, and in a transparent manner in relation to individuals

2) Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
3) Personal data shall be relevant, adequate and limited to what is necessary in relation to the purposes for which they were processed.
4) Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

5) Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

6) Personal data shall be processed in accordance with the rights of Data Subjects under the Act.

* The right to be informed
* The right of access
* The right to rectification
* The right to erase
* The right to restrict processing
* The right to data portability
* The right to object
* Rights in relation to automated decision making and profiling

7) Personal data is protected by appropriate security (Practical and Organisational). Personal data will be 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.

8) The GDPR imposes restrictions on the transfer of personal data outside the European Union, to third countries or international organisations. These restrictions are in place to ensure that the level of protection of individuals afforded by the GDPR is not undermined.

**4. DATA PROTECTION POLICY**

4.1 North Marston Parish Council will hold the minimum personal data necessary to enable it to perform its functions. The data will be deleted in accordance with the Retention and Destruction Policy of the Council. Every effort will be made to ensure that data is accurate and up to date, and that inaccuracies are corrected quickly.

4.2 North Marston Parish Council will design IT and manual systems to comply with the eight principles of the Data Protection Act. The Council ensures that personal data is treated as confidential, ensuring that access to personal data can be restricted to identifiable system users.

4.3 North Marston Parish Council is committed in its aim that all appropriate staff will be properly trained, fully informed of their obligations under the Act, and made aware of their personal liabilities. The Council expects all of its staff and members to comply fully with this Policy and the Data Protection Principles.

4.4 It is the duty of the clerk as Data Controller to comply with the data protection principles and to ensure individuals are informed if their personal data is to be processed by way of a fair processing notice, unless an exemption applies.

4.5  The Council must fulfil a request for access to personal data within 40 calendar days. It is currently the policy of North Marston Parish Council not to make a financial charge for this service.

4.6  North Marston Parish Council will provide to any individual who makes a written request for their personal data with;

* A reply stating whether or not we hold personal data about them.
* A copy of that information, in clear language, unless specific legal exemptions apply.

End.