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Data Protection Policy

1. Purpose and Scope

Moulton Parish Council recognises its responsibility to comply with the General Data Protection Regulations (GDPR) 2018 which regulates the use of personal data. This does not have to be sensitive data; it can be as little as a name and address.

Northamptonshire County Association of Local Councils (NCALC) currently acts as the Data Protection Officer (DPO) on behalf of Moulton Parish Council.

In order to conduct its business, services and duties, Moulton Parish 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 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 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 us for information, to access its services or facilities or to make a complaint.

Moulton Parish 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.

This Policy is linked to our Social Media, Digital and Electronic Communication Policy which will ensure information considerations are central to the ethos of the organisation. Moulton Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

2. Legal Responsibility & Policy Support

[Data Protection Act 2018](#)

[General Data Protection Regulation \(GDPR\)](#)

[Local Government Bodies Regulations 2014](#)

- Freedom of Information Policy
- GDPR Controller Documentation

3. Data Protection Terminology

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

That may be an employee, prospective employee, associate or prospective associate of BTC or someone transacting with it in some way, or an employee, Member 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) (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.

4. General Data Protection Regulations (GDPR)

The GDPR sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The GDPR applies to anyone holding personal information about people, electronically or on paper. Moulton Parish Council has also notified the Information Commissioner's Office (ICO) that it holds personal data about individuals.

5. Protecting Confidential or Sensitive Information

Moulton Parish 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.

When dealing with personal data, Moulton Parish Council staff and members must ensure that:

- Data is processed fairly, lawfully and in a transparent manner.
 - This means that personal information should only be collected from individuals if staff have been open and honest about why they want the personal information.
- Data is processed for specified purposes only.
 - This means that data is collected for specific, explicit and legitimate purposes only.
- Data 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.

- Data is accurate and kept up to date and is not kept longer than it is needed.
 - Personal data should be accurate, if it is not it should be corrected. Data no longer needed will be shredded or securely disposed of.
- Data is processed in accordance with the rights of individuals.
 - Individuals must be informed, upon request, of all the personal information held about them.
- Data is kept securely.
 - There should be protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Moulton Parish Council processes personal data 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 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 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 the council 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.

6. Storing and Accessing Data

Moulton 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 personal information.

Moulton Parish Council may hold personal information about individuals such as their names, addresses, email addresses and telephone numbers. These will be securely kept at the Moulton Parish Council Office and are not available for public access. All data stored on the Moulton Parish Council Office computers are password protected. Once data is not needed any more, is out of date or has served its use and falls outside the minimum retention time of Councils document retention policy, it will be shredded or securely deleted from the computer.

Moulton Parish Council is aware that people have the right to access any personal information that is held about them. Subject Access Requests (SARs) must be submitted in writing (this can be done in hard copy, email or social media). If a person requests to see any data that is being held about them, the SAR response must detail:

- How and to what purpose personal data is processed.
- The period Moulton Parish Council tend to process it for.
- Anyone who has access to the personal data.

The response must be sent within 30 days and should be free of charge.

If a SAR includes personal data of other individuals, Moulton Parish Council must not disclose the personal information of the other individual. That individual's personal information may either be redacted, or the individual may be contacted to give permission for their information to be shared with the subject.

Individuals have the right to have their data rectified if it is incorrect, the right to request erasure of the data, the right to request restriction of processing of the data and the right to object to data processing, although rules do apply to those requests.

Please see "Subject Access Request Procedure" for more details.

7. Confidentiality

Moulton Parish Council members and staff must be 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.

8. Who is responsible for protecting a person's personal data?

Moulton Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The council has delegated this responsibility day to day to the Executive Officer.

- Email: officer@moultonparishcouncil.org.uk
- Phone: 01604 642202

The council has also appointed an external Data Protection Officer to ensure compliance with Data Protection legislation who may be contacted at Northamptonshire County Association of Local Councils (NCALC).

9. Diversity Monitoring

Moulton Parish Council doesn't monitor the diversity of its workforce and as there is no legal requirement to do so. However, when we conduct a public consultation, we will endeavour to include diversity monitoring when relevant.

The council 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 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.

10. Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Moulton Parish Council, individuals are deemed to be giving consent for their personal data provided 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 the council 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.

11. The Councils Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

- Processing is with consent of the data subject, or.
- Processing is necessary for compliance with a legal obligation.
- Processing is necessary for the legitimate interests of the Council.
- Information Security.

Moulton Parish 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.

We 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.

12. 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 Executive Officer.

Information Correction: If they believe that the information, we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Executive Officer.

Information Deletion: If the individual wishes the council to delete the information about them, they can do so by contacting the Executive Officer.

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 Executive Officer.

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 Executive Officer:

- Email: info@moultonparishcouncil.org.uk
- Phone: 01604 642202

Or our Data Protection Officer:

[Northamptonshire County Association of Local Councils \(NCALC\)](#)

Or the Information Commissioners Office via their [Data protection and personal information complaints tool | ICO](#) or call their advice line on 0303 123 1113, from Monday to Friday, 9am

to 5pm.

13. 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. It is supplemented with an Information Guide which will give greater detail of what the council will make available and hopefully make it easier for people to access it.

All formal meetings of council and its committees are subject to statutory notice being given on notice boards, and 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 at its offices.

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.

14. 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.

15. Data Transparency

The council has resolved to act 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. Moulton Parish Council exceeds this turnover but will nevertheless ensure the following information is published on its website for ease of access:
 - All transactions above £100.
 - End of year accounts.
 - Annual Governance Statement.
 - 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.

This policy is reviewed annually by the Executive Officer and submitted to the full council for approval.

Last Reviewed: January 2024
Review Due: January 2025