

Hamsey Parish Council (HPC)

GDPR and privacy policy

GDPR overview

1. The General Data Protection Regulation (GDPR) updated data protection law introducing new classes of personal data and enhanced information rights of individuals. **Under GDPR there *must* be a lawful basis for processing any personal data.**
2. The following are laid down in the Regulations as providing lawful basis' for processing of personal data:
 - a) With the consent of the data subject
 - b) When necessary for the performance of a contract with the data subject or to take steps to enter into a contract
 - c) when necessary for compliance with a legal obligation
 - d) when necessary to protect the vital interests of a data subject or another person
 - e) when necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the 'controller' (i.e.the Hamsey Parish Clerk)
 - f) when necessary for the purposes of legitimate interests pursued by the 'controller' or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

What Hamsey Parish Council does and how personal information is used

3. Hamsey Parish Council is the first tier of local government – 7 members elected to represent the community of Hamsey to:
 - work closely with partners to implement our neighbourhood plan
 - promote and enhance the quality of village community life
 - preserve and protect the natural environment & green spaces
 - monitor & influence the sustainable development of the built and rural environment, including vehicle, rail & pedestrian transportation.

In the context of GDPR requirements for lawful data processing HPC is responsible for two types of activity:

- Non-statutory/informal information sharing & communication
 - Statutory, legal and regulatory obligations.
4. **Non-statutory/informal information sharing and communication activities of Hamsey Parish Council can be described as:**
 - Two-way communication (email, calls & meetings) with residents, local traders & businesses & local community groups to understand the needs of the Parish and what solutions might address these needs, including developing small schemes/projects to benefit the community;
 - maintaining dialogue with trusted 'third party' organisations & groups including Lewes District Council (LDC), South Downs National Park Authority (SDNPA); East Sussex County Council (ESCC) and other public authorities such as

Sussex Police and other local groups & associations.

The nature of these communications means that the basis for Hamsey Parish Council to lawfully process personal data is only with the consent of the data subject :

As part of this **informal/non-statutory** communication, personal information the Parish Council processes is:

- a. Typically limited to name, title, contact details such as telephone details, addresses and email addresses; and possibly comments and photographs; and
- b. Councillors may share contact data with trusted third parties such as LDC or other parties raise awareness and/or seek solutions to local issues.

In the above circumstances, Hamsey Parish Council *must first* obtain the consent of a 'data subject' as the legal basis for using or sharing personal information – see paragraph 8

5. Hamsey Parish Council's formal/regulatory activities include:

- deciding the level of council tax precept & formal accounting responsibility for use of public' money;
- entering into supplier/contractual arrangements;
- employing a Clerk (who is also HPC's data controller).
- recording the proceedings of physical and on-line meetings

For these activities the lawful basis for processing personal information is likely to be one or more of the following:

- **necessary** for the performance of a contract with the data subject or to take steps to enter into a contract
- **necessary for compliance with a legal obligation**
- necessary to protect the vital interests of a data subject or another person
- **necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the 'controller' (i.e. the Parish Clerk)**
- necessary for the purposes of legitimate interests pursued by the 'controller' or a 3rd party, except where such interests are overridden by the interests, rights or freedoms of the data subject

For HPC's statutory, legal & regulatory obligations, personal information covers:

Telephone details, addresses and email addresses; plus estimates & quotations; comments and works specifications. As HPC uses on line banking the Council will, in addition, process bank account numbers. In such instances HPC may process and retain data for as long as necessary to satisfy HMRC; audit and legal requirements.

For employees, HPC processes information such as contact details, academic/ professional qualifications, work history, NI numbers etc. In these instances, HPC retains data for as long as necessary to satisfy HMRC and requirements of employment law, audits and/or provide VAT/ tax information, or information necessary to defend or pursue legal actions.

6. According to data protection law, personal data held by HPC for the above statutory purposes will only be:

- 1.1 Relevant to the lawful purposes set out in Paragraph 2 of this Policy and limited only to those purposes.
- 1.2 Used lawfully, fairly and in a transparent way.
- 1.3 Collected only for valid purposes that we have explained to you and not used in any way that is incompatible with those purposes.
- 1.4 Kept for only as long as necessary for purposes we have told you about.
- 1.5 Kept and destroyed securely.

7. 'Data subject' rights

Individual's rights are:

The right to access personal data HPC holds on you: At any point, you can contact the HPC Clerk to request the personal data HPC have for you as well as why they have that personal data. Once HPC has received your request we will normally respond within one month. There are no administrative fees for a first request.

The right to correct and update the personal data HPC has for you.

The right to have your personal data erased: If you believe HPC should no longer be using your personal data, you can request HPC erase it. When we receive your request, we will confirm whether the personal data has been deleted or the reason it cannot be deleted.

The right to object to processing of your personal data or to restrict it to certain purposes only.

The right to withdraw your consent at any time for any processing of your personal data

The right to complain to the Information Commissioners Office on 0303 123 1113.
<https://www.gov.uk/data-protection/make-a-complaint>

8. To implement GDPR and this policy, HPC:

- appoints the Parish Clerk as controller with responsibility for operating the Council GDPR and Privacy policy
- protects your personal data - when it is received by us - through a combination of physical and electronic access controls, firewall technology and other security measures;
- requests your permission to hold personal data when the requirement is for non-statutory or non-regulatory purposes
- only uses Council e-mail addresses to conduct Council business allows only password protected personal computers and phones to access council e-mails.
- only shares information with relevant authorities if you are agreeable for us to do this - agreement can be verbal or confirmation in writing when emails are received;
- clearly communicates details of the above requirements including data subject rights into all HPC correspondence and communications;
- only retains personal information for as long as is necessary to meet legal, regulatory or fraud prevention requirements and for our lawful business;
- will ensure that when leaving the position of Parish Councillor the Councillor deletes all personal details, related information, correspondence and emails;
- regularly conducts audits to identify personal data that is no longer necessary and proportionate to retain;

- Disposes of personal information in a secure manner;

If you or an organisation appointed by you contacts us for details about your data, HPC will take all reasonable steps to establish your identity and will not disclose personal data unless satisfied that you (or the organisation) are who you claim to be.

9. Changes to this privacy policy

This HPC policy is kept under review in the light of operational experiences and feedback from residents, third parties including our Auditors. The Policy will be reviewed within 2 years of the date below. If we wish to use your personal data for a new purpose not covered by this Policy, we will again seek your prior consent.

Policy drafted	October 2021 by Parish Clerk & Cllr Carrie Henry
Policy approved	January 2022 Council meeting
Policy review date	Within 2 years of policy being approved ie before January 2024