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UTTOXETER TOWN COUNCIL

Data Protection and GDPR Policy

Data Protection and GDPR Policy

Introduction

The Council recognises it must at times, keep and process sensitive and personal information about employees, councillors, contractors, and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The Council will be very open about its operations and will work closely with public, community and voluntary organisations. Therefore in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Parish's communities. Details of information which is routinely available are contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

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, the website and sent to the local media. The Council publishes an annual programme in May each year. 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 is part of its Constitution on the Website.

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 Parish Ranger or paying an invoice approved by Council, but would include urgent action taken after consultation with the Chair person, such as responding to a planning application or to an issue over the Neighbourhood Plan 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.

The Council is willing to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Accountability

- This policy is owned by the Town Clerk (Uttoxeter Town Council Data Protection Officer), who will ensure that the policy is correctly applied.
- Accountability for ensuring compliance with this policy remains with the Town Clerk (Uttoxeter Town Council Data Protection Officer).
- When working with personal data that has been collected, accessed, stored or disclosed it is the responsibility of the Uttoxeter Town Council employees and Councillors to ensure compliance with this policy.
- Uttoxeter Town Council will provide training for all employees and Councillors who handle personal information.
- Uttoxeter Town Clerk (Uttoxeter Town Council Data Protection Officer) will carry out regular checks to monitor and assess new processing of personal data and ensure that the Information Commissioner is notified of any updates and or changes in the processing of personal data by Uttoxeter Town Council.
- Uttoxeter Town Council will develop and maintain procedures to ensure data protection legislation compliance, for example:
 - Training and compliance testing
 - Information security policy to be signed by employees and councillors
 - Considering data protection controls at the design stage of any new projects
 - Management of personal data breaches
 - Data protection impact assessments to identify risks and include measures, safeguards and processes for mitigating the risks identified.
 - Managing responses to subject access requests
- Uttoxeter Town Council will ensure compliance with its transparency and fair processing obligations relating to data subjects' personal data.
- Uttoxeter Town Council employees and councillors must adhere to all forms of Uttoxeter Town Council GDPR measures, safeguards and processes

Data Protection Principles

When Uttoxeter Town Council process personal data we will comply with the following points. Processing data can involve recording, amending, using, holding, disclosing or destroying data. Personal data must be:

- Fairly, lawfully and transparently processed
- Adequate, relevant and limited to what is necessary
- Accurate and, where necessary, up to date
- Processed in a way which is compatible with the original, legitimate, specific purpose of obtaining it.
- Only processed once permission is obtained and for the correct purpose
- Retained only as required and not kept for longer than necessary
- Stored and handled with appropriate security
- Shared only with permission and for the correct purpose
- Not transferred to or accessed by people or organisations located outside of the

European Economic Area (EEA) unless the country has adequate safeguarding in place.

Anonymised data; which makes it impossible to identify an individual, is not covered by GDPR.

Personal Data about Employees, Councillors, Contractors and the public which may be held by Uttoxeter Town Council

- Name
- Address
- Telephone Number
- Date of Birth
- Email Address
- National Insurance Number
- Bank Account Details
- Employment History
- Gender
- Ethnicity
- Medical Information
- Other information for example investigations, Councillor Casual Vacancy written applications, etc

Special Categories of Personal Data

Special categories of personal data are considered 'sensitive' and require additional care when handling. The following are considered sensitive personal data:

- Race or ethnic origin
- Medical/healthcare records
- Genetic or biometric data
- Political opinions
- Religious (or similar) beliefs
- Sexual history and/or sexual orientation
- Trade union membership
- Physical or mental health
- Criminal records (actual and alleged offences)

Storage of Personal Data

- Paper based files must be held in a locked cupboard
- Electronic files must be on a secure drive
- Email access within Uttoxeter Town Council must be via a password protected device. Data should be destroyed after use if no longer required. No personal data should be saved to desktops and security measures, for example, password protection must be used.
- When recruitment data is received electronically the candidate or recruitment agent must be informed of how long the data is intended to be kept; if the data is paper based the application form must be updated to explain how long data is intended to be kept.

Uttoxeter Town Council Employee Contracts

Any contracts issued after 25 May 2018 should include a GDPR clause.

Data Sharing

- When sharing any personal data all reasonable technical and organisational steps must be taken to ensure the principals of GDPR are met. All data reporting should be anonymised where possible, for example: the removal of personal information from agenda appendices.
- Disclosures to public authorities, for example: police, HMRC and Courts should only be made in response to such requests, when it is strictly necessary and when the request has been verified as a valid one.
- The Uttoxeter Town Council Subject Access Request Policy will be adhered to when processing Subject Access Requests.

Retaining Documents

- The GDPR states that ‘personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.’
- Some documents, for example: employment contracts, accident records and other personnel records may be required for legal action. The use of these documents in legal action usually requires the original documents and if these are not available Uttoxeter Town Council would need to explain what happened to the originals, backed up by a ‘statement of truth’.
- It is the responsibility of Uttoxeter Town Council to decide on retention periods for certain documentation which does not have retention times set in the GDPR for example: employment records. Please refer to the Uttoxeter Town Council Retention Policy and Information Asset Register.

Destroying Data

All data to be destroyed must be permanently deleted and/or destroyed effectively and securely, for example: shredding.

Monitoring Data

Uttoxeter Town Council Employees and ultimately the Uttoxeter Town Council Data Protection Officer must constantly monitor where and how data is held and permanently deleted and/or destroy personal data no longer needed.

Data Transparency

The Council has resolved to act in accordance with the principles of the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011), although this formally only applies to a parish council which has gross annual income or expenditure (whichever is the higher) of at least £200,000.

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 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. The Parish Council exceeds this turnover but will nevertheless ensure the following information is published on its website:

- All transactions above £100.
- End of year accounts
- Annual Governance Statements
- 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.

Data Breaches

A personal data breach is an unauthorised or inappropriate disclosure of personal data. Uttoxeter Town Council employees and councillors should report data breaches to the Town Clerk (Data Protection Officer) immediately and the report should be processed, without delay, as per the Uttoxeter Town Council Data Breach Policy.

Approved by UTC May 2018, May 2019, Updated Oct 2020, May 2022 – Reviewed by Council's DPO, 16 May 2023, 21 May 2024 and Reviewed at Council's Annual Meeting held 13 May 2025.