

Tunstall Parish Council Data Protection Policy

Introduction & Scope

Tunstall Parish Council (TPC) recognises its responsibility to comply with the Data Protection Act (DPA) 1998. The Act regulates the use of **personal data**. This does not have to be sensitive data. The DPA sets out the minimum standards for the handling of personal information and protecting individual's rights for privacy. It also regulates how personal information can be collected, handled and used. The DPA applies to anyone holding personal information about people, electronically or on paper.

The Parish Council has notified the Information Commissioner that it holds personal data about individuals.

Personal Data sets can be described as:

1. Any record which contains personal information about a living individual e.g. a questionnaire or other data collected under a guarantee of confidentiality.	
2. Correspondence or other documents which reveal the contact details or any financial details of a named living person, unless permission has been given to circulate the details.	
3. Correspondence or other documents which reveal personal details or pass comments on a named living person.	
4. Staff personnel records	5. Discipline records
6. Job applications Interview notes	7. Sick pay records
8. Maternity pay records	9. Income tax and National Insurance returns
10. Accident books and records	11. Health & Medical records

Principles of the Act

When dealing with personal data, the **Parish Clerk** and **Councillors** must ensure that:

1. Data is processed fairly and lawfully Personal information should only be collected from individuals if the Parish Clerk and/or Councillors have been open and honest about why they require the information.
2. Data is processed for specified purposes only
3. Data is relevant to what it is needed for and will be monitored so that only what is required will be retained.
4. Data is accurate and kept up to date and any known errors must be corrected.
5. Data is not kept longer than it is needed

6. Data no longer needed will be shredded or securely disposed of
7. Data is processed in accordance with the rights of individuals and on request, individuals must be informed of all the personal information held about them.
8. Data is kept securely. Only the Parish Clerk and Councillors can access personal data from Council records. It cannot be accessed by members of the public.

Storing and Accessing Data

The storage and disposal of personal information complies with TPC's Record Management Policy.

If / when a member of the public or of another Public Authority provides personal data like private email addresses and telephone numbers the Council will only use that information for the stated purpose. It will not share that information without permission.

The Parish Council is aware that members of the general public have the right to access any personal information that is held about them. If a person requests to see any data that is being held about them, they must be:

- a) Told whether their personal data is being held or used
- b) Given a description of the personal data, the reasons it is being held or used, and if it has been shared with others
- c) Given a copy of the information comprising the data
- d) Given details of the source of the data (where this is available)
- e) It must be provided within 40 days
 - A fee to cover photocopying and postage charges will be levied to the person requesting the personal information, for settlement prior to release of the information. The fee scale will be the same as the Freedom of Information Procedure Appendix 1: Publication Scheme.

TPC will endeavour to acknowledge all enquiries within 7 days and then utilise the Freedom of Information Policy for its timescales to assess and provide data.

Any record containing personal information must be destroyed under secure conditions. An individual who suffers damage because of a contravention by the data controller is entitled to compensation for that damage. Contravention of the Data Protection Act is a criminal offence carrying a maximum £5000 fine.

Disclosure of Personal Information

A Councillor may access information covered by the Act to help carry out their duties, but they may only access as much information as is necessary and it should only be used for that specific purpose. Before they access any sensitive information about a person, they require consent to do this from the Parish Clerk.

Confidentiality

All personal data must remain confidential. **Parish Councillors** and the **Parish Clerk** must be aware that when complaints or queries are raised by a member of the general public, personal details and details of the complaint must remain confidential unless and until that member of the general public has given written permission otherwise.

Date Approved: 6 January 2020

Signed by the Chair: