

## **DATA PROTECTION POLICY**

### **In accordance with the General Data Protection Regulation 2018.**

Walton Community Council may share data with other agencies such as the local authority, funding bodies and other voluntary agencies. The Council's Communications Policy will provide details of how the Council will communicate with residents, contractors, partners, the media and any other third parties and set out how the information is stored, used and deleted.

In some cases, third parties such as the Council's appointed auditors and contractors, where applicable will have access to information, but will not be able to access information without the Council's permission to do so.

The Data Subject will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows the council to disclose data (including sensitive data) without the data subject's consent.

These are:

- a) Carrying out a legal duty or as authorised by the Secretary of State
- b) Protecting vital interests of a Data Subject or other person
- c) The Data Subject has already made the information public
- d) Conducting any legal proceedings, obtaining legal advice or defending any legal rights
- e) Monitoring for equal opportunities purposes – i.e. race, disability or religion
- f) Providing a confidential service where the Data Subjects consent cannot be obtained or where it is reasonable to proceed without consent: e.g. where we would wish to avoid forcing stressed or ill Data Subjects to provide consent signatures.

Walton Community Council regards the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Walton Community Council intends to ensure that personal information is treated lawfully and correctly. To this end, the Council will adhere to the Principles of Data Protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

1. Shall be processed fairly and lawfully and shall not be processed unless specific conditions are met.

2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
3. Shall be adequate, relevant and not excessive in relation to those purpose(s)
4. Shall be accurate and, where necessary, kept up to date,
5. Shall not be kept for longer than is necessary
6. Shall be processed in accordance with the rights of data subjects under the Act
7. Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
8. Shall not be transferred to a country or territory outside the European Economic Area 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 information.

Walton Community Council will, through appropriate management and strict application of criteria and controls:

- Observe fully conditions regarding the fair collection and use of information
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information, and only to the extent that it is needed to fulfill its operational needs or to comply with any legal requirements
- Ensure the quality of information used
- Ensure that the rights of people about whom information is held, can be fully exercised under the Act. These include:
  - The right to be informed that processing is being undertaken,
  - The right of access to one's personal information
  - The right to prevent processing in certain circumstances and
  - The right to correct, rectify, block or erase information which is regarded as wrong information)
- Take appropriate technical and organisational security measures to safeguard personal information
- Ensure that personal information is not transferred abroad without suitable safeguards
- Treat people justly and fairly whatever their age, religion, disability, gender, sexual orientation or ethnicity when dealing with requests for information
- Set out clear procedures for responding to requests for information.

## **Data Collection**

Informed consent is when

- A Data Subject clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their consent.

Walton Community Council will ensure that data is collected within the boundaries defined in this policy.

When collecting data, the Council will ensure that the Data Subject:

1. Clearly understands why the information is needed
2. Understands what it will be used for and what the consequences are should the Data Subject decide not to give consent to processing
3. As far as reasonably possible, grants explicit consent, either written or verbal for data to be processed
4. Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress
5. Has received sufficient information on why their data is needed and how it will be used.

### **Data Storage and Security**

Information and records relating to Data Subjects will be stored securely and will only be accessible to persons authorised by the Data Protection officer to do so.

Information will be stored for only as long as it is needed or required statute and will be disposed of appropriately.

A review of data will be carried out on a regular basis to ensure that information held is accurate and up to date. Any personal information that is no longer relevant that is stored on the Council's computers will be irretrievably deleted and any personal information stored in paper copy will be shredded.

It is Walton Community Council's responsibility to ensure all personal and company data is non-recoverable from any computer system previously used within the organisation, which has been passed on/sold to a third party.

The Council will ensure that all records of a data subject are deleted or shredded following a request of their 'right to be forgotten'. Any 'right to be forgotten' request will be acted upon within 72 hours of the request being made.

### **Data access and accuracy**

How the Council will deal with data requests is set out in the Council's privacy notice. All Data Subjects have the right to access the information the Council holds about them and

appropriate records will be kept so that the Council is able to respond to data requests. The Council will also take reasonable steps to ensure that this information is kept up to date by asking Data Subjects whether there have been any changes.

Walton Community Council will not normally charge, but if any requests require excessive administrative time then the Council may charge a reasonable amount to the work carried out.

In addition, Walton Community Council will ensure that:

- It has a Data Protection Officer with specific responsibility for ensuring compliance with Data Protection
- Everyone processing personal information understands that they are contractually responsible for following good data protection practice
- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Anybody wanting to make enquiries about handling personal information knows what to do
- It deals promptly and courteously with any enquiries about handling personal information
- It describes clearly how it handles personal information
- It will regularly review and audit the way it holds, manages and uses personal information
- It assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.

Walton Community Council will not charge for data requests unless the request takes up a disproportionate amount of time where a small amount may be charged.

Data requests will be responded to within one month of the request. This may be extended to 2 months if the information is complex and the data subject will be informed of this within one month of the request.

### **Data Breaches**

The Council will ensure that adequate policies are in place to detect, report and investigate personal data breaches

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments made to the General Data Protection Regulation 2018.