



# WHITEHOUSE COMMUNITY COUNCIL

## DATA PROTECTION AND USE OF PERSONAL DATA POLICY

### Introduction

Whitehouse Community Council is committed to the protection of personal data and always comply with our obligations under applicable data protection law including the Data Protection Act (DPA) 1998 and the General Data Protection Regulation (GDPR) 2018. This document sets out our data protection policy to assist Officers and Councilors in handling data correctly in carrying out your duties. Councilors' computers and phones which hold data relating to council business are also subject to this policy.

This Policy is not intended to be a fully comprehensive guide to the Data Protection Act and any specific data protection issues should be referred to the Council Clerk, for advice.

The purpose of this Policy is to outline fundamentals of the Data Protection Act so that all staff and councilors are aware of them and can identify questions or issues that must be referred to the Council Clerk.

### Definitions used in this Policy

**“Personal Data”** is any information that can identify a living individual. This includes Sensitive Data (see below), names, addresses, photographs, National Insurance numbers, bank account details – these are just a few examples and the list is endless.

**“Sensitive Data”** is Personal Data relating to an individual's racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sex life, criminal proceedings or convictions.

**“Processing”** means any operation carried out by the Community Council or its staff on Personal Data e.g. collection, storage, disclosure to anyone, transfer to anyone and deletion.  
**NB. The Data Protection Act covers both electronic data and data held on manual records.**

### The rules of fair Processing – Key Principles

GDPR contains 8 **Principles** that apply to all Personal Data Processing. Personal Data must always be:

1. Processed fairly and lawfully and, in particular, shall not be processed unless consent has been obtained
2. 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. Adequate, relevant and not excessive in relation to those purpose(s)
4. Accurate and, where necessary, kept up to date,
5. Not be kept for longer than is necessary
6. Processed in accordance with the rights of data subjects under the Act,
7. 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 Individuals/Service Users in relation to the processing of personal information.

### **Staff Responsibility**

**(a) Principles 1/2/3** - The Data Protection Act requires that Personal Data be Processed "fairly and lawfully". Personal Data will not be Processed fairly and lawfully unless one of the following conditions are met:

- ***The individual has consented to the Processing***

We will mainly rely on this condition in respect of Personal Data requested from a member of public via a marketing activity. When requesting data we must tell the individual what we will do with the information and ask them for their consent.

To facilitate this where appropriate we will incorporate a Privacy Policy in our marketing materials.

Sensitive Data will not be processed unless it is with explicit consent or where required, under one of the following circumstances:

- for the administration of justice or legal proceedings.

As a source of public information, the Community Council will maintain a public information file. Only the public contact details of organizations and individuals should be recorded on this file, which is available to the public.

**(b) Principle 4** – All staff and councillors must make every effort to ensure that any Personal Data entered onto their computers, is recorded accurately. Staff will also be responsible for updating records as and when we receive notification from the individual/contractor/agency/or other of a change in their personal

details. NB. When we are notified of bereavement the individual's details must be deleted immediately and replaced accordingly.

**(c) Principle 7** - We take security measures to safeguard Personal Data. This includes technical measures (e.g. password protection on the computer system)

- Always shredding any paperwork that shows Personal Data
- Password protect any sensitive documents.

**(d) Personal Data Requests & Filing** – all requests by individuals or third parties to see their own or another persons' Personal Data held on our electronic or manual files must be received in writing with our response e.g. a letter from a member of the public requesting copies of any correspondence and information we hold on them. We will respond to this request within one month, to comply with the GDPR.

***Please also note:-*** *If a third party requests 'sensitive data' on an individual, we must receive consent from the individual concerned to release that data..*

*If an individual requests information about themselves that contains 'sensitive data' recorded by a third party, we must receive consent from the third party to release said data.*

### **Complaints or queries**

Whitehouse Community Council tries to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

If you want to make a complaint about how your data has been handled, then please email the Community Council Clerk at [clerk@whitehouse-pc.org.uk](mailto:clerk@whitehouse-pc.org.uk)