Meriden
PARISH COUNCIL
the historic centre of England

Privacy and Data Protection Policy

1. Policy Statement

Meriden Parish Council is required to hold certain data about living individuals for the purposes of satisfying operational and legal obligations. Meriden Parish Council is committed to respecting all rights of those individuals whose personal data it processes and will ensure all personal information will be treated lawfully and correctly in accordance with the legislation, it will adopt the best practise as designated by the Information Commissioner's Office where possible.

The types of personal data that Meriden Parish Council may require include information about: current, past and prospective employees; Meriden Parish Council members; suppliers and others with whom it communicates. This personal data, whether it is held on paper, on computer or other media, will be subject to the appropriate legal safeguards as specified in the Data Protection Act 1998.

Meriden Parish Council fully endorses and adheres to the eight principles of the Data Protection Act. These principles specify the legal conditions that must be satisfied in relation to obtaining, handling, processing, transportation, and storage of personal data. Employees and any others who obtain, handle, process, transport and store personal data for Meriden Parish Council must adhere to these principles.

Meriden Parish Council employees will receive appropriate training as is necessary in order to ensure that they are aware of their contractual responsibilities in relation to the Data Protection Act. Each employee will be provided with Meriden Parish Council Data Protection Guide as supplementary material to their training.

2. The Principles

Personal data shall be subject to the following eight principles:

1. **Fair Processing**- Be processed fairly and lawfully and shall not be processed unless-
   (a) at least one of the conditions in **Schedule 2** is met, and
   (b) In the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.
2. **Compatible Purposes**- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;
3. **Extent of Data**- Be adequate, relevant and not excessive for those purposes;
4. **Data Accuracy**- Be accurate and, where necessary, kept up to date;
5. **Retention Period**- Not be kept for longer than is necessary for that purpose;

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6. **Data Subject Rights**- Be processed in accordance with the data subject's rights;

   (a) The rights applicable to all Data Subjects are:

   The right to be informed that processing is being undertaken;

   The right to access personal data;

   The right to prevent processing in certain circumstances;

   The right to rectify, block or erase data;

   The right to claim compensation for certain breaches of the Act.

7. **Security and Management of Data**: Be kept secure from unauthorised or unlawful processing and protected against accidental loss, destruction or damage by using the appropriate technical and organisational measures;

8. **Foreign Data Transfer**: And 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 data.

9. **There is stronger legal protection for more sensitive information such as**:

   Ethnic background, political opinions, religious beliefs, health, sexual health, criminal records.

3. Satisfaction of the Principles (Schedule 2 & 3 of the DPA)

In order to meet the requirements of the principles, the Company will:

1. Observe fully the conditions regarding the fair collection and use of personal data;
2. Meet its obligations to specify the purposes for which personal data is used;
3. collect and process appropriate personal data only to the extent that it is needed to fulfil operational or any legal requirements;
4. Ensure the quality of personal data used;
5. Apply strict checks to determine the length of time personal data is held;
6. Ensure that the rights of individuals about whom the personal data 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),

7. Take the appropriate technical and organisational security measures to safeguard personal data;
8. Ensure that personal data is not transferred abroad without suitable safeguards.
9. Set out clear procedures for responding for requests for information.

In addition, Meriden Sports Park will ensure that:

- A senior member of staff is responsible for data management and will also be the liaison point for the Data Protection Officer.
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice,
- Everyone managing and handling personal information is appropriately trained to do so,
- Everyone managing and handling personal information is appropriately supervised,
- Anybody wanting to make enquiries about handling personal information knows what to do,
- Queries about handling personal information are promptly and courteously dealt with,
- Methods of handling personal information are clearly described,
- A regular review and audit is made of the way personal information is held, managed and used,
- Methods of handling personal information are regularly assessed and evaluated,
- Performance with handling personal information is regularly assessed and evaluated,
- A breach of the rules and procedures identified in this policy by a member of staff may lead to disciplinary action being taken,
- A breach of the rules and procedures identified in this policy by a Member is a potential breach of the Code of Conduct.

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 Data Protection Act 1998.

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4. Meriden Parish Council's Internal Data Manager

A member of staff is responsible for ensuring compliance with the Data Protection Act and Implementation of this policy on behalf of the Trustees.

Data Manager
Meriden Sports Park
10 Main Road
Meriden
CV7 7SP
01676 522474

Any questions or concerns about the interpretation or operation of this policy should be taken up in the first instance with the Data manager. Planning and reviewing Meriden Parish Council data protection policy, strategy and procedures will be carried out by on a regular basis, no less than annually. The duties of the data manager do not absolve individuals from their responsibility under the Data Protection Act.

The data manager will also monitor personal data kept at Meriden Parish Council to ensure that such data is maintained in accordance with the principles of the Data Protection Act 1998.

5. Status of the Policy

This policy has been approved by the Board of Trustees. Any breach will be taken seriously and may result in formal action.

Any employee who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with their named Line Manager in the first instance. The nominated Data Controller will ensure a prompt and thorough investigation takes place regarding the matter in question.

This Data Protection Policy is accurate as of the 14 February 2016 but is subject to change and amendment at any point without notice.

6. Subject Access

The Data Protection Act 1998 confers a right of access for Data Subjects to both computerised and manual data. All individuals who are the subject of personal data held by Meriden Parish Council are entitled to:

a. Ask what information Meriden Parish Council holds about them and why.
b. Ask how to gain access to it.
c. Be informed how to keep it up to date.
d. Be informed what Meriden Parish Council is doing to comply with its obligations under the 1998 Data Protection Act.

7. Rights to Access Information

Employees and other subjects of personal data held by the Company have the right to access any personal data that is being kept about them on computer and also have access to paper-based data held in certain manual filing systems. This right is subject to certain exemptions which are set out in the Data Protection Act. Any person who wishes to exercise this right should make the request in writing as required by section 7(2)(b) of the Data Protection Act 1998. Requests should be addressed to the Company Secretary via a subject access request form, which will be made available when required.

The Company reserves the right to charge the maximum fee payable for each subject access request. If personal details are inaccurate, they can be amended upon request.

Individuals will be required to provide proof of identity and residence before personal data will be disclosed. This is to prevent unauthorised disclosures to third parties.

Where a request is made by an agent on behalf of an individual, a request will only be fulfilled where the agent can provide proof of authority to act on the individual's behalf.

The Company aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 40 days of a written request, unless there is good reason for delay. In such cases, the reason for delay will be explained in writing to the individual making the request.

8. Employee Responsibilities

All employees are responsible for:

- Checking that any personal data that they provide to the Company is accurate and up to date.
- Informing the Company of any changes to information which they have provided, e.g. changes of address.
- Checking any information that the Company may send out from time to time, giving details of information that is being kept and processed.

As part of their responsibilities, employees may have to collect information about the organisation's members and individuals (e.g. with regards to contact information, personal circumstances etc.), during which, they must comply with the Policy and with the Data Protection Procedures which are contained within the Data Protection Guide, which is provided to all Meriden Parish Council employees.

Any employee who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with their Line Manager or Meriden Parish Council nominated Data Controller in the first instance. The

nominated Data Controller will ensure a prompt and thorough investigation takes place regarding the matter in question.

9. Data Security

The need to ensure that data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

10. Publication of Company Information

Information that is already in the public domain is exempt from the 1998 Act. This would include, for example, information on staff contained within externally circulated publications. Any individual who has good reason for wishing details in such publications to remain confidential should contact Meriden Parish Council Data Controller.

11. Subject Consent

The need to process data for normal purposes has been communicated to all data subjects. In some cases, if the data is sensitive, for example information about health, race or gender, express consent to process the data will be obtained. Processing may be necessary to operate Meriden Parish Council policies, such as health and safety and equal opportunities.

12. Retention of Data

The Company will keep some forms of information for longer than others. All of our staff are responsible for ensuring that information is not kept for longer than necessary.

13. Outsourcing

Outsourcing is a method by which Meriden Parish Council sends personal data to a third party in order to be processed. Meriden Parish Council only selects organisations that we consider capable of carrying out the work in a secure way. All third parties are required to take proper security measures when handling personal data supplied by Meriden Parish Council.

Meriden Parish Council is fully aware that we remain liable for any mishandling of the data by third party data processors, therefore, we take appropriate technical and

organisational measures to protect the personal information that we process, whether the information is processed by ourselves, or a third party.

In accordance with the requirements of the data protection act, Meriden Parish Council has contracts in place with each organisation that it outsources personal data to. The requirements of these contracts ensure that:

- Third parties only use and disclose the personal data in line with Meriden Parish Council instructions;

- Third parties take appropriate security measures when handling the personal information supplied by Meriden Parish Council.

The contracts implement the standard contractual clauses for the transfer of personal data to processors established in third countries, under Directive 95/46/EC of the European Commission.

14. Supporting Material

Meriden Parish Council has produced a Privacy Policy and Data Protection Guide to support this policy. This document can be obtained upon request from the responsible Finance Officer. The purpose for holding personal data and a general description of the categories of people and organisations to which we may disclose it are also listed in the Data Protection register. This information may be inspected or obtained from the Information Commissioner's Office.

All trustees are responsible for ensuring that:

- any personal data that they hold is kept securely.

- personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

All trustees should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases. Personal information should be kept in a locked filing cabinet, drawer, or safe. If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up. If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

15. Complaints

Any complaints regarding this policy must be submitted in writing addressed to the Data Controller. Meriden Parish Council endeavours to investigate all complaints within a reasonable time period.

16. Further Information

Further information or clarifications can be obtained from the Data Controller. All requests must be made in writing. Any requests regarding the disclosure of sensitive personal information will be subject to application via a Subject Access Request Form.

Appendix

SCHEDULE 2: *Conditions relevant for purposes of the first principle: processing of any personal data*

1. The data subject has given his consent to the processing.

2. The processing is necessary—.

   (a)for the performance of a contract to which the data subject is a party, or.
   (b)for the taking of steps at the request of the data subject with a view to entering into a contract..

3. The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract..

4. The processing is necessary in order to protect the vital interests of the data subject..

5. The processing is necessary—.

   (a)for the administration of justice,.
   (aa)for the exercise of any functions of either House of Parliament,].
   (b)for the exercise of any functions conferred on any person by or under any enactment,.
   (c)for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or.
   (d)for the exercise of any other functions of a public nature exercised in the public interest by any person.

6. (1)The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data

are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject..

(2)The F2 Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

SCHEDULE 3: *Conditions relevant for purposes of the first principle: processing of sensitive personal data*

1. 1.The data subject has given his explicit consent to the processing of the personal data..

2. (1)The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment..

   (2)The Secretary of State may by order—.
   (a)exclude the application of sub-paragraph (1) in such cases as may be specified, or.
   (b)provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

3. The processing is necessary—.

   (a)in order to protect the vital interests of the data subject or another person, in a case where—.
   (i)consent cannot be given by or on behalf of the data subject, or.
   (ii)the data controller cannot reasonably be expected to obtain the consent of the data subject, or.
   (b)in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld..

4. The processing—.

   (a)is carried out in the course of its legitimate activities by anybody or association which—.
   (i)is not established or conducted for profit, and.
   (ii)exists for political, philosophical, religious or trade-union purposes,.
   (b)is carried out with appropriate safeguards for the rights and freedoms of data subjects,.
   (c)relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and.

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(d)does not involve disclosure of the personal data to a third party without the consent of the data subject..

5. The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject..

6. The processing—.

   (a)is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),.
   (b)is necessary for the purpose of obtaining legal advice, or.
   (c)is otherwise necessary for the purposes of establishing, exercising or defending legal rights.

7. (1)The processing is necessary—.

   (a)for the administration of justice,.
   (aa)for the exercise of any functions of either House of Parliament.
   (b)for the exercise of any functions conferred on any person by or under an enactment, or.
   (c)for the exercise of any functions of the Crown, a Minister of the Crown or a government department..
   (2)The Secretary of State may by order—.
   (a)exclude the application of sub-paragraph (1) in such cases as may be specified, or.
   (b)provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

   7A(1)The processing—.
   (a)is either—.
   (i)the disclosure of sensitive personal data by a person as a member of an anti-fraud organisation or otherwise in accordance with any arrangements made by such an organisation; or.
   (ii)any other processing by that person or another person of sensitive personal data so disclosed; and.
   (b)is necessary for the purposes of preventing fraud or a particular kind of fraud..
   (2)In this paragraph “an anti-fraud organisation” means any unincorporated association, body corporate or other person which enables or facilitates any sharing of information to prevent fraud or a particular kind of fraud or which has any of these functions as its purpose or one of its purposes.

8. 8(1)The processing is necessary for medical purposes and is undertaken by—.

   (a)a health professional, or.
   (b)a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional..

(2)In this paragraph "medical purposes" includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services..

9. (1)The processing—.

   (a)is of sensitive personal data consisting of information as to racial or ethnic origin,.
   (b)is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and.
   (c)is carried out with appropriate safeguards for the rights and freedoms of data subjects..
   (2)The [F5 Secretary of State] may by order specify circumstances in which processing falling within sub-paragraph (1)(a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1)(c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

10. The personal data are processed in circumstances specified in an order made by the Secretary of State for the purposes of this paragraph.

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