

## West Down Parish Council – General Protection Regulation Policy (GDPR Policy)

Date of Annual Review	Notes and comments	Change Description	Minutes Number
3 August 2022		Updated at meeting	4740
2 August 2023	Amendment to Item 4 – Storage of Data	Updated at meeting	5028
30 August 2023	Amendment regarding Electoral Roll – Item 2	Updated at meeting	5039
3 July 2024	Content correct	Annual Review	364
2 July 2025	Content correct	Annual Review	181/25
1 July 2026	Content correct	Annual review	173/26

1.

### **The Purpose of the Policy and the Background as to General Data Protection Regulations (GDPR)**

West Down Parish Council recognises its responsibilities to comply with the latest Data Protection Act and the General Data Protection Regulations which both came into force on the 25<sup>th</sup> May 2018. The 2018 Act superseded<sup>1</sup>es the Data Protection Act of 1998. The Act applies to:

“Personal data” which is data relating to a living person who can be identified from that data e.g., name, photograph, videos, email address or addresses.

“Processing data” means any operation performed on that personal data such as collection, recording or use.

The Parish Council does have data that relates to living individuals and does process data in order to perform its role.

West Down Parish Council is committed to being transparent about how it collects and uses personal data and to meeting its obligations.

When dealing with Personal data West Down Parish Council Councillors, staff and volunteer members of the public must ensure that:

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## **Data is processed in a fair, transparent and lawful manner**

Councillors, staff and volunteers will be open and honest about why information is required.

## **Data is processed for a specific purpose and limitation**

Data will only be used for the purpose for which it is requested and required.

## **Data minimisation**

Data is relevant for what it is needed for, Data will be monitored so that too much or too little is not kept, only data that is needed will be held.

## **Data is accurate and kept up to date**

Only accurate personal data will be kept, inaccurate data will be corrected, and updated.

## **Data storage limitations.**

Data will not be kept any longer than is needed; Data that is no longer required will be securely destroyed.

## **Data is stored with integrity and confidentially**

Individuals will be informed, upon their request, of all the information held about them. Data is kept securely so it cannot be accessed by members of the public. Security, whether on computer or lockable facilities, must be provided for the storage of personal data, including secure virus protection for computers.

## **Data accountability**

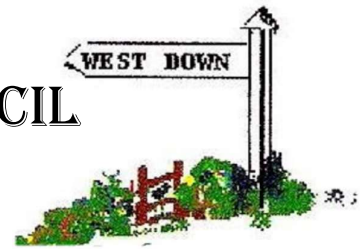
Members of West Down Parish Council, staff and volunteers need to show accountability for the reason for the storage of Data and its requirement.

2.

## **Information Kept**

The information that the West Down Parish Council holds will be limited in the main to names, addresses, telephone numbers, and email addresses. More detailed information will be held for employees and contractors of the Parish Council, and community groups that receive funding and support from the Parish Council including bank details for payments.

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The purpose for which personal data may be used is for personnel, administrative, financial, statutory and legislative purposes, payroll, consultation and business development.

In its normal course of business, the West Down Parish Council will receive personal data in connection with the following council activities:

Administration of Parish Council meetings

Administration as Trustees of the West Down Parish Hall

Administration of employee matters

Where it is necessary for the purpose of occupational medicine or for the assessment of working capacity

Administration of contractual matters

Administration of receiving and processing Grant Funding

Management of Councillor Membership

Receiving and dealing with correspondence

Where it is necessary for archiving purposes in the public interest or for a scientific and historical research purpose

Where it is necessary for reasons for public interest in the area of public health

Administration of volunteer lists for specific activities (including COVID 19 support group)

Where necessary for the establishment, exercise or defence of any Legal Claims

West Down Parish Council will obtain a copy of the North Devon Council's Elector roll if needed. Data collection for this is done by the North Devon Council Elections Office. If a copy is held, West Down Parish Council will store this securely but this does not permit any third party to view the document.

Regarding Data in respect of Children, special protection for the personal data of a child is necessary; the age when a child can give their own consent is 13. Should the West Down Parish Council require consent from a young person under the age of 13 the council will obtain a parent or guardians consent in order to process that personal data lawfully. Consent forms for children aged 13 plus will be written in language that they will understand. At present the West Down Parish Council does not have any services that directly relate to children. The Council has its own website: [www.westdownparishcouncil.org.uk](http://www.westdownparishcouncil.org.uk)

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3.

## **Sensitive Data**

The General Data Protection Regulations Policy requires that sensitive data is treated differently. Sensitive data includes racial or ethnic origins, political opinions, religious beliefs and health issues; the West Down Parish Council has no need to collect such data.

4.

## **Storage of Data**

All confidential and financial documents and paperwork in respect of the business of the West Down Parish Council will be stored in a secure lockable filing cabinet.

All computer data is to be stored on password protected devices with up-to-date anti-virus software installed.

Once data is no longer required, or is out of date or served its purpose and falls outside the minimum retention time, it will be shredded or deleted from the computer.

All employees and councillors must comply with the instructions above, but also those leaving employment or their term of office as a councillor. Upon leaving posts, the Council will require written confirmation from individuals that all documents/correspondence and data relating to council work have been securely destroyed/deleted to ensure our compliance with GDPR.

5.

## **How Data is used.**

Data will only be used for the purpose for which it is supplied to the West Down Parish Council and its councillors. Data will not be passed to any third party without the express consent of the individual. The West Down Parish Council will not share or sell data.

6.

## **Request and Data eradication request**

A request for a copy of the information held by the Parish Council can be made in writing to the Data Protection Officer of the West Down Parish Council and a response will be made within one month as advised in the General Data Protection Regulations.

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7.

## **Data Protection Officer DPO**

The Data Protection Officer for West Down Parish Council is: Councillor Richard Kenshole.

The DPO will provide support and guidance to the council in respect of compliance with data protection legislation.

8.

## **Data Protection Breaches**

Should a breach of Data Protection be identified the Information Commissioner Officers (ICO) will be notified and an investigation will be conducted by the Data Protection Officer (DPO).

Personal data breaches that are identified by the West Down Parish Council will be referred to the DPO for investigation. The DPO will conduct an investigation with the support of the Parish Council. Investigation will be undertaken within one month of the reported breach.

Procedures will be put in place by the DPO to detect report and investigate a personal data breach. The ICO will be advised of a breach within 3 days where it is likely to result in a risk to the rights and freedoms of individuals. If for example it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also notify those concerned directly.

9.

## **Confidentially**

When a complaint or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

10.

## **Privacy Notice**

Transparency and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The most common way to provide this information is in a privacy notice which

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will inform individuals about what the Council does with their personal information and the council has adopted this approach.

A privacy notice will also contain the name and the contact details of the Parish Council and its Data Protection Officer, the purpose for which the information is to be used and length of time for its use. It will be written clearly and will advise the individual that they can at any time, withdraw their agreement for the use of their information. The issuing of a privacy notice will be detailed on the Information Audit kept by the Council.

11.

## **Policy Adoption and Review**

This policy document is written with current information and advice. It will be reviewed at least annually or when further advice is issued by the ICO.

All Councillors, employees and volunteers are expected to comply with this policy at all times to protect privacy, confidentiality and the interests of the Council.

The Parish Clerk is the Data Processor and has overall responsibility for the day to day implementation of this policy.

12.

## **Training**

The West Down Parish Council Clerk and Parish Council members will undertake any training that is provided locally, and meet any fee where this is necessary. This will ensure that members and the Clerk are up to date with the latest legislation requirements of the Parish Council.