



DATA PROTECTION POLICY/PRIVACY NOTICE

1 INTRODUCTION

In order to conduct its business, services and duties, St Arvans Community Council processes a wide range of data, relating to its own operations. In broad terms, this data can be classified as:

- Data shared in the public arena, for example information about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked on.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

St Arvans Community Council will adopt procedures and manage responsibly all data which it handles, and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation. This policy is subject to review.

The Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day-to-day to the Clerk. The Clerk can be contacted by one of the following:

Email: clerk@starvanscouncil.co.uk

Telephone: 07902 511468

Post: The Meeting Rooms, Church Lane, St Arvans, Chepstow, NP16 6EU

The Council will be as transparent as possible about its operations and as such will be prepared to make all non-personal data available to partners and members of the community. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

2 LEGAL FRAMEWORK

2.1 The Council's Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation, or

Processing is necessary for the legitimate interests of the Council.

2.2 Rights of a Data Subject

Access to Information: an individual has the right to request access to the information we hold on them. They can do this by contacting our Clerk who acts as Data Protection Officer.

Information Correction: If the individual believes that the information we have about them is incorrect, they may contact the Clerk who will make the necessary amendments for accuracy.

Information Deletion: If the individual wishes the Council to delete the information about them, they may request this by contacting the Clerk.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk.

The Council does not use automated decision making or profiling of individual personal data.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Clerk, or to the Information Commissioners Office casework@ico.org.uk
Tel: 0303 123 1113, or on the alternative contact details below:

Information Commissioner's Office – Wales
2nd Floor, Churchill House
Churchill Way
Cardiff
CF10 2HH
Phone 0330 414 6421
Email: wales@ico.org.uk

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

3 DATA PROTECTION TERMINOLOGY

Data subject - means the person whose personal data is being processed.

This may be an employee, prospective employee, associate or prospective associate of the Council, or someone transacting with it in some way.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g. employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

Data processor - in relation to personal data means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data, regardless of the technology used.

4 INFORMATION PROVIDED TO US

The information provided will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with St Arvans Community Council individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy. It is the responsibility of those individuals to ensure that the Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided. We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

5 PROTECTING CONFIDENTIAL OR SENSITIVE INFORMATION

St Arvans Community Council has adopted this policy to ensure high standards, and to meet its legal obligations as set out in the General Data Protection Regulation (GDPR) which become law on 25th May 2018 (like the Data Protection Act 1998 before it), and which seeks to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Council with legitimate reasons for using personal information. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

This policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary for the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

St Arvans Community Council processes **personal data** in order to:

- fulfil its duties as an employer in relation to contracts of employment, safeguarding and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers, as well as individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the Council.

Particular attention is paid to the processing of any **sensitive personal information** and the Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

6 DIVERSITY MONITORING

St Arvans Community Council may monitor the diversity of its employees, Councillors, and volunteers in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It may undertake similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

7 MAKING INFORMATION AVAILABLE

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish.

All formal meetings of Council and its Committees are subject to statutory notice being given on notice boards, the Website. The Council publishes an annual schedule of Ordinary Meeting dates at the Annual Meeting each May. All formal meetings are open to the public and press, and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its offices.

Occasionally, Council or Committees may need to consider matters in private (e.g. when they involve personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed). This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

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