**Aylmerton Parish Council**

**DATA PROTECTION POLICY**

Aylmerton Parish Council (“the Council”) is committed to ensuring compliance with the Data Protection Act 1998

The Data Protection Act 1998 (“the Act”) sets out a framework of rights and duties which safeguard personal data. Personal data is information relating to a living individual who can be identified from the data. The Act balances the legitimate needs of organisations to collect and process data against the rights of individuals to respect for their privacy.

The Parish Council recognises the importance of personal data to its business and the importance of respecting the privacy rights of individuals. This Policy sets out the principles which it will apply to the processing of personal data.

In this Policy “processing” means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

(a) organisation, adaptation or alteration of the information or data;

(b) retrieval, consultation or use of the information or data;

(c ) disclosure of the information or data by transmission, dissemination or otherwise making available;

(d) or alignment, combination, blocking, erasure or destruction of the information or data

and “processed” shall be construed accordingly.

In this policy “personal data” meant data that relates to a living individual who can be identified either from that data and/or other information that is in the possession of, or is likely to come into the possession of, the data controller. This includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

It is the responsibility of, and applies to, the Clerk and Councillors to implement this Policy.

The Information Commissioner who oversees compliance and promotes good practice requires all data controllers who process personal data to be responsible for their processing activities and comply with the eight Data Protection Principles of “good information handling”.

The Date Protection Principles

The Act sets out eight principles to be complied with when personal data is processed. These principles are set out as follows.

*1. Personal data shall be processed fairly and lawfully*

*2. Personal data shall be obtained only for one or more specified and lawful purposes and must not be further processed in any manner incompatible with those purposes.*

*3. Personal data shall be adequate, relevant and not excessive.*

*4. Personal data shall be accurate and where necessary kept up to date.*

*5. Personal data shall not be kept for longer than is necessary*

*6. Personal data shall be processed in accordance with the rights of data subjects. These rights are:*

* *The right of subject access*
* *The right to prevent processing likely to cause damage or distress*
* *The right to prevent processing for purposes of direct marketing*
* *The right to object to automated decision-taking*

*7. Appropriate technical and organisational measures must be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.*

*8. Personal data must 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 subject in relation to the processing of personal data.*

This policy applies to all personal data held by Aylmerton Parish Council however it is collected, recorded and used and whether it is on paper records or computer records.

1. Disclosure

The Clerk and Councillors will not disclose personal data held by the Parish Council. Personal data will not be disclosed to anyone internally or externally, unless the person disclosing the information is fully satisfied that the requestor is authorised and legally entitled to the information.

Personal data may be disclosed to authorised persons if required under one of the exemptions within the Data Protection Act 1998. These exemptions are:

* National security
* Crime and taxation
* Orders made in relation to health, education and social work
* Regulatory activity
* Processing for special purposes
* Research , history and statistics
* Information made available to the public by or under enactment
* Disclosures required by law
* Disclosures made in connection with legal proceedings
* Domestic purposes (personal data processed only for the purposes of that individual’s personal, family or household affairs) and
* Exemptions contained within the Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (s. I. No. 419)

Access to and use of personal data held by the Parish Council is only permitted to the Clerk and Councillors for the purpose of carrying out their official duties. Use or disclosure for any other purpose is prohibited and any breach may result in disciplinary or legal proceedings.

Personal data is confidential and confidentiality will be preserved in compliance with the Data Protection Principles.

If personal data is lose, stolen or otherwise compromised, it is important that the Data Protection Officer/Clerk is contacted without delay. Where there has been a data breach, the Parish Council has a duty to find out what data has been lost or stolen, to mitigate the loss and to take steps to notify persons affected. If serious, there is also a duty to contact the Information Commissioner’s Office.

Aylmerton Parish Council does not process sensitive personal data (as defined in the Act).

Data will only be processed for the purpose for which it was collected and will not be used for additional purposes without the consent of the date subject.

The Parish Council will endeavour to ensure that information kept is accurate and relevant. Where it is found that information is inaccurate, remedial steps will be taken.

Personal data will be kept no longer than is necessary (see our Retention of Documents information on our website) and will be kept securely.

2. The Right of Subject Access

A written request received by the data controller (Aylmerton Parish Council) from an individual wishing to access the rights under the provision of the Data Protection Act 1998 is known as a “subject access request”. Section 7-9 of the Act gives an individual the right to request access to any “personal data” that they believe may be held about them. The Parish Council may charge a fee of up to £10 for every request and will require proof of identification.

If the Parish Council does hold the requested information, then it will provide a written copy of the information held by it and details of any disclosures which have been made, if any. The information requested will be provided promptly and in any event within 40 calendar days of receipt of the subject access. If such information is not being held/processed the requestor will be informed so within the 40 day limit. There are some circumstances where the information requested contains information that relates to another person. Unless the other person gives their permission, or it is reasonable in all the circumstances to provide the information without permission, the Parish Council is entitled to redact third parry information or where necessary, withhold this information. There are other circumstances where the Parish Council can withhold information under the Act. For example, if it would put at risk a criminal investigation or catching an offender.

If the data subject believes that Aylmerton Parish Council has not responded correctly and is not happy with the Parish Council’s response, they are able in the first instance to request an internal review and/or to complain to the Information Commissioner’s Office.

The Information Commissioner maintains a public register of data controllers. Aylmerton Parish Council is registered as such and is required to maintain a yearly renewal of registration.

3. Further Information

The Parish Council’s Data Protection Officer and Clerk, Sarah Hayden (see website for contact details) is the first point of contact on any if the issues mentioned in this policy document. The Data Protection Officer will be responsible for dealing with all individual and external enquiries.