

Cyngor Tref Caerffili
Caerphilly Town Council
Information and Data Protection Policy

Introduction

In order to conduct its business, services and duties, Caerphilly Town Council processes a range of data, relating to its operations. This data can be classified as :

- Data shared in the public arena about the activities / services, its mode of operation and other information it is required to make available to the public
- Confidential information and data not yet in the public arena
- 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 to make a complaint

Caerphilly Town 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 other 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.

The Town Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioner's Office.

The Town Council will be as transparent as possible about its operations and will work closely with public, community, and voluntary organisations. Any information which is not personal or confidential will be made available to partners and members of the public. Details of information which is routinely available is contained in the Town Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

Protecting Confidential or Sensitive Information

The Town Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy to meet its legal obligations.

The General Data Protection Regulation (GDPR) became law on 25th May 2018 and will like the Data Protection Act 1998 seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Town Council with legitimate reasons for using personal information.

The 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 in relation to 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

Data Protection Terminology

Data subject – means the person whose personal data is being processed. That may be an employee, prospective employee, councillor or volunteer, or persons transacting or contracting with the Town Council

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, an address, date of birth, email address, bank details, 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) determines the purposes for which and the manner in which any personal data is to be processed. The Town Council as a corporate body is the data controller.

Data processor – in relation to personal data, means any person 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

The Town Council processes personal data in order to:

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding employees 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
- Fulfil its duties in operating in compliance with the lease terms relating to the office accommodation
- Assist regulatory and law enforcement agencies
- Process information including the recording and updating details about its councillors, employees, and volunteers
- Process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint
- Undertake surveys, and questionnaires to fulfil the objectives and purposes of the Town Council
- Undertake research, audit and quality improvement work to fulfil its objects and purposes
- Carry out Town Council administration

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

The Town 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 data controller or third parties*

Particular attention is paid to the processing of any **sensitive personal information** and the Town 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*

Who is responsible for protecting a person's personal data

The Town Council as a corporate body has ultimate responsibility for ensuring compliance with data protection legislation. The Town Council has delegated this responsibility day to day to the Town Clerk.

Contact:

Email: caerphillytowncouncil@outlook.com

Telephone: 02920888777

Postal address: Town Clerk, The Twyn Community Centre, The Twyn, Caerphilly
CF83 1JL

The Town Council will appoint a Data Protection Officer to ensure compliance with data protection legislation. (*details to be added once definitive advice available*)

Diversity Monitoring

Diversity information will always be treated as confidential. It will only be accessed by authorised individuals within the Town Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria for employee appointments 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 Town Council will give guidance on personal data to employees, councillors, volunteers, individuals contacting the Council, 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.

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

Information provided to Town Council

The personal information provided (name, address, email address, phone number) will be processed and stored so that it is possible for the Town Council to contact, respond to, or conduct the transaction requested by the individual. By transacting with the Town 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 Town Council is able to keep their personal data accurate and up to date. The personal information will not be shared or provided to any third party or be used for any other purpose other than that for which it was provided.

The Town Council's right to process information

General Data Protection Regulation (GDPR) Article 6(1) (a) (b) and (e) and Data Protection Act 2018.

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 Town Council.

Information Security

The Town Council will ensure the security of personal data. Your information will be protected from unauthorised access, loss, manipulation, falsification, destruction, or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Your personal data will only be kept for the purpose it was collected and only for as long as is necessary, after which it will be deleted / shredded.

Children

The Town Council will not process any personal data relating to a child (under 13) without the express parental / guardian consent of the child concerned.

Rights of a Data Subject

Access to Information – an individual has the right to request access to the information held by the Town Council by contacting the Town Clerk

Information Correction – if you believe information held about you is incorrect contact the Town Clerk so it can be updated and kept accurate

Information Deletion - if you wish the Town Council to delete information held about you contact the Town Clerk with your request

Right to Object – if you believe your personal data is not being processed for the purpose it has been collected you may object by contacting the Town Clerk

Complaints – if an individual has a complaint regarding the way their personal data has been processed a complaint can be made to the Town Clerk and the Information Commissioner's Office.

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

Making Information Available

All formal meetings of the Town Council are subject to statutory notice being given on the notice board outside The Twyn Community Centre and on the Town Council website. The Town Council meetings are monthly (except for August and December). The Town Council meetings are open to the public and press, and reports to those meetings and any relevant background papers are available for the public to view. Draft minutes are published as soon as practical following each Town Council meeting.

Occasionally the Town Council may need to consider matters in private. This may involve personal details of staff, or a member of the public, or details of commercial / contractual sensitivity. This will only happen after a formal resolution has been passed to exclude the press and public and the reasons for the decision stated and recorded. Minutes from Town Council meetings, including any confidential items, are public documents.

The Town 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.

Adopted by the Town Council 16th April 2018

This policy is based on a model document issued by the Society of Local Council Clerks.