



DATA PROTECTION POLICY

CP07.05

Authorised & Adopted: **GRENDON UNDERWOOD PARISH COUNCIL**

Authorisation & last review as shown in the Policy Review Record CD08A

CHANGE LOG	
v.1 March 2018	Legacy template tailored to GUPC requirements whilst retaining all statutory requirements.
v.2 26 th June 2018	Adopted by resolution of full Council at a properly constituted general meeting held 26 th June 2018 - minute: 1806.05-1
v.3 26 th May 2020	New email & web addresses
V.4 27 th May 2025	Annual Review
v.5 May 2026	To consolidate Policies requiring Data Protection mandates: Confidentiality CCTV Policy Document Retention Policy Freedom of Information Policy Subject Access Policy

I. PURPOSE

The Data Protection Act 1998 (“the Act”), came into force on the 1 March 2000 and is now repealed and replaced by the Data Protection Act 2018 (the Act), which came into force on 25th May 2018. The General Data Protection Regulation (GDPR) also came into force on the 25th May 2018. In addition, the Data Protection (Charges & Information) Regulations 2018 (the 2018 Regulations) also came into force on 25th May 2018.

His Majesty’s Government has appointed an unelected Quasi-Autonomous Non-Governmental Organisation (QUANGO), the Information Commissioners Office (ICO), as the overseeing authority in England.

Under the 2018 Regulations, qualifying authorities must act as the defacto Data Controller of the information they hold and are required to pay a mandatory, annual data protection fee to ICO unless exempt.

Grendon Underwood Parish Council is a public authority coming under the meaning of the legislation and is therefore a non-exempt Data Controller. Under GDPR, there is no requirement for a Data Controller to register with ICO.

CCTV – Further to an increasing occurrence of dog fouling, drug activity and vandalism incidents on the recreation ground. The council has resolved to prosecute any such activity to the fullest extent of the law.

To facilitate this, reports to the relevant authorities must be accompanied by substantiating evidence.

Therefore, Grendon Underwood Parish Council has acquired and deployed an array of closed-circuit television (CCTV) cameras together with all necessary devices and connectors such as to provide a fully integrated facility for the recording and post-occurrence interrogation of activity as covered by the cameras. The equipment is designed to provide 24/7 visual, uninterrupted coverage of the approaches around the village hall and playground.

This whole interconnected network is referred to as the ‘system’ and is operated under the mandatory limitations specified in Section III,3 of this Policy.

This Policy is therefore designed to ensure that Grendon Underwood Parish Council, its Members, its staff and its contractors, who have access to any personal data held by or on behalf of the Council, are made fully aware of and abide by the statutory duties and responsibilities placed on the Council under the Act, the GDPR and the 2018 Regulations - to include regarding payment of fees.

This Policy defines the framework within which Council will manage and conduct its administrative arrangements in relation the requirements of the relevant legislation such as to regulate its efficient and timely compliance with all statutory obligations and to deliver its duties in regard to the expectations of the residents of the Parish.

Council has made every effort to ensure all relevant statutory requirements to which a council is subject are encompassed in this Policy but confirm that, in any event, those requirements apply whether or not they are incorporated herein.

The Council has made every effort to ensure this Policy is consistent with other Council Policies where relevant.

NOTES:

- Where the word “councillor” is used, unless the context suggests otherwise, the meaning is intended to include Members and non-councillors, with or without voting rights, and employees.
- Unless otherwise expressed, a reference to a Member of the Council includes a co-opted member of the Council.
- A ‘co-opted member’ is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.

- A 'meeting' is a properly constituted meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- Where gender specific wording is used, meaning is intended to be gender neutral.

II. SCOPE

In order to operate efficiently, the Parish Council occasionally has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers.

This Policy applies to all of the above and to all information, however collected.

Any and all personal information, whether it be obtained verbally, electronically, in hard copy or by any other means, must be held and dealt with in accordance with this Policy, recorded exclusively on approved Council equipment and media and used exclusively for Council business.

In addition, it may be required by law to collect and use information in order to comply with the requirements of central government.

III. POLICY

1. General Principles

As a local authority Grendon Underwood Parish Council has a number of procedures in place to ensure that it complies with the Act when holding personal information and the Parish Clerk and Councillors must ensure that:

- ***Data is processed fairly and lawfully.*** This means that personal information should only be collected from individuals if the Clerk and Councillors have been open and honest about why they want the personal information.
- ***Data is processed for specified purposes only.***
- ***Data is relevant to what it is needed for.*** Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- ***Data is accurate and kept up to date.***
- ***Data is not kept longer than it is needed.***
- ***Data is processed in accordance with the rights of the individuals.*** This means that the individuals must be informed, upon request, of all the personal information held about them.
- ***Data is kept securely.*** This means that only employees and Councillors can access the data. It should be stored securely so it cannot be accessed by members of the public.

2. Confidentiality

Grendon Underwood Parish Councillors and staff are made aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data this must also remain confidential.

Should a Councillor need to access personal information to help carry out their duties, this is acceptable within strict limits. They are only able to access as much personal information as necessary and it should only be used for that specific purpose. All requests for access to personal information must be addressed to the Clerk by email with as explanation as to why the access is essential. Before granting access to any sensitive personal information about a person, the Clerk will seek authority to do so from the Chairman in writing.

The Grendon Underwood Parish Council Website only contains information intended to be public. The website includes a privacy statement enforceable whenever the public makes contact with the Parish Council by any means. Members of the public may optionally include personal contact information at their sole discretion.

3. CCTV

This policy describes the mandatory parameters for all use and application of the current council-controlled CCTV system and will include, incrementally, any additional equipment as may be deployed from time to time. The application and use of the system will be confined to the acquiring of substantiating evidence of certain strictly defined activity such as, but not limited to, the commission of any illegal activity to include vandalism, criminal damage, theft, assault, child exploitation, drug/weapon supply, possession & use, lighting fires & arson, unauthorised occupation, dog fouling, littering.

(a) Access, Responsible Person & Training.

The Council has nominated the Chairman to act as the only person responsible for the operational aspects of, access to, release of related information to third parties derived from, and upkeep of the system, subject to the restrictions defined in this and other council policies.

The Chairman may, with the agreement of council and for defined, strictly operational purposes, authorise a deputy with the same restricted access to the system.

The Chairman is authorised by resolution of full council to access on behalf of, or authorise access by, any third-party authority or stake holder, on request.

Any decision to allow access by, or release of other data so recovered to, any other third party must be for legitimate reason(s) and must be authorised by full council (by emergency protocol if necessary).

The Chairman and any authorised deputy must complete appropriate training prior to any access to the system.

The council will provide such training, as the need arises, free of charge.

(b) Signage & Publicity

The existence and application of the system must be displayed by appropriate signage clearly visible within the curtilage of the system.

Such signage must display the fact any data derived from the system will be used for the prosecution of offences.

The signage must display the contact details of the authority controlling the system.

4. Document Retention

Grendon Underwood Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that Councillors and the Clerk must be transparent about why they want a particular piece of personal information and make the owner's rights regarding data protection explicitly clear under the terms of this policy e.g. if a member of the public gives their phone number to the Clerk or a Councillor, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

Grendon Underwood Parish Council may hold personal information about individuals such as their addresses and telephone numbers. These will be kept in a secure location at the home of the Parish Clerk and are not available for public access. All data stored on the Parish computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

5. Freedom of Information

(a) Provision

The Council will provide all information required by statute by email, through its website or by special arrangement at its premises during normal office hours on request.

(b) Requesting Information

To request information under the provisions of the Act, individuals or organisations may make a written request by email for information which they believe Grendon Underwood Parish Council holds.

The Council will require all requests for information to be made in writing by email to its Clerk on clerk@grendonunderwoodparishcouncil.gov.uk with sufficient detail to allow precise understanding of the information required and optionally why.

- As required under the Act, the following will need to be included with the request:
- Name of person requesting the information
- The email and postal address of the person requesting the information
- A clear description of the information being requested.
- A preference of how the information is to be communicated e.g. by attachment to an email or the opportunity to inspect a record containing the information.

Grendon Underwood Parish Council will try to provide the information in the preferred media as far as is reasonably practical, or will notify the person requesting the information if Grendon Underwood Parish Council cannot do so.

(c) Responding to Requests

The Council will respond to a request within 7 working days by email and ask, where necessary, for clarification of the precise nature of the enquiry, the purpose for which the information will be used, any costs to be incurred in providing the information and to advise if the Parish Council holds the information requested and if so, that it will provide the information no later than 20 working days after receipt of the request.

The Freedom of Information Act does identify a number of categories of information which Grendon Underwood Parish Council is not required to disclose under the Act. In this case, the Parish Council will write to the person requesting the information, stating the exemption which provides the basis for refusal within the Act and why it applies to the information requested. Grendon Underwood Parish Council will communicate this within 20 working days.

(d) Fees & Charges

There is no "flat rate" fee to receive information requested under the Freedom of Information Act and in many cases

Grendon Underwood Parish Council will provide the information free of charge. However, if the information requested is not readily available in the media in which it is requested, the Parish Council may charge a fee based on the costs associated with providing the information e.g. photocopying and postage (known as 'disbursements').

The Freedom of Information Act does permit Grendon Underwood Parish Council to refuse a request if the Parish Council estimates that it will cost them in excess of the appropriate cost limit (currently £450) to fulfil the request.

If a fee is required for disbursements or because the costs exceed the appropriate cost limit, Grendon Underwood Parish Council will write advising of the fee required within 20 working days of receipt of the request. This is known as a "Fees Notice". When a Fees Notice has been issued, the 20-working day limit for responding stops, and then will start again when the Parish Council receive payment. If Grendon Underwood Parish Council do not receive the fee within three months the Parish Council are not obliged to comply with the request.

(e) Complaints

If persons requesting information are dissatisfied with the way Grendon Underwood Parish Council has responded to a request for information, they should email the Clerk to the Council on clerk.gupc@outlook.com

The Information Commissioner's Office (ICO) is responsible for enforcing the operation of the Act, and applicants may raise issues with this office at any time. More information can be found on the ICO website or by writing to the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

6. Subject Access Request

General

The Parish Council accepts individual members of the public have the right to access any personal information that is held about them specifically. They do not have the right to request information about another. If a person requests to see any data that is being held about them:

- They must be sent all of the personal information that is being held about them
- There must be an explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within 40 days

Note: A fee to cover photocopying and postage charges will be charged to the person requesting the personal information. This fee will be agreed by the Council and amended in line with inflation from time to time. Currently the fee must not exceed £10.

Responses to requests must be completed within 1 month from receipt of the request, so it should be actioned as soon as it is received.

Responses will normally be provided free of charge, however, under certain circumstances a 'reasonable fee' may become chargeable when a request is manifestly unfounded, excessive or vexatious, particularly if it is repetitive.

Procedure.

The request handler will follow the procedure defined to action the request:

6.1. Confirm the request is actionable.

- a) The request must be in writing (letter or email).
- b) The person requesting the information must provide sufficient detail to allow an efficient search for that information. (request more information from the person if the request is too broad.)

6.2. Verify the identity of the requestor:

You must be confident that the person requesting the information is indeed the person the information relates to. It may be necessary for the requestor to be asked to attend the office with their passport/photo driving licence and confirmation of their address (utility bill/bank statement).

6.3. Determine where the personal information will be found:

- a) All personal information, if any, is held on Council IT and open to all Councillors. This can be accessed by councillors directly on the Council 'cloud' data base or through the Clerk.
- b) If Council does not hold any personal data, the requestor will be informed as soon as this is established.
- c) If Council does hold personal data, continue to the next step.

6.4. Screen the information:

Some of the information that may be retrieved may not be disclosable due to exemptions, however legal advice should be sought before applying exemptions.

Examples of exemptions are:

- References not verifiable
- Publicly available information
- Crime and taxation
- Management information (restructuring/redundancies)
- Negotiations with the requestor
- Regulatory activities (planning enforcement, noise nuisance)
- Legal advice and proceedings
- Personal data of third parties

6.5. Verify all the information is disclosable.

In some cases, emails and documents may contain the personal information of other individuals who have not given their consent to share their personal information with others. If this is the case, the other individual's personal data must be redacted before the SAR is sent out.

6.6. Prepare the SAR response (using the sample letters in this Policy)

Any response must include as a minimum the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data;
- d) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- e) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to lodge a complaint with the Information Commissioners Office ("ICO");
- g) if the data has not been collected from the data subject: the source of such data;
- h) the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

6.7. Record Action

Ensure a copy of the personal data undergoing processing and the response is forwarded to the Clerk for record purposes. Ensure the Clerk logs all SARs to include the date of receipt, identity of the data subject, summary of the request, indication of if the Council can comply, date information is sent to the data subject.

Subject Access Request - SAMPLE LETTERS

A: For replying to a subject access request providing the requested personal data:

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the personal data you requested.

Include 6(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely"

B: For the release of part of the personal data, when the remainder is covered by an exemption:

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following areas to search their records for personal data relating to you:

☐ [List the areas]

I am pleased to enclose *[some/most]* of the personal data you requested. *[If any personal data has been removed]* We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that *[if there are gaps in the document]* parts of the document(s) have been blacked out. *[OR if there are fewer documents enclose]* I have not enclosed all of the personal data you requested. This is because *[explain why it is exempt]*.

Include 6(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

C: For replying to a subject access request explaining why you cannot provide any of the requested personal data:

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of *[date]* making a data subject access request for *[subject]*.

I regret that we cannot provide the personal data you requested. This is because *[explanation where appropriate]*.

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data is ‘legally privileged’ because it is contained within legal advice provided to the council or relevant to on-going or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. Your data protection officer will be able to advise if a relevant exemption applies and if the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely”

IV Policy Maintenance

Council policies require periodic review – usually annually at the May meeting - to ensure their continued applicability. As questions are raised about the policy, clarifying information may be requested from the Chairman.

The exceptions process that is put into place empowers any Councillor to identify changes and handle exceptions. The nominated person need not be the Chairman or an employee, except when it’s required due to regulation or statute.

Whilst Councillors need not develop every policy, the Council as a whole should hold responsibility for reviewing new policies before they go into production and any updates regularly thereafter.

V Policy Register with versioning

All Councillors and residents of the parish should be able to access council policies at any time and to be able to tell if they are current.

Pursuant to statute, the Council therefore maintains and publishes a Policy Register, containing this and all other current Policies, to its web site. The Register is subject to annual review.

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