



Data Protection Policy Incorporating the requirements of the General Data Protection Regulation

Title	Data Protection Policy (incorporating the requirements of the GDPR)
Version	1.0
Date Approved	This policy comes into force on 25 May 2018
Review Date	Annually – in September of each year
Applicable to	All employees and members of the Earl Shilton Town Council

Introduction

1. In order to provide services and adhere to legislative requirements, the Council collects and processes personal information. The Council is fully committed to complying with the Data Protection legislation and is registered as a Data Controller with the Information Commissioner's office.
2. It is the responsibility of every employee and elected member of Earl Shilton Town Council (ESTC) to comply with the obligations under the legislation and this policy. In addition ESTC requires its partners and contractors who act on its behalf to comply with the legislation when providing services to and on behalf of the Council.

Policy Statement

3. The purpose of this policy is to ensure that all elected members, employees and agents acting for and on behalf of the Council are aware of their obligations and responsibilities with regard to the collection and processing of personal data under the provisions of the Data Protection legislation and that it is the intention of the Council to comply with all aspects and requirements of the legislation.

The Data Protection Legislation

4. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).
5. Directive (EU) 2016/680 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (Law Enforcement Directive).
6. Data Protection Act 2018.
7. Protection of Freedoms Act 2012.
8. Human Rights Act 1998.

Definitions

9. All the terms used within this policy have the meaning assigned to them within General Data Protection Regulation.

Data Protection Principles

10. Article 5(2) of the General Data Protection Regulation provides that the Data Controller is responsible for compliance with the following principles, that Personal Data is:
 - a) Processed lawfully, fairly and in a transparent manner in relation to individuals;
 - b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
 - c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
 - d) Accurate, and where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
 - e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures;

- f) 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.

The Rights of Individuals

The GDPR provides the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

Accountability

11. The Council is committed to complying with the provisions of the Data Protection legislation and the six data protection principles through ensuring:

- The Council keeps and maintains the records required to comply with its accountability obligations, including records of processing activities as required;
- A Data Protection Officer (DPO) is appointed as required and that suitable cover arrangements are in place at all times. (Legislation for Town and Parish Councils is still outstanding);
- The Council, its Elected Members and any other Officer which may be required to be, is registered with the Information Commissioner's office as appropriate;
- All Elected Members, employees and third parties acting on behalf of the Council are aware of their responsibilities and the consequences of non-compliance with this policy or breaches of the Data Protection legislation through the provision of training and awareness programmes;
- There are technical and organisational measures in place to ensure the security of personal information at all times;
- There are appropriate procedures in place for acknowledging and handling subject access requests and other individual's rights to enable individuals to exercise their rights without undue delay;

- Data Protection and privacy by design and the use of Data Protection Impact Assessments where changes to policy and procedure affect individuals.

Responsibility

12. All elected members, employees and agents acting for the Council are responsible for ensuring that personal data that they collect and process is done so in accordance with the Data Protection legislation and policy.
13. The Town Clerk is responsible for identifying training needs within their areas and ensuring that this policy has been read and understood by Members of Council and staff.

Breaches

14. All individuals are responsible for reporting any data breach to the Town Clerk in the first instance who, in turn, will report the facts to an appropriate Data Protection Officer, who will determine whether the breach should be reportable to the Information Commissioners Office and take immediate actions to address the breach.

Review Timescale

15. Annually, in September each year, to avoid 'year end' procedures.

Advice and Guidance

16. If any Elected Member, employee or agent of the Council requires advice or guidance on the provisions of this policy or the Data Protection legislation, then please contact either:
 - a) The Data Protection Officer, Town Clerk, Earl Shilton Town Council.
 - b) The Chief Executive, Leicestershire and Rutland Association of Local Councils (Tel: 0116 235 3800).