

# DATA PROTECTION POLICY

## APPROVED BY COUNCIL:

Loftus Town Council will comply with the Data Protection Act 2018 and provide a framework of rights and duties designed to safeguard personal and sensitive data. Failure to comply with the demands of the Act constitutes a criminal offence.

## Personal data:

Loftus Town Council needs to gather and use certain types of personal information about individuals. This can include service users or suppliers, business contacts, employees and other people the Town Council has a relationship with or may need to contact. This policy describes the principles and legal reasons for which personal data will be collected, handled and stored to meet the Town Council's data protection standards and to comply under the legislation. Personal data means information about a living individual from which they can be identified, and includes data held on the electoral register, details of customer's names, addresses and plot holdings, databases of names, National Insurance Numbers, bank account details, staff records and any other information held by the Data Controller. It includes sensitive data and expressions of opinion about the individual. It should be noted this list is not an exhaustive one.

## Sensitive data:

Includes, but is not confined to, information relating to an individual's racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sex life, criminal proceedings or convictions. Processing of data includes the acquisition, storage, manipulation, transfer, deletion and disclosure of the data, and applies to both electronic data and data held on manual records.

## Commercially sensitive data:

Commercially sensitive data is data the council holds about suppliers quotations, or contracts with the Town Council. It does not fall under the categories of personal data covered by the Data Protection Act 2018, but nevertheless exposure of this data poses a risk, and it has therefore also been considered as part of the data protection measures of the Council.

## Why this policy exists:

This Data protection policy ensures that Loftus Town Council:

- Complies with data protection law and follow good practice
- Protects the rights of staff, residents, customers, partners and stakeholders
- Is open about how it stores and processes individuals data
- Protects itself from the risks of a data breach

## Data Protection Law:

The Data Protection Act 2018 describes how organisations must collect, handle and store personal information. This applies regardless of whether data is stored electronically, on paper or on other materials. To comply with the regulations, personal information must be collected in an open and fair manner and used fairly, stored safely and not disclosed unlawfully. Personal data must:

- Be processed fairly, lawfully and transparently
- Be obtained only for specified, explicit and legitimate purposes
- Be adequate, relevant and not excessive
- Be accurate and kept up to date
- Not be held for any longer than necessary

- Be protected **with Integrity and confidentiality**
- Shall 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 Individuals/Service Users in relation to the processing of personal information.

The Town Council will take every effort to ensure that the above principles are built into its daily practices and activities.

### **Responsibilities:**

Everyone who works or volunteers for Loftus Town Council, as well as members of the Council, have some responsibility for ensuring data is collected, stored and handled appropriately in line with this policy. Loftus Town Council will ensure that:

- Everyone processing personal information is appropriately trained to do so
- Everyone processing personal information is appropriately supervised
- Enquiries are dealt with courtesy
- It will regularly review and audit the ways it hold, manage and use personal information
- It assesses and evaluates its methods and performance in relation to handling personal information
- All staff are aware that a breach of the rules and procedures identified in this policy may lead to disciplinary action being taken against them.
- All councillors are aware of the principles of data protection, and agree that they will take every effort to ensure that once data is transferred to them from the Town Council, they engage in proper Data Protection practices.

### **Responsibility for Data Management**

#### **The Data Controller**

Under the Act, the Data Controller is Loftus Town Council. This means the Town Council will be responsible for ensuring that data is collected where deemed necessary, stored efficiently and securely and for how long. As data controller the Town Council ultimately determines for what purposes personal information is held and what it will be used for. It is also responsible for notifying the Information Commissioner of the data it holds or is likely to hold, and the general purposes that this data will be used for. The Clerk will carry out the active duties of the Town Council for data control and staff will handle various aspects of data management and data processing.

#### **Data Protection Officer**

Loftus Town Council will appoint a Data Protection Officer, who will be responsible for data queries, investigations around misuse of data, and who will act with the Data Controller in ensuring the Council is prepared for the requirements of the Data Protection Act 2018.

#### **Staff of the Council**

Staff of the Council will be responsible for data processing and data management, and will act under the guidance of the Clerk of the Council.

#### **Members/Councillors**

Data held by Councillors in their personal (home or personal electronic devices) records, unless generated by the Town Council, is not considered data held by the Town Council. Such data is to be managed individually by Councillors who may wish to register with the ICO as data controllers.