

CHURCH STRETTON TOWN COUNCIL

DATA PROTECTION POLICY

1. Introduction

The Data Protection Act 1998 established a framework of rights and duties which safeguard personal data. Personal data is information about a living individual who can be identified from the data (including photographs). This framework balances the legitimate needs of organisations to collect and use personal data for business purposes against the right of individuals to respect for the privacy of their personal details.

Church Stretton Town Council is committed to protecting the privacy of individuals and handles all personal data in a manner that complies with the Data Protection Act 1998. It is the personal responsibility of all employees, Councillors, contractors, agents and anyone else processing information on behalf of the Town Council to comply with this policy. This policy continues to apply to employees and individuals even after their relationship with the Council ends.

Any deliberate breach of this policy could amount to a criminal offence under one or more pieces of legislation. All incidents will be investigated and action may be taken by the Council's formal disciplinary procedure. A serious breach of this policy could be regarded as gross misconduct and may lead to dismissal and/or criminal action being taken.

2. Data Protection Principles

The Data Protection Act 1998 is underpinned by a set of eight common-sense principles, which must be adhered to whenever personal data is processed. Processing includes obtaining, recording, using, holding, disclosing and deleting personal data.

Personal data must be:

- processed fairly and lawfully;
- processed for specified and lawful purposes;
- adequate, relevant and not excessive;
- accurate and, where necessary, kept up to date;
- not kept longer than is necessary;
- processed in accordance with the rights of the data subject;
- kept secure;
- transferred only to countries with adequate security.

3. Access and Use of Personal Data

Access and use of personal data held by the Council is only permitted by employees, Councillors, contractors, agents and anyone else processing information on behalf of the Town Council, for the purpose of carrying out their official duties. Use for any other purpose is prohibited.

Deliberate unauthorised access to, copying, disclosure, destruction or alteration of or interference with any Town Council data, is strictly forbidden and may constitute a criminal offence and/or disciplinary offence.

4. Collecting Personal Data

When personal data is collected, the data subject (the person who the information is about) must be told, unless this is obvious to them, which organisation(s) they are giving their information to; what their information will be used for; who it may be shared with and anything else that might be relevant e.g. the consequences of that use. This is known as a Privacy Notice.

Personal data collected must be adequate, relevant and not excessive for the purpose of the collection. A person's name and other identifying information should not be collected where depersonalized (anonymous) information would suffice.

If the information is collected for one purpose, it cannot subsequently be used for a different and unconnected purpose without the data subject's consent (unless there is another lawful basis for using the information - see section 5 below). It must be made clear to the data subject at the time the information is collected, what other purposes their information may be used for.

5. Lawful Basis for Processing

When Church Stretton Town Council processes personal data, it must have a lawful basis for doing so. The Data Protection Act 1998 provides a list of "conditions" when personal or sensitive personal data may be processed (Schedule 2 and 3 of the Act).

The Data Protection Act 1998 defines "sensitive" personal data as information relating to a person's racial or ethnic origin; political opinion; religious or other beliefs; trade union membership; physical or mental health condition; sexual life; criminal offences (alleged or committed).

Whenever the Town Council processes personal data, it must be able to satisfy at least one of the conditions in Schedule 2 of the Act and when it processes sensitive personal data it must be able to satisfy at least one of the conditions in Schedule 3 of the Act.

The Town Council can also process personal data if it has the data subject's consent (this needs to be explicit when it processes sensitive personal data). In order for consent to be valid, it must be "fully informed" which means the person giving consent must understand, what they are consenting to and what the consequences are, if they give or refuse consent. Consent must not be obtained through coercion or under duress.

6. Disclosing Personal Data

Personal data must not be disclosed to anyone internally or externally, unless the person disclosing the information is fully satisfied that the enquirer or recipient is authorised in all respects and is legally entitled to the information.

If personal data is disclosed to another organisation or person outside of the Town Council, the disclosing person must identify their lawful basis for the disclosure and record their decision. This should include a description of the information disclosed; the name of the person and organisation to which the information was disclosed; the date; the reason for the disclosure; the lawful basis.

In response to any lawful request, only the minimum amount of personal information should be disclosed. The person disclosing the information, should ensure that the information is adequate for the purpose of the disclosure, relevant and not excessive.

7. Accuracy and Relevance

It is the responsibility of those who receive personal information to ensure so far as possible, that it is accurate and up to date. Personal information should be checked at regular intervals to ensure that it is still accurate. If the information is found to be inaccurate, steps must be taken to rectify it. Individuals who input or update information, must also ensure that it is adequate, relevant and unambiguous. Data subjects have a right to access personal data held about them and have inaccuracies corrected. More information about a data subject's rights can be found in Section 9 below.

8. Retention and disposal of Data

The Data Protection Act 1998 required that the Town Council does not keep personal data for any longer than is necessary. Personal data should be checked at regular intervals and deleted or destroyed when it is no longer needed, provided there is no legal or other reason for holding it. Section 11 of this policy, sets out the retention periods, that applies to Town Council data.

9. Individual Rights

Individuals have several rights under the Data Protection Act 1998. These include the right to access personal data held about them (Subject Access); the right to prevent their information being used in a way which is likely to cause damage or distress; the right to compensation for any damages as a result of their information not being handled in accordance with the Data Protection Act 1998; and the right to have inaccurate or misleading information held about them corrected or destroyed. A person wishing to exercise any of these rights, must make this request directly to the Town Clerk (the Data Controller).

The Town Council has 40 calendar days in which to respond to a Subject Access request, provided the applicant has put their request in writing and suitable identification has been supplied.

10. Closed Circuit Television (CCTV)

Guidance on the use of CCTV and the personal data that it acquires is provided by the Information Commissioners Office (ICO). Church Stretton Town Council seeks to operate its CCTV, in line with the most current code of practice issued by the ICO. Church Stretton Town Council, operates a CCTV system that is designed to contribute towards enhancing community safety and protect Town Council property. It is intended therefore that any images available will be viewed (and potentially downloaded) by or at the request of West Mercia Police in relation to reported crime or informed crime prevention.

10. Reporting Data Security Incidents

Church Stretton Town Council has a responsibility to monitor all data security incidents, that occur within the organisation, that may breach the security and/or confidentiality of its information. All incidents need to be identified, reported, investigated and monitored.

The Town Council is registered with the Information Commissioners Office (ICO):

Registration Number: Z1040740

Date Registered: 10 September 2007

Data Controller: CHURCH STRETTON TOWN COUNCIL (Town Clerk)

Registered Address:

60 HIGH STREET
CHURCH STRETTON
SHROPSHIRE
SY6 6BY

11. Data Retention Periods

Standard Operating Procedure (SOP)

There are some records that do not need to be kept at all; Standard Operating Procedure defines types of records which staff may routinely destroy in the normal course of business. SOP usually applies to information that is duplicated, unimportant or only of short-term, facilitative value. Unimportant records or information include:

- 'with compliments' slips
- catalogues and trade journals
- telephone message slips
- non-acceptance of invitations
- trivial electronic mail messages or notes that are not related to Council business
- requests for stock information such as maps, plans or advertising material
- out-of-date distribution lists
- working papers which lead to a final report

Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports, may be destroyed under SOP.

Retention periods for documents not covered by the Standard Operating Procedure.

Document	Minimum Retention Period	Reason
Minute Book	Indefinite	Archive
Scales of fees and charges	6 years	Management
Receipt and payment account(s)	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and Tenders	6 years	Limitation Act 1980 (as amended)
Paid Invoices	6 years	VAT
Paid Cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally, but 20 years for VAT on rents.	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Timesheets	Last completed audit year (3 years)	Audit requirement Personal Injury best practice.
Wages Book	12 years	Superannuation
Insurance Policies	While valid	Management
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
Investments	Indefinite	Audit, management.
Title deeds, leases, agreements and contracts	Indefinite	Audit, management
Members Allowances	6 years	Tax, Limitation Act 1980 (as amended).
Public consultations	Destroy 5 years from closure.	Management.
The management of detailed responses on council actions, policy or procedures	Destroy 6 years after administrative use is concluded	Management.
The management of routine responses on council actions, policy or procedures	Destroy 2 years after administrative use is concluded	Management
The process of designing and setting information for Publication.	Destroy 3 years from last action	Management
All contract and tendering information	Destroy 6 years after the terms of contract have expired	Audit, Management.
Recruitment - the selection of an individual for an	Destroy 1 year after recruitment has been	Management.

established position.	finalised	
The process of administering employees to ensure that entitlements & obligations are in accordance with agreed employment requirements • Records containing superannuation information	Destroy 6 years from date of last pension payment.	Audit, Management.
Occupational Health - the process of checking and ensuring the health of staff.	Destroy 75 years after DOB.	Management
Training (occupational health and safety training)	Destroy 50 years after training completed	Management.
Staff monitoring – Performance and appraisal	Destroy 5 years after action completed.	Management.
Termination - the process of termination of staff through voluntary redundancy, dismissal and retirement.	Destroy 6 years after termination If a pension is paid then records should be destroyed 6 years after last payment of pension	Management.
Planning – comments and papers relating to planning applications, appeals and enforcement in the parish area.	Destroy 5 years after completed.	Management.
For Halls, Centres, Recreations Grounds, Rooms: • application to hire • lettings diary • copies of bills to hirers • record of tickets issued	6 years	VAT
For Allotments: • Register and plans	Indefinite	Audit, management.
For Burial Grounds: • register of fees collected • register of burials • register of purchased graves • register/plan of grave space • register of memorials • applications for interment • applications for right to erect memorials • disposal certificates • copy certificates of grant of exclusive right to burial.	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (Sl. 204).

Local/historical information

The Local Government (Records) Act 1962 provides that parish councils, may acquire records of local interest and accept gifts or records of general and local interest, in order to promote the use of such records (defined as materials in written or other form, setting out facts, events or otherwise recording information).

Document retention advice

If there is doubt regarding the retention period of any documents held, the matter should be raised with the Town Clerk (Data Controller) who will seek the necessary legal advice to determine the appropriate retention period.