



DATA PROTECTION

Policy 17

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1.0 Introduction

This policy explains how Cuckfield Parish Council handles personal data, the standards it applies, and the responsibilities of councillors, employees, contractors and volunteers when processing information on the Council's behalf.

- 1.1 The Parish Council will comply with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and other applicable legislation relating to the processing of personal data. The Freedom of Information Act 2000 provides a separate right of access to recorded information held by public authorities and will be administered alongside the Council's obligations under data protection legislation. Councillors and Council staff must understand both regimes and how they interact.
- 1.2 Data protection legislation regulates the processing of personal data relating to identifiable living individuals. Personal data may include names, addresses, contact details, photographs, electronic identifiers, financial information or any other information relating to an identifiable individual.
- 1.3 Data protection legislation provides individuals ("data subjects") with rights regarding their personal data and places obligations on organisations that determine the purposes and means of processing personal data ("controllers") to be transparent about their use of that information and to comply with the data protection principles. A data subject is the identified or identifiable living individual to whom the personal data relate.
- 1.4 The Information Commissioner's Office (ICO) is the UK's independent supervisory authority responsible for enforcing data protection legislation.

2.0 Data Controllers

- 2.1 Cuckfield Parish Council processes personal data relating to residents, employees, councillors, contractors, allotment holders, hirers, grant applicants, planning applicants and other individuals in connection with its functions and services. The Council is therefore a Data Controller under data protection legislation and must comply with its obligations to the Information Commissioner's Office (ICO). The Council's ICO registration number is Z7978504.
- 2.2 Councillors, employees, contractors and volunteers who process personal data on behalf of the Council must comply with this Policy and any associated procedures, guidance and security requirements.
- 2.3 Councillors must use Council-approved systems wherever possible when conducting Council business and must ensure that personal data held on personal devices is adequately protected and securely deleted when no longer required.
- 2.4 The Parish Council will appoint or engage a suitably qualified Data Protection Officer (DPO) or external adviser as required and will make contact details available through its website and privacy notices.

3.0 The Data Protection Principles

The Council will comply with the following seven principles of UK GDPR when processing personal data:

3.1 Lawfulness, Fairness and Transparency

The Parish Council will:

- Identify and document an appropriate lawful basis before processing personal data,
- Process personal data fairly and transparently,
- Provide clear and accessible privacy notices explaining how personal data is collected, used, stored, shared and retained,
- Identify any additional conditions required when processing special category or criminal offence data.

3.2 Purpose Limitation

Personal data will be collected only for specified, explicit and legitimate purposes and will not be processed in a manner incompatible with those purposes.

The Parish Council will identify itself as Data Controller and explain the purpose of collection and any intended disclosures where required.

3.3 Data Minimisation

The Parish Council will ensure that personal data is:

- Adequate;
- Relevant; and
- Limited to what is necessary for the purpose for which it is processed.

Information will not be collected or retained "just in case" it may be useful in the future.

3.4 Accuracy

The Parish Council will take reasonable steps to ensure that personal data is accurate and, where necessary, kept up to date.

Inaccurate or incomplete information will be corrected or deleted promptly when identified.

3.5 Storage Limitation

Personal data will be retained only for as long as necessary to fulfil the purpose for which it was collected or to comply with legal requirements.

The Parish Council will maintain and regularly review a Records Retention Schedule based upon recognised local government guidance (National Association of Local Councils) and operational requirements.

3.6 Integrity and Confidentiality (Security)

The Parish Council will implement appropriate technical and organisational measures to safeguard personal data against unauthorised or unlawful processing, accidental loss, destruction or damage.

Measures may include:

- Secure storage arrangements;
- Password protection;
- Access controls and user permissions;
- Encryption where appropriate;
- Secure disposal of records;
- Staff and councillor training.

3.7 Accountability

The Council will be able to demonstrate compliance with data protection legislation by:

- Maintaining records of processing activities where required;
- Providing appropriate privacy information;
- Implementing data protection by design and default;
- Conducting Data Protection Impact Assessments (DPIAs) where required;
- Maintaining contracts with data processors;
- Providing training to councillors and employees;
- Regularly reviewing policies and procedures.

Data must not be transferred outside the European Economic Area.

The Parish Council will not transfer personal data outside the United Kingdom unless appropriate safeguards are in place in accordance with UK GDPR requirements.

4.0 **Sensitive Data**

4.1 The UK GDPR defines categories of special category data that require additional protection. Criminal offence data is subject to separate requirements under the UK GDPR and the Data Protection Act 2018.

- (i) the racial or ethnic origin of data subjects;
- (ii) their political opinions;
- (iii) their religious beliefs or other beliefs of a similar nature;
- (iv) whether they are a member of a trade union;
- (v) their physical or mental health or condition;

- (vi) their sexual life;
 - (vii) the commission or alleged commission by them of any offence; or
 - (viii) any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.
- 4.2 Information relating to criminal convictions and offences is subject to separate protections under data protection legislation.
- 4.3 Before processing special category data, the Council will identify and document:
- A lawful basis under Article 6 UK GDPR,
 - A relevant condition under Article 9 UK GDPR (for special category data),
 - Any additional condition required by the Data Protection Act 2018,
 - Any requirement for a Data Protection Impact Assessment,
 - Explicit consent will be used only where it is valid and appropriate in the circumstances.

5.0 Manual Data

- 5.1 The Data Protection Act 2018 also covers some records held in paper form. Such records need not be notified to the ICO but will be handled in accordance with the data protection principles.

6.0 Data Sharing and Processors

- 6.1 The Parish Council will share personal data only where it is lawful, necessary and proportionate to do so.
- 6.2 Personal data may be shared with:
- Statutory bodies;
 - Government agencies;
 - Professional advisers;
 - Contractors and service providers;
 - Regulatory authorities;
 - Law enforcement agencies.
- 6.3 Where a third-party processes personal data on behalf of the Parish Council, a written contract containing the required UK GDPR provisions will be in place.

7.0 Individual Rights

- 7.1 Individuals have the following rights in relation to their personal data, subject to any applicable exemptions:
- Right to be informed;
 - Right of access;
 - Right to rectification;

- Right to erasure;
- Right to restrict processing;
- Right to data portability;
- Right to object;
- Rights relating to automated decision-making and profiling.

7.2 The Parish Council will respond to requests concerning these rights in accordance with statutory timescales and legal requirements.

8.0 Dealing with Subject Access Requests

- 8.1 If the Council receives a subject access request, whether orally or in writing, it will respond without undue delay and normally within one month of receipt. The Parish Council may extend the period by up to two further months where a request is complex or numerous, provided that the individual is informed within the initial one-month period. Where reasonably required, the Council may request information to confirm the requester's identity before disclosing personal data.
- 8.2 In response to a subject access request, individuals are entitled to a copy of the information held about them, both on computer and as part of a relevant filing system. They also have the right to receive a description of why their information is processed, anyone to whom it may be disclosed, and any information available to the Council about the source of the data.

9.0 Personal Data Breaches

- 9.1 Any actual or suspected personal data breach must be reported immediately to the Clerk.
- 9.2 The Parish Council will investigate all data breaches and maintain a record of incidents.
- 9.3 Where required by law, breaches will be reported to the ICO without undue delay and, where feasible, within 72 hours of becoming aware of the breach.
- 9.4 Affected individuals will be informed without undue delay where a breach is likely to result in a high risk to their rights and freedoms.

10.0 Complaints

- 10.1 Any individual with concerns regarding the Council's processing of personal data should contact the Clerk in the first instance.
- 10.2 Individuals also have the right to lodge a complaint with the Information Commissioner's Office.

Information Commissioner's Office
 Wycliffe House
 Water Lane
 Wilmslow
 Cheshire SK9 5AF

Website: www.ico.org.uk

11.0 Training

- 11.1 Councillors, employees and others acting on behalf of the Parish Council who handle personal data will receive appropriate data protection training and guidance.
- 11.2 Refresher training will be provided periodically and whenever significant legislative or procedural changes occur.