

YARM TOWN COUNCIL



DATA PROTECTION POLICY

Model Protocol

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DATA PROTECTION POLICY

Below is a statement of the data protection policy adopted by Yarm Town Council

“Yarm Town Council needs to collect and use certain types of information about people with whom it deals in order to perform its functions. This information includes current, past and prospective employees, suppliers, clients, customers, service users and others with whom it communicates. Yarm Town Council is required by law to collect and use certain types of information to fulfil its statutory duties and also to comply with the requirements of government departments. This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer, or on other material – and there are safeguards to ensure this in the Data Protection Act 1998.

Yarm Town Council regards the lawful and correct treatment of personal information as critical to successful operations and to maintaining confidence between those with whom we deal and ourselves. Yarm Town Council must ensure that, as an organisation, it treats personal information lawfully and correctly.

To this end we fully endorse and adhere to the Principles of data protection as enumerated in the Data Protection Act 1998.

The Data Protection Principles are as follows:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
4. Personal data shall be accurate and, where necessary, kept up to date;
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Act;
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
8. Personal data 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 data subjects in relation to the processing of personal data.

Therefore, Yarm Town Council will, through appropriate management, strict application of criteria and controls:

- i. Observe fully, conditions regarding the fair collection and use of information;
- ii. Meets its legal obligations to specify the purposes for which information is used.
- iii. Collect and process appropriate information, and only to the extent that it is needed to fulfil operational needs or comply with any legal requirements;
- iv. Ensure the quality of information used;
- v. Apply strict checks to determine the length of time information is held;
- vi. Ensure that the rights of people, about whom information is held, are able to be fully exercised under the Act. (These include: right to be informed that processing is being undertaken, the right of access to one's personal information, the right to prevent processing in certain circumstances and the right to rectify, block or erase information which is regarded as wrong information);
- vii. Take appropriate technical and organisational security measures to safeguard personal information;
- viii. Ensure that any third party processors contracted by the Authority adhere to appropriate controls.

In addition Yarm Town Council will ensure that:

- i. There are persons with specific responsibility for data protection in the organisation.
- ii. All subject access requests will, in the first instance, be referred to an appropriate Officer, who will normally be the Council's Monitoring Officer, who will take reasonable steps to ensure that the request is processed by the appropriate Officer or Officers, unless the requested information is held exclusively by Health and Social Care or Council Tax. These latter requests are to be directed to the relevant Corporate Director of Service, who will take reasonable steps to ensure that they are processed appropriately.
- iii. Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- iv. Everyone managing and handling personal information is appropriately trained to do so;
- v. Everyone managing and handling personal information is appropriately supervised;
- vi. Methods of handling personal information are clearly described;
- vii. A regular review and audit will be made of the way personal information is managed;
- viii. Documents and any storage media containing input to and output from systems (paper or electronic) detailing personal information will be held, transported and disposed of with due regard to its sensitivity. Confidential paper output no longer required will be shredded before it is included in the recycling process. The disposal of confidential waste may be arranged with firms who provide a certificated secure

disposal service. Individual service areas will be responsible for ensuring appropriate arrangements are made. Where arrangements are made with external companies for paper data disposal, or other media holding personal data then checks must be made to ensure that the arrangements are secure and that disposal certificates are provided and recorded.

Responsibilities and Roles

The Data Protection Act 1998 is “an Act to make provision for the regulation of the processing of information relating to individuals including the obtaining, holding, use or disclosure of such information. It places obligations on those who record and use personal data”. The Authority will endeavour to apply the spirit of the Act to ALL data operations.

The overall responsibility for the notification of the Council as a data controller and for ensuring compliance with the Data Protection Act rests with the Monitoring Officer in liaison with the Chief Executive.

All employees are instructed to provide for the attention of their Service Grouping Director of Service or Head of Service details of any proposal to create a system, paper or automated, which contains personal data for approval and notification before implementation.

Subject Access - An individual is entitled, on making a written request using the approved Data Subject Access Request Form (obtainable on request by telephone 527060 or at www.stockton.gov.uk/data), to be supplied by any data user with a copy of all the information, which forms the personal data held about him or her. A request for subject access must be responded to within 40 days. If it is not, the data subject is entitled to complain to the Information Commissioner. The Monitoring Officer will take reasonable steps to ensure that the appropriate Officer or Officers process all such requests as detailed in ii. above (apart from those which relate to information held by Health and Social Care or Council Tax). If you receive such a request it must be passed immediately to the Monitoring Officer. If the request relates specifically to information held by Health and Social Care or Council Tax, you must forward the request to the person nominated to process those requests.

All employees are advised that any wilful non-compliance with the data protection principles will be regarded as a serious disciplinary matter and may lead to dismissal.

This policy will form part of the Authority’s Handbook of Personnel Policies and Procedures.

1. Correspondence/Information to the Town Council

- (i) The point of contact for the Town Council is the Clerk, and it is to the Clerk that all correspondence for the Town Council should be addressed.
- (ii) The Clerk should deal with all correspondence following a meeting.
- (iii) No individual Councillor should be the sole custodian of any correspondence, or information in the name of the Town Council, a committee, sub-committee or working party.

2. Agenda Items for Council, Committees, Sub-Committees and Working Parties

- (i) Agenda items should be clear and concise. They should contain sufficient information for members to make an informed decision.
- (ii) Items for information should be kept to a minimum on Council agendas.

- (iii) Where members wish fellow members to receive matters for “information only”, this information should be circulated via the Town Clerk.

3. Communications with the Press and Public

- (i) Press reports from the Town Council, Committees, Working Parties etc should be from the Clerk or via the reporter’s own attendance at a meeting.
- (ii) Members who are asked for comment by the press or members of the public, should ask that it be clearly reported that it is their personal view.
- (iii) Unless you are absolutely certain that you are reporting the view of the Town Council, make it clear to the members of the public that it is a personal view.
- (iv) If Members have a complaint or receive a complaint from a member of the public, this should be presented to the Clerk in written format, to be dealt with under the complaints procedure, or via a Town Council agenda item. The person’s name and address should be on record.

4. Councillor Correspondence to Other Agencies

- (i) All personal correspondence as a Town Councillor to other agencies should make it clear that the views are the expression of the personal opinions of the writer and not necessarily those of the Town Council.
- (ii) A copy of all outgoing correspondence relating to the Town Council or one’s role within it should be sent to the Clerk, and it be noted on the correspondence, eg “copy to the Clerk” so that the recipient is aware that the Clerk has been advised.

5. Communications with Town Council Staff

- (i) Councillors must not give instructions to any member of staff, unless authorised to do so (this would be two or more members sitting as a committee or sub-committee with appropriate delegated powers from the council and not an individual, regardless of whether or not they are the Chairman of the Council, committee or other meeting).

(ii) Telephone calls should be:

- kept to a minimum
- appropriate to the work of the Town Council

(iii) E-mails:-

- e-mails should be kept to a minimum
- appropriate to the work of the Town Council
- instant replies should not be expected from the Clerk, reasons for urgency should be stated
- matters for information to the other councillors should normally be directed via the Clerk
- e-mails to other agencies should be copied to the Clerk
- Members should acknowledge their e-mails when requested to do so.

(iv) Meetings with the Clerk or other officers:-

- Where possible an appointment should be made
- Meeting should be relevant to the work of the Council
- Members should be clear about the matters they wish to discuss

M Milburn
Clerk to the Council
14/06/12

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