

## DUNCHURCH PARISH COUNCIL & COMMUNITY LIBRARY

### CONFIDENTIALITY AND DATA PROTECTION POLICY

#### Data Protection Policy

Dunchurch Parish Council & Community Library recognises its responsibility to comply with the General Data Protection Regulation (GDPR) 2018.

#### General Data Protection Regulation (GDPR)

GDPR regulates the use of personal data. It sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled, and used. GDPR applies to anyone holding information about people electronically or on paper.

Dunchurch Parish Council is a Data Controller as defined within GDPR and as such Dunchurch Parish Council & Community Library have a number of procedures in place to ensure that we comply with GDPR when holding personal information.

The Parish Council has also notified the Information Commissioner that it holds personal data about individuals.

When dealing with personal data, Dunchurch Parish Council staff, Councillors and Volunteers must ensure that:

#### **Data is processed fairly, lawfully and in a transparent manner in relation to individuals**

This means that information should only be collected from individuals if staff, volunteers, and Councillors have been open and honest about why they want the information.

#### **Data is processed for specified purposes only**

This means data collected for specified, explicit and legitimate purposes and cannot be further used in a manner that is incompatible with those purposes.

#### **Data is relevant to what it is needed for**

Data will only be held where it is adequate, relevant and limited to what is necessary in relation to the reason it was collected.

#### **Data is accurate and, where necessary, kept up to date**

Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it was collected, are erased or rectified without delay.

#### **Data is not kept longer than it is needed**

Data will be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data was collected. Records will be stored for the length of time advised in guidelines issued by WALC. Please see Retention Policy for details.

#### **Data is kept securely**

Personal data collected must be stored securely, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **Storing and accessing data**

Dunchurch Parish Council & Community Library recognises its responsibility to be open with people when taking personal details from them. This means that staff, volunteers, and Councillors must be honest about why they want a piece of information. If, for example, a member of the public gives their phone number to a member staff, a Councillor or a volunteer it will only be used for the purpose it has been given and will not be disclosed to anyone else.

Dunchurch Parish Council & Community Library may hold information about individuals such as their addresses and telephone numbers. These will be kept in a secure location at the Parish Office and are not available for public access. All data stored on the Parish computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

The Parish Council & Community Library is aware that people have the right to access any information that is held about them. Subject Access Requests (SARs) must be submitted in writing (this can be done in hard copy or email). If a person requests to see any data that is being held about them, the SAR response must detail:

- How and to what purpose personal data is processed
- The period Dunchurch Parish Council intend to hold it for
- Details of anyone who has had access to the personal data

The SAR response must be send within 30 days of the SAR being made and should be free of charge.

If a SAR includes personal data of other individuals, Dunchurch Parish Council must not disclose the personal information of the other individual. That individual's personal information may either be redacted, or the individual may be contacted to give permission for their information to be shared with the Subject.

Individuals have the right to have their data rectified if it is incorrect, the right to request erasure of the data, the right to request restriction of processing of the data and the right to object to data processing, although rules do apply to those requests.

### **Disclosure of information**

If an elected member of the council, for example a Councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose. If, for instance, someone has made a complaint about over hanging bushes in a garden, a Councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry. They can only do this providing they represent the area that the subject lives in. However, before they access any sensitive information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

### **Confidentiality**

Dunchurch Parish Council staff, Councillors and Volunteers must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

Information held by Dunchurch Parish Council & Dunchurch Community Library will mainly relate to its own internal affairs, voluntary and community organisations, volunteers, employees and trustees and services that provide funding. The purpose of holding this information is primarily to enable understanding of organisations and their activities in order

that Dunchurch Parish Council & Dunchurch Community Library can deliver the most appropriate services.

Dunchurch Parish Council & Dunchurch Community Library employees, volunteers and Councillors will have access to information about individuals and organisations, including Dunchurch Parish Council & Dunchurch Community Library itself, through normal working activities. Generally, this information will not be specifically marked as confidential, but all information should be held in the strictest confidence to comply with GDPR and other contractual obligations.

Users have the right to expect that information given to Dunchurch Parish Council & Dunchurch Community Library will only be used for the purpose it was given and should not be shared with anyone else, either internally or externally. It is essential that the right to privacy is upheld to maintain trust and confidence in Dunchurch Parish Council & Dunchurch Community Library.

Information may be shared with Dunchurch Parish Council & Dunchurch Community Library for discussion and advice but in instances where colleagues may feel it necessary to discuss difficult situations with each other to identify an approach towards problem solving, the organisation's consent must be obtained or names and/or obvious identification details must not be disclosed. Discussions about individuals or organisations should be restricted to a working environment.

Sensitive information regarding personal, financial, or private information, such as an individual's sexuality, in respect of an individual or an organisation, should not be disclosed to anyone other than Dunchurch Parish Council & Dunchurch Community Library without the express consent of the person/s concerned.

During the recruitment process, certain information is required about applicants to ensure suitability. All information received must be treated as confidential. All other personal and financial information pertaining to employees and volunteers, in addition to the recruitment information, must be regarded as confidential. For example, Parish Council meeting minutes are public documents, but personnel information should be minuted and distributed separately.

Employees, Volunteers and Councillors may not divulge or use to the detriment or prejudice of Dunchurch Parish Council & Dunchurch Community Library, any confidential information concerning the organisation or its affairs. This might include:

- Financial reports and contracts details
- Employee and volunteer personal records
- Client information
- Any disciplinary or grievance procedure details

Any incoming post marked "Private & Confidential" or "Personal" should be passed unopened to the addressee, unless otherwise authorised. Confidential interviews will take place in private meeting rooms.

Individual client information must not be removed from Dunchurch Parish Council & Dunchurch Community Library premises (other than in the ordinary course of business). Personnel information must not be removed from Dunchurch Parish Council & Dunchurch Community Library premises without prior written and express authority.

All statements to the press/media must be through the Chairman of Dunchurch Parish Council or with the Chairman's prior permission.

### **Access to information**

Dunchurch Parish Council & Community Library Data Protection and confidentiality Policy  
Reviewed August 2020

Employees and volunteers should not withhold information from Dunchurch Parish Council & Dunchurch Community Library unless it is purely personal.

Users can access Dunchurch Parish Council & Dunchurch Community Library records held in their name or that of their organisation but should send in a written request to Dunchurch Parish Council & Dunchurch Community Library's Proper Officer giving 14 days' notice and be signed by the individual.

Employees can access their personnel records by making a request to HR. This will be complied with in 7 days.

When working with confidential data, for example on the computer screen or at the photocopier, employees and volunteers should ensure that passers-by do not see it.

### **Storing information**

Dunchurch Parish Council & Dunchurch Community Library employees, volunteers' and colleagues will have open access to general information about organisations. Information about employees and volunteers, and other individuals will be kept in locked filing cabinets and stored on a remote computer server.

In an emergency, the Proper Officer (The Clerk – see details below) may authorise access to files by other employees.

### **Disclosure**

In certain circumstances, Dunchurch Parish Council & Dunchurch Community Library will have a legal duty to disclose information, for example money laundering, drug trafficking etc. If a Dunchurch Parish Council & Dunchurch Community Library employee, volunteer or Councillor believes that an illegal act has happened or that an individual might harm themselves or that an individual will be at risk of physical danger they should report this to the Proper Officer who will then report it to the appropriate authorities and the user concerned.

### **Breach of Confidentiality**

Employees who are dissatisfied with the conduct of their colleague/s should not discuss this outside of Dunchurch Parish Council & Dunchurch Community Library but raise it with their Co-ordinator or the Proper Officer (The Clerk – see details below) of Dunchurch Parish Council & Dunchurch Community Library, under the grievance procedure if necessary.

A breach of confidentiality occurs if an employee, volunteer, or Councillor accesses unauthorised files or divulges, deliberately or accidentally, any information concerning individuals, organisations, or Dunchurch Parish Council & Dunchurch Community Library without their prior consent.

Any deliberate infringement of this policy could lead to dismissal. Accidental breach will also be regarded as a breach of the rules and may be subject to disciplinary action.

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