

Kingsley Parish Council

Kingsley Parish Council
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Proper Officer: Mr Luke Trevaskis

Information Management and Data Protection Policy Adopted by Kingsley Parish Council on 17.3.26

1. Introduction

To conduct its business, services and duties, the Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public;
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up;
- Confidential information about other organisations because of commercial sensitivity;
- Personal data concerning its current, past and potential employees, Councillors, and volunteers;
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

The Council will adopt procedures and manage responsibly all data which it handles and will respect the confidentiality of its own data; data belonging to partner organisations it works with and data belonging to members of the public. In some cases, we will have contractual obligations governing confidential data, but in addition we will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. In being transparent about our activities and functions, for all information which is not personal or confidential, we will be prepared to make it available to partners and local communities. Details of information which is routinely available is contained in the Council's Publication Scheme, which is based on the statutory model publication scheme for local councils.

2. Protecting Confidential or Sensitive Information:

The Council recognises it must at times, keep and process sensitive and personal information about both employees and the public. We have, therefore, adopted this policy not only to meet our legal obligations but also to ensure high standards.

The General Data Protection Regulation (GDPR), which became law on 25th May 2018, sets out the responsibilities of organisations and how they can strike a balance between the rights of individuals and the, sometimes competing, interests of those, such as the Council, with legitimate reasons for using personal information (European Parliament and Council, 2016).

3. Principles relating to Processing of Personal Data:

This policy is based on the principles that personal data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date;
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

4. Purposes of Processing Personal Data

The Council processes personal data to:

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law;
- Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law;
- Monitor its activities including the equality and diversity of its activities;
- Fulfil its duties in operating the business premises including security;
- Assist regulatory and law enforcement agencies;
- Process information including the recording and updating details about its Councillors, employees, partners and volunteers;
- Process information including the recording and updating of details about individuals who contact it for information, or to access a service, or make a complaint;
- Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council;
- Undertake research, audit and quality improvement work to fulfil its objects and purposes; and
 - Carry out Council administration.

Where processing jointly with other appropriate bodies from time to time is considered appropriate, and governed by necessary safeguards, we may carry out the above.

5. Conditions for Processing

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing;
- Processing is necessary for the performance of a contract or agreement with the individual;
- Processing is required under a legal obligation;
- Processing is necessary to protect the vital interests of the individual;
- Processing is necessary to carry out public functions;
- Processing is necessary to pursue the legitimate interests of the Council or third parties, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child (GDPR, Article 6(1)(f)).

Particular attention is paid to the processing of any sensitive personal information and the Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual;
- Required by law to process the data for employment purposes;
- A requirement to protect the vital interests of the individual or another person;

- Processing is necessary for reasons of substantial public interest (Data Protection Act 2018, Schedule 1).

6. Diversity Monitoring:

The Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, Councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas 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.

7. Information Provided to Us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however, wherever possible specific written consent will be sought.

It is the responsibility of those individuals to ensure that the Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

8. The Council's Right to Process Information

The Council's right to process information is set out in the General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e), provided that:

- Processing is with consent of the data subject; or
- Processing is necessary for the performance of a contract with the data subject or in order to take steps at the request of the data subject prior to entering into a contract (GDPR, Article 6(1)(b)); or
- Processing is necessary for compliance with a legal obligation; or
- Processing is necessary for the legitimate interests of the Council; or
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (GDPR, Article 6(1)(e)); or

9. Information Security

The Council takes care to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction, or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies, including but not limited to:

- Regular security assessments and audits
- Data encryption
- Access controls and authorisation procedures
- Staff training on data protection and security

- Secure disposal of data

We will only keep your data for the purpose for which it was collected, and only for as long as is necessary, after which it will be deleted in accordance with our data retention policy.

9A. Accessibility

The Council's website will comply with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 and the associated public sector accessibility standards (WCAG 2.2 AA). It is the responsibility of the Council to ensure that all published information and documents meet these standards and that the website remains fully accessible. The Council will maintain and publish an accessibility statement on its website setting out how the Council meets these standards and how users may report accessibility issues or request information in an alternative format. The Council will conduct accessibility scans to identify any elements failing to meet the required standards and will rectify these as soon as reasonably possible.

9B. Email and Digital Communications

All Council business must be conducted using official Council-managed email accounts or other Council-approved communication platforms. Councillors and staff must not use personal email accounts or messaging services for Council business unless explicitly authorised in writing by the Proper Officer. Council email accounts and approved digital communication channels are the official record of all correspondence and must be used for all communications related to Council decisions, meetings, or administration. Where personal devices are used to access Council email or systems, users must ensure that such use complies with this Policy and any other relevant Council ICT or information security policies.

9C. Use of ICT Systems and Devices

Council-owned IT systems, devices and software must be used responsibly and securely by all staff and Councillors. Users are required to keep passwords confidential, and not share accounts or login credentials. Council devices, accounts and systems must be used primarily for official Council business and users must ensure that Council information stored or accessed on devices, including mobile or personal devices used for Council work, is kept secure and only accessible to authorised persons. Any loss of a device used for Council work, or suspected compromise of a Council account, must be reported immediately to the Proper Officer as a potential security incident or data breach. Use of personal devices for Council work must comply with this Policy and any other ICT and data protection policies adopted by the Council.

9D. Records Management

All digital records, including emails, electronic documents and messages relating to Council business, are considered official Council records. These records must be stored in Council-managed systems or other locations approved by the Proper Officer and retained in accordance with the Council's data retention policy and retention schedule. Personal email accounts and personal cloud storage services must not be used for the storage or long-term retention of official Council records. Where records have been created or received on personal devices or personal accounts in exceptional circumstances, they must be promptly transferred to Council-managed systems and deleted from the personal system once transfer is complete.

10. Children:

The Council does not anticipate a need to regularly process children's information. If it becomes necessary to process data relating to a child (defined as anyone under 18 years of age), the Council will only do so with the consent of the child's parent or legal guardian, and in accordance with the GDPR and the Data Protection Act 2018. This may involve verifying the age of the individual and obtaining verifiable parental consent before collecting, using, or disclosing any personal information. The Council will ensure that any information provided to children about data processing is clear, age-appropriate, and easily understandable.

11. Rights of a Data Subject

Access to Information: An individual has the right to request access to the information held about them. They can do this by contacting the Proper Officer. The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

- **Information Correction:** If an individual believes that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate.
- **Information Deletion (Right to be Forgotten):** If the individual wishes the Council to delete the information about them, they can request this by contacting the Proper Officer.
- **Right to Restrict Processing:** Individuals have the right to restrict the processing of their personal data in certain circumstances, as outlined in Article 18 of the GDPR.
- **Right to Data Portability:** Individuals have the right to receive their personal data in a structured, commonly used, and machine-readable format and have the right to transmit that data to another controller, where technically feasible.
- **Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Proper Officer.
- **Right to Withdraw Consent:** Where processing is based on consent, the individual has the right to withdraw their consent at any time.
- **Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Proper Officer or the Information Commissioner's Office.

12. Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community. In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards and the Website. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on the website or from the Proper Officer.

Occasionally, Council or committees may need to consider matters in private - examples of this are matters involving personal details of staff, or a member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions, such as giving instructions to the workforce or paying an invoice approved by Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting. The Council will adhere to the principles outlined in *R (on the application of Wood) v Derbyshire County*

Council/[2019] EWHC 2222 (Admin), ensuring a balanced approach to facilitating transparency while protecting vulnerable individuals.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

13. Disclosure Information

The Council will as necessary undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information.

14. Data Transparency

Government has issued a Code of Recommended Practice on Transparency, compliance with which is compulsory for councils with turnover (gross income or gross expenditure) over £200,000 per annum. The Council does not fall into this category.

15. Data Breach Reporting

The Council will comply with its obligations under Article 33 of the GDPR to report any data breach to the ICO within 72 hours of becoming aware of it, where the breach is likely to result in a risk to the rights and freedoms of individuals. The Council will also notify affected individuals where the breach is likely to result in a high risk to their rights and freedoms.

16. Contact Information

The data officer of the Council is the Proper Officer who may be contacted by emailing parish.clerk@kingsleyparishcouncil.org.uk or writing to:

Proper Officer, Kingsley Parish Council, The Boardroom, Kingsley Cemetery, Hollow Lane, Kingsley, Cheshire, WA6 8EF

The Information Commissioner's website is www.ico.gov.uk and their postal address and telephone number is as follows:

Information Commissioner's Officer

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113

17. Glossary of Data Protection Terminology

Data subject - means the person whose personal data is being processed. This may be an employee, prospective employee, associate or prospective associate of Morecambe Town Council or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients.

Personal data - means any information relating to person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) determines the purposes for which, and the way in which any personal data is to be processed. Parish Councils are exempt from appointing a data controller, but our data will be administered and managed by the Proper Officer on the Council's behalf.

Data processor - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it;
- retrieving, consulting or using the information or data;
- disclosing the information or data by transmission, dissemination or otherwise making it available;
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

Who is responsible for protecting a person's personal data?

The Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility to the Proper Officer.