

Sturminster Marshall Parish Council

Data Protection & Information Security Policy

The Data Protection and Information Security adopted at Full Council meeting held on 16th May 2019.

DATA PROTECTION

The Data Protection Act 2018 regulates the use of personal data and gives effect in UK law to the European Directive on Data Protection.

Data Protection Act 2018

The Act is concerned with "personal data", that is information about living, identifiable individuals. This need not be particularly sensitive information and can be as little as a name and address.

The Act gives individuals (data subjects) certain rights. It also requires those who record and use personal information (data controllers) to be open about their use of that information and to follow sound and proper practices (the Data Protection Principles). **Data controllers** are those who control the purpose for which and the manner in which personal data is processed. **Data subjects** are the individuals to whom the personal data relate. The **Information Commissioner** is responsible for administering and enforcing the Data Protection Act

Data must be obtained fairly and lawfully

Information should be 'fairly processed' i.e. when you collect the information from individuals you should be honest and open about why you want it.

Data must be held only for specific and lawful purposes and not processed in any matter incompatible with those purposes

There should be legitimate reasons for processing the data. You should explain (in most cases in writing): who you (the data controller) are - giving the name of your Council; what you intend to use the information for and to whom you intend to give the personal data. This may be a specific third party, or a may be a more general description such as "other Councils' etc

Data must be relevant, adequate and not excessive for those purposes

Data users should monitor the quantities of data held and ensure that they hold neither too much nor too little. Hold only the data which you actually need.

Data must be accurate and where necessary kept up to date.

Personal data should be accurate. If it is not, it must be corrected.

Data must not kept for longer than necessary

Only in exceptional circumstances should data be kept indefinitely. In order to comply with the principle you should have a system for the removal of different categories of data from your system after certain periods, for instance, when the information is no longer required for audit purposes

Data should be processed in accordance with the rights of data subjects under this Act

This means that individuals must be informed, upon request, of all the information held about them. They can prevent the processing of data for direct marketing purposes and are entitled to compensation if they have been caused damage by any contravention of the Act.

Security precautions in place to prevent the loss, destruction or unauthorised disclosure of the data

Data controllers should ensure that they provide adequate security for the data taking into account the nature of the data, and the harm to the data subject which could arise from disclosure or loss of the data. A system of passwords should be in use to ensure that only staff who are authorised can gain access to personal data. Passwords should be changed fairly frequently. Councils should have established, written procedures setting out who is authorised to access which records and for what purpose.

Not to transfer data outside the European Economic Area unless you are satisfied that the country in question can provide an adequate level of security for that data

Sensitive Data

The Act defines eight categories of sensitive personal data. These are:

- a) the racial or ethnic origin of data subjects;
- b) their political opinions,
- c) their religious beliefs or other beliefs of a similar nature,
- d) whether they are a member of a trade union,
- e) their physical or mental health or condition,
- f) their sexual life,
- g) the commission or alleged commission by them of any offence, or
- h) 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.

Any personal data falling into these categories the Council will need the explicit consent of the individual concerned and security is adequate for the protection of sensitive data.

Manual Data

The Data Protection Act 2018 also covers some records held in paper form. Such records need not be notified to the Commissioner, but should be handled in accordance with the

data protection principles. Manual records are covered by the Act if they form part of a relevant filing system. It is for data controllers to assess their manual records.

It is important to note that individuals may seek **compensation** through the courts if they have suffered damage because of **any** contravention of the Act.

Dealing with subject access requests

If a written subject access request is received, it must deal with it promptly, and in any case within 40 days from the date of receipt. The 40 days will begin when you receive any additional further information. A fee of not more than £10 may be requested and the 40 days does not begin until this is received.

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 it may be disclosed to, and any information available to you about the source of the data.