

NEWPORT PARISH COUNCIL

DATA PROTECTION POLICY

Adopted: 14th May 2018

Review Date: 1st October 2018 (or earlier if necessary)

Foreword

The General Data Protection Regulation (GDPR) will take effect in the UK from 25th May 2018. It replaces the existing law on data protection (the Data Protection Act 1998) and gives individuals more rights and protection regarding how their personal data is used by councils. Local councils, like any other organisation, must comply with the legislative requirements.

The Data Protection Act 1998 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. DPA 1998 applies to anyone holding information about people electronically or on paper. This policy has been written in anticipation of the GDPR; however, until such times as that legislation has been enacted the Parish Council will continue to comply with the existing requirements of DPA 1998.

Underlying principles of GDPR

The GDPR has a number of underlying principles regarding personal data. The Parish Council will ensure, through policies and the implementation of systems, adherence with these principles, set out below:

- a) Must be processed lawfully, fairly and transparently.
- b) Is only used for a specific processing purpose that the data subject has been made aware of and no other, without further consent.
- c) Should be adequate, relevant and limited i.e. only the minimum amount of data should be kept for specific.
- d) Must be accurate and where necessary kept up-to-date.
- e) Should not be stored for longer than is necessary and that storage is safe secure.
- f) Should be processed in a manner that ensures appropriate security and protection.

Individuals' rights

Newport Parish Council acknowledges the rights of individuals' in respect of personal data under GDPR.

- i. The right to access personal data we hold on you.
- ii. The right to correct and update the personal data we hold on you.
- iii. The right to have your personal data erased.
- iv. The right to object to processing of your personal data or to restrict it to certain purposes only.
- v. The right to data portability.

- vi. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained.
- vii. The right to lodge a complaint with the Information Commissioner's Office.

Governance & Compliance with GDPR

- The Parish Council will process personal data in accordance with the underlying principles listed above.
- The Parish Council will not, as a rule, process or store data outside the European Economic Area (EEA). However, the Parish Council's website is accessible from overseas. Where the processing of information outside the EEA becomes necessary it will only be processed in countries offering equivalent data protection legislation.
- In anticipation of the GPDRs the Parish Council will commission a data audit by an independent external contractor and act on any recommendations contained within the report to implement systems and practices that are consistent with the new legislation and best practice. Prior to the external audit the Parish Council will undertake its own data audit.
- The Parish Council will regularly review its ICT infrastructure to ensure adequate cyber-security. Any new ICT systems will be implemented in accordance with the new legislation.
- The Parish Council will build into its procedures systems which ensure 'privacy by design.'
- The Parish Council will regularly review its record-keeping practices to ensure compliance. The Council will document any disposal of information and ensure appropriate disposal of personal data in a manner consistent with existing guidance.
- The Parish Council will comply fully with the right of access for individuals and respond to Subject Access Requests (SARs) in the proper manner. The Parish Council will implement a system for complying with SARs.
- The Parish Council will periodically review this policy to ensure compliance with the legislation and foster best practices in relation to data protection.
- The Parish Council will regularly review its privacy notices in line with guidance issued by relevant advice bodies e.g. NALC and ICO.
- The Parish Council will renew its registration with the ICO annually.
- The Data Protection Officer will advise the Council in relation to data protection, associated issues and act as the first point of contact.

- The Parish Council, including staff and councillors, will undergo regular training and are expected to apply data protection legislation in their work.
- The Parish Council will regularly review associated policies e.g. Retention & Disposal, Social Media and Privacy policies.
- The Parish Council will document the lawful basis for processing personal data and seek consent, where this is deemed the most appropriate basis for processing.
- Where necessary, the Parish Council will carry out Data Protection Impact Assessments (DPIAs).
- The Parish Council will report any breaches to the ICO within the 72-hour timeframe. A system for identifying and reporting data breaches will be implemented.

Data Controller

Newport Parish Council, as the data controller and a corporate body, is responsible for compliance with data protection legislation, including GDPR.

Appointment of Data Protection Officer (DPO)

The matter of whether the Clerk may be an organisation's DPO has been debated at length in Parliament. The SLCC and NALC have reached differing views and have provided conflicting advice. NALC consider that the Clerk's appointment as the DPO may be a conflict of interest. An amendment to the GDPR bill, removing the necessity for town and parish councils to appoint a DPO is currently under discussion and the situation remains unclear. Until the legislation is enacted, Newport Parish Council has appointed the Clerk as its interim DPO. The situation regarding the need for councils to appoint a DPO will be monitored and reviewed, as appropriate.

Contact Information

Subject Access Requests and queries should be addressed, in writing, to:

**The Data Protection Officer
Newport Parish Council
The Riverside Centre
The Quay
NEWPORT, Isle of Wight
PO30 2QR**

Email: clerk@newportwight.org.uk
Tel: 01983 559119