

TOVIL PARISH COUNCIL



25. GDPR GENERAL PRIVACY NOTICE

REVIEWED: 20.4.2023

MINUTE REF: 186/22

This Privacy Notice sets out your rights and the Council's obligations to you. "Personal data" is any information about a living individual which allows them to be identified from that data, for example a name, photographs, videos, email address, or address. Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data. The processing of personal data is governed by legislation¹ which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data.

WHO ARE WE?

This Privacy Notice is provided to you by Tovil Parish Council which is the data controller for your data.

Other data controllers the council works with:

- Local authorities
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies

The Council may need to share your personal data with them so that they can carry out their responsibilities to the Council. If the Council and the other data controllers listed above are processing your data jointly for the same purposes, then the Council and the other data controllers may be "joint data controllers" which mean they are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of them will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below), or wish to raise a complaint, you should do so directly to the relevant data controller.

¹ The Data Protection Act 2018

A description of what personal data the Council processes and for what purposes is set out in this Privacy Notice.

The Council will process some or all the following personal data where necessary to perform its tasks:

- Names, titles and aliases, photographs;
- Contact details such as telephone numbers, addresses and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to the Council, the Council may process information such as sex, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a Council hall or room, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data processed may include protected characteristics or sensitive information such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data and data concerning sexual life or orientation.
- If you apply for a vacancy with the Council and have sent us your application form and/or CV but did not receive an offer of employment.
- If you are employed by the Council.
- If you enter into a volunteer agreement with the Council.
- If you undertake work experience with the Council.

The information you provide, personal data such as name, address, email address, phone number, P45, Tax Code, CV, Contract, Appraisals, next of kin details and other relevant information will be processed and stored. The Council stores this information to make it possible to contact you, respond to your correspondence and retain information relating to your employment with the Council. Your personal information will not be shared with any third party outside of the Human Resources Committee, the Clerk, Chairman, HMRC without your consent.

How sensitive personal data is used.

The Council may process sensitive personal data including information about your physical and/or mental health in order to monitor sick leave and take decisions on your fitness and/or capability for work. This also includes information ascertaining to your racial or ethnic origin, religious, or similar information in order to monitor compliance with equal opportunities legislation² in order to comply with legal requirements and obligations to third parties.

These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. The Council needs to have further justification for collecting, storing, and using this type of personal data.

² The Equality Act 2010

The Council may process special categories of personal data in limited circumstances, with your explicit written consent, where legal obligations must be carried out, where it is needed in the public interest.

Less commonly, the Council may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Is your consent needed to process your sensitive personal data?

In limited circumstances, the Council may approach you for your written consent to allow us to process certain sensitive personal data. If this is done, you will be provided with full details of the personal data requested and the reason it is needed so that you can carefully consider whether you wish to consent.

The council will comply with the data protection principles, the personal data we hold about you must be:

- Data will be processed lawfully, fairly and in a transparent manner.
- Collected and held only for specified, explicit, and lawful purposes.
- Be adequate, relevant, and limited to what is necessary for the purposes for which they are processed.
- Be accurate and kept up to date.
- Not be kept for any longer than is necessary for the stated purpose.
- Will be processed in a manner that ensures appropriate security of the personal data.
- The personal data will have appropriate security.
- Have appropriate technical and organisational safeguards against unauthorised and unlawful processing.
- The data will not be transferred to any country outside the European Economic Area (the 28 member states plus Iceland, Liechtenstein, and Norway) unless that country has an adequate level of protection of the rights and freedoms of data subjects.

We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what the Council can do for you and inform you of other relevant services.
- To confirm your identity to provide some services.
- To contact you by post, email, telephone or using social media.
- To help the Council to build up a picture of how they are performing.
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions.
- To enable the Council to meet all legal and statutory obligations and powers including any delegated functions.

- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury.
- To promote the interests of the Council.
- To maintain the Council's accounts and records.
- To seek your views, opinions or comments.
- To notify you of changes to our facilities, services, events, staff, Councillors, and other role holders.
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, or other new projects and initiatives.
- To process relevant financial transactions including grants and payments for goods and services supplied to the Council.
- To allow the statistical analysis of data so that the Council can plan the provision of services.

The Council's processing may also include the use of CCTV systems for the prevention and prosecution of crime.

What is the legal basis for processing your personal data?

The Council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Council's statutory functions and powers.

Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the Council's services, the Council will always consider your interests and rights.

The Council may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with a tender to carry out services for the Parish Council.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

Sharing your personal data

This section provides information about the third parties with whom the Council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the Council works with";

- Our agents, suppliers, and contractors, for example, the Council may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which the Council is carrying out joint ventures e.g., in relation to facilities or events for the community.

How long do we keep your personal data?

The Council will keep some records permanently if it is legally required to do so. The Council may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of seven years to support HMRC audits or provide tax information. The Council may have legal obligations to retain some data in connection with its statutory obligations as a public authority. The Council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example three years for personal injury claims or six years for contract claims). The Council will retain some personal data for this purpose as long as it believes it is necessary to be able to defend or pursue a claim. In general, the Council will endeavour to keep data only for as long as it is needed. This means that the data will be deleted when it is no longer needed.

Employees data will be kept during the whole period of your employment and for a statutory period of six months thereafter. After this it will be deleted from any database and any hard copies destroyed by shredding within the Parish Office. If you applied for a position with Tovil Parish Council but were unsuccessful, your application form, CV and any other information that is held on you will be disposed of securely after six months.

Your rights and your personal data

You have the following rights as a data subject:

When exercising any of the rights listed below, in order to process your request, the Council may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- 1. The right to be informed**, the data subject must be provided details of the data controller, the purposes for which the data has been collected, and the legal basis for processing.
- 2. The right to give written notice**, the data subject has the right to give written notice requiring them to provide a description of the data, the purposes for which it is being processed, and the recipients to whom the data may be disclosed, there will be no fee for this.
- 3. The right to rectification**, where information is inaccurate or incomplete a data subject is entitled to require the information to be updated.
- 4. The right to erasure**, a data subject may require the controller to erase personal data in circumstances detailed in article 17. The right is restricted on various grounds

including freedom of expression and information, in compliance with a legal obligation, and in court proceedings. This right is sometimes called the 'right to be forgotten'.

5. **The right to restrict processing**, a data subject has the right to restrict processing of data on various grounds set out in article 18. They include inaccuracy of data, unlawful processing or the controller no longer needs the data.
6. **The right to data portability**, a data subject can require a controller to provide them and third parties with their personal data in machine readable portable format.
7. **The right to object**, a data subject has the right to object processing in breach of article 6(1)(e) and (f) broadly on the grounds that the processing was not necessary in the public interest or carrying official duties.

A data subject has the right not to be subject to automatic decision making including article 22.

Further processing

If the Council wishes to use your personal data for a new purpose, not covered by this Privacy Notice, then you will be provided with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, your prior consent will be sought before the new Notice.

This Privacy Notice is under regular review and any updates will be placed on this website www.tovilparishcouncil.co.uk, this Notice was last updated in April 2023.

Contact Details

Please contact the Council if you have any questions about this Privacy Notice or the personal data held about you, or to exercise all relevant rights, queries, or complaints at:

Tovil Parish Council, YMCA Tovil Community Centre, Barfreston Close, Tovil, Kent ME15 6FG
clerk@tovilparishcouncil.co.uk 01622 675628

CHAIRMAN.....

DATE.....

