MOULTON PARISH COUNCIL

DATA PROTECTION AND INFORMATION MANAGEMENT POLICY

1. ABOUT THIS POLICY

1.1 This policy outlines the standards Moulton Parish Council (the Council) intends to observe in relation to its compliance with the General Data Protection Regulation (GDPR) and subsequently revised UK Data Protection law.

1.2 The policy is applicable to all councillors and any employees, partners, voluntary groups, third parties and agents authorised by them.

1.3 The Council shall ensure that all users fully understand their obligations and have undertaken the necessary training to demonstrate compliance with this policy.

1.4 This policy applies to all personal information created or held by the Council, in whatever format. This includes, but is not limited to paper, electronic and mail.

2. RESPONSIBILITIES

2.1 To operate efficiently, the Council must collect and use information about people with whom it works. This may include members of the public, current, past and prospective employees, customers, contractors, suppliers and partner organisations.

2.2 The Council regards the lawful and correct treatment of personal information as critical to its successful operations, maintaining confidence between the Council and those with whom it carries out business. The Council will, therefore, ensure that it treats personal information correctly in accordance with the law.

2.3 The Council as a whole is accountable for ensuring compliance with this policy. The day-to-day responsibilities are delegated to the clerk who will undertake information audits and manage the information collected by the Council including the issuing of privacy notices, dealing with requests and complaints raised and the safe disposal of information.

2.5 Councillors who process personal data on an individual basis and are not acting on behalf of the council are likely to be considered data controllers and therefore required to notify the Information Commissioner's Office.

2.6 All councillors and officers who hold or collect personal data are responsible for compliance with data protection legislation and must ensure that personal and/or sensitive information is kept and processed in accordance with this policy.

3. BREACH OF THIS POLICY

3.1 Breach of this policy may result in diciplinary action in accordance with the Council's Conduct and in certain circumstances may be considered to be gross misconduct, resulting in dismissal. It should also be noted that breach of the policy could also lead to criminal or civil action if illegal material is involved or legislation is contravened. Councillors found to be in breach of this policy may also be deemed to have breached the Code of Conduct and referred to the District Council's Monitoring Officer.

4. PRIVACY BY DESIGN

4.1 The Council will have the appropriate measures in place to determine the basis for lawful processing and will undertake risk assessments to ensure compliance with the law.

5. CONTRACTS

5.1 Data protection law places requirements on both the Council and its suppliers to ensure the security of personal data, and to manage individuals' privacy rights. This means that whenever the Council uses a supplier to process individuals' data on its behalf it must have a written contract in place.

5.2 The law sets out what needs to be included in the contract so that both parties understand their responsibilities and liabilities.

5.3 The Council is liable for its compliance with data protection law and must only appoint suppliers who can provide 'sufficient guarantees' that the requirements of the law will be met, and the rights of individuals protected.

5.4 If a contractor, partner organisation or agent of the Council is appointed or engaged to collect, hold, process or deal with personal data on behalf of the council, or if they will do so as part of the services they provide to the Council, the relevant lead councillor or council officer must ensure that personal data is managed in accordance with data protection law and this policy.

5.5 Security and data protection requirements must be included in any contract that the agent, contractor or partner organisation enters into with the Council and reviewed during the contract's life cycle.

6. INFORMATION SHARING

6.1 The Council may share information when it is in the best interests of the data subject and when failure to share data may carry risks to vulnerable groups and individuals.

6.2 Information must always be shared in a secure and appropriate manner and in accordance with the information type. The Council will be transparent and as open as possible about how and with whom data is shared; with what authority; and for what purpose; and with what protections and safeguards.

6.3 Any councillor or officer dealing with telephone enquiries must be careful about disclosing personal information held by the Council. In order to manage this the enquirier will be asked to put their request in writing in the first instance.

7. INDIVIDUALS' RIGHTS

7.1 An individual may request a copy of any data held about them, or information about the reasons for which it is kept and processed. This is called a Subject Access Request (SAR). Information on how an individual can make a SAR can be found in Moulton Parish Council's Subject Access Request Policy.

7.2 Individuals also have other rights under the Data Protection Act 2018 which are set out in the Council's privacy notices. The Council must respond to individuals exercising their rights within one month.

8. DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

8.1 Personal data can only be disclosed about a third party in accordance with the Data Protection Act 2018.

8.2 If a user believes it is necessary to disclose information about a third party to a person requesting data, they must seek specialist advice before doing so.

9. BREACH OF INFORMATION SECURITY

9.1 The Council understands the importance of recognising and managing information security incidents.This occurs when data or information is transferred to somebody who is not entitled to receive it. It includes

losing data or theft of information, unauthorised use of the Council's system to process or store data by any person, or attempted unauthorised access to data or information regardless of whether this was successful or not.

9.2 All users have an obligation to report actual or potential data protection compliance failures as soon as possible and take immediate steps to minimise the impact and to assist with managing risk. The Council will fully investigate both actual and potential failures and take remedial steps if necessary maintain a register of compliance failures. If the incident involves or impacts personal data it must be reported to the ICO within 72 hours.

10. EQUIPMENT SECURITY AND PASSWORDS

10.1 Councillors and officers are responsible for the security of the equipment allocated to or used by them, and must not allow it to be used by anyone other than in accordance with this policy. Passwords must be set on all IT equipment and passwords must remain confidential and not shared.

11. DATA SECURITY

11.1 Users should not delete, destroy or modify existing programs, information or data (except as authorised in the proper performance of their duties).

11.2 Users must not download or install software from external sources. Downloading unauthorised software may introduce viruses or other malware.

11.3 Users should exercise particular caution when opening unsolicited e-mails from unknown sources. If an e-mail looks suspicious do not reply to it, open any attachments or click any links in it.

12. E-MAIL

12.1 Users should adopt a professional tone and observe appropriate etiquette when communicating by e-mail. Users must not send abusive, obscene, discriminatory, racist, harassing, derogatory, defamatory or otherwise inappropriate e-mails.

12.2 It should be noted that e-mails can be used in legal proceedings and that even deleted e-mails may remain on the system and be capable of being retrieved.

12.3 For the purposes of council business, users must use a designated email account (or only use the email account provided) in order to receive or send email correspondence.

13. USE OF OWN DEVICE

13.1 Councillors and officers using their own devices shall have the following responsibilities:

- Users will not lend their device to anybody.
- Users will inform the Council should they lose, sell, recycle or change their device.
- Users will enable a security pin to access their device and an automatic lock every 10 minutes requiring re-entry of the pin.
- Users will ensure security software is set up on their device and kept up to date.

14. RECORDS MANAGEMENT

14.1 It is necessary for the Council to retain a number of data sets as part of managing council business. The Council shall apply the following framework :

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Minute books	Indefinite	Archive
Receipt and payment account(s)	Indefinite	Archive
Receipt books of all kinds	6 years	VAT
Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally but 20 years for VAT on rents	VAT
Pay information	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for Insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
Investments	Indefinite	Audit, Management
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
COMMUNITY BUILDINGS AND OUTDOOR SPACES		
Booking enquiries, bookings and Invoices.	6 years	VAT