
Houghton Regis Town Council

DATA PROTECTION POLICY

1.0 Scope

This policy must be complied with fully by all members, staff, agents, partners and contractors of Houghton Regis Town Council who collect, keep, process or deal with personal data for or on behalf of Houghton Regis Town Council.

Houghton Regis Town Council supports the objectives of the Data Protection Act 1998 (the DPA) and intends to conform to the requirements of the Act at all times.

Houghton Regis Town Council needs to collect and use certain types of information about people with whom it deals in order to operate. This includes information relating to current, past and previous employees, suppliers, residents and others with whom it communicates.

Houghton Regis Town Council is registered with the Information Commissioner's Office.

2.0 The Data Protection Act 1998 (DPA)

The DPA establishes a framework of rights and duties which are designed to safeguard personal data. This framework balances the legitimate needs of organisations to collect and use personal data for business and other purposes against the right of individuals to respect for the privacy of their personal details. The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable.

The Principles require that personal information:

1. Shall be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
2. Shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes;
3. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
4. Shall be accurate and where necessary, kept up to date;
5. Shall not be kept for longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Shall be kept secure i.e. protected by an appropriate degree of security;

8. Shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **“sensitive” personal data**.

Personal data is defined as, data relating to a living individual who can be identified from:

- That data;
- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

Sensitive personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin;
- Political opinion;
- Religious or other beliefs;
- Trade union membership;
- Physical or mental health or condition;
- Sexual life;
- Criminal proceedings or convictions.

3.0 Implementation of the DPA

Through appropriate management Houghton Regis Town Council will:

- Ensure that data is collected and used fairly and lawfully;
- Process personal data only in order to meet operational needs or fulfill legal requirements;
- Take steps to ensure that personal data is up to date and accurate;
- Establish appropriate retention periods for personal data;
- Ensure that data subjects' rights can be appropriately exercised;
- Provide adequate security measures to protect personal data;
- Ensure that a nominated officer (Town Clerk) is responsible for data protection compliance and provides a point of contact for all data protection issues;
- Expect all of its employees and councillors to comply fully with this policy and the principles of the DPA. Deliberate breaches of this policy will be considered as gross misconduct. Individuals, as well as the Town Council, can be prosecuted for breaches of the Data Protection Act;
- Provide adequate training for all staff responsible for personal data;
- Ensure that everyone handling personal data knows where to find further guidance;
- Ensure that queries about data protection, internal and external to the organisation, is dealt with effectively and promptly;

- Regularly review data protection procedures and guidelines within the organisation

4.0 Processing Personal Data

Personal data must be processed fairly and lawfully in accordance with the provisions of the DPA.

Personal data may only be processed for notified purposes as stated with the DPA.

Anyone with responsibility for holding or collecting data must ensure that data kept and processed about any data subject is accurate and up to date. All due skill and care must be taken. Data must not be excessive to need and superfluous data must be destroyed or removed from the system.

Houghton Regis Town Council is responsible for ensuring compliance with this policy and nominates the Town Clerk to ensure compliance with the Act and ensure that members of staff are aware of the provisions of the Act. In this role, The Town Clerk will be known as the Data Protection Act Representative. The nomination of such a person shall not release other members of staff from compliance with this Act and this policy.

Any processing of sensitive data must comply with the special and more stringent rules set out in the DPA.

5.0 Security and Registration

Each member, member of staff and data holder are responsible for ensuring that data cannot be accessed by unauthorised personnel and to ensure that data cannot be tampered with, lost or damaged. All superfluous data must be disposed of in a secure manner.

The Information Commissioner enforces and oversees the DPA and the Freedom of Information Act 2000. The Information Commissioner keeps a register of all organisations which process data. The Council shall submit a notification to the Information Commissioner and pay the prescribed fee in accordance with legislative requirements currently in force, which will be dealt with by the Town Clerk. Members and staff must furnish the Town Clerk with any information requested for this purpose. Members and staff must notify the Town Clerk if, during the course of any years, this information changes, and the Town Clerk must update the register entry accordingly. Members may have to register personally with the Information Commissioner with respect to constituency or party records.

6.0 Agents, Partner Organisations and Contractors

If a contractor, partner organisation or agent is appointed or engaged to collect, hold, process or deal with personal data for or on behalf of the Council or if they will do so as part of the services they are providing to Council, the Town Clerk must confirm that the agent, partner organisation or contractor is able, willing and does comply with the DPA. There must be specific obligations in every such partnership agreement and contract requiring the partner/contractor to comply with the DPA.

7.0 Disclosure of Personal Data

Personal data will only be disclosed in accordance with the provisions of the DPA.

8.0 Access Rights by Individuals

An individual may request a copy of any data held about them, or information about the reason it is kept and processed and the people to whom it is disclosed. The information must be provided, in clearly understandable terms within 40 days of a valid written request and the payment of the required fee.

A person seeking information shall be required to prove their identity in accordance with the DPA. The 40 days will run from the date the person provides this information and pays the administration fee of £10.

Information may be withheld where the Council is not satisfied that the person requesting information about themselves are who they say they are, or when the requester is an organisation or body holding itself out as requesting information on behalf of a named individual and the Council is not satisfied that they have the authority to receive that information.

9.0 Disclosure to and about Third Parties

Personal data must not be disclosed about a third party except in accordance with the DPA. If it appears absolutely necessary to disclose information about a third party to a person requesting data about themselves advice must be sought from the Data Protection Act Representative.

10. Inaccurate Data

If an individual complains that the data held about them is wrong, incomplete or inaccurate, the position should be investigated thoroughly including checking with the source of the information. In the meantime a caution should be marked on the person's file that there is a question mark over the accuracy. An individual is entitled to apply to the court for a correcting order and it is

obviously preferable to avoid legal proceedings by working with the person to correct the data or allay their concerns.

11. Requests by Individuals to Stop Processing Information

If data is properly held for communication purposes, an individual is entitled to require that this is ceased as soon as possible. Requests must be made in writing but generally all written or oral requests should be heeded as soon as they are made. The cessation must be confirmed in writing.

If data is held for any other purposes an individual may request that processing ceases if it is causing them unwarranted harm or distress. This does not apply if they have given their consent, if the data is held in connection with a contract with the person, if the Council is fulfilling a legal requirement or if the person's vital interests are being protected. Valid written requests must be heeded within 21 days. The cessation must be confirmed in writing.

12. Complaints

Any complaint or concern expressed by an individual in connection with the DPA must be reported to the Town Clerk immediately in case legal action is taken. The Town Clerk will ensure that there has been no breach of the DPA and, if so, take the necessary remedial action.

13. Exemptions

There are a number of purposes which are exempt from certain provisions of the DPA. Clarification on the scope of exemptions can be sought from the Town Clerk.

14. Violations of Rules and Procedures

It is the responsibility of all members of staff to report any suspected breaches of the DPA, or of this policy, to the Town Clerk.

It is the responsibility of all members to report any suspected breaches of the DPA, or this policy, to the Town Clerk or the Deputy Town Clerk.

Failure to comply with this policy by employees of the Council may result in disciplinary action being taken. Failure to comply by members of the Council may constitute a breach of the Members' Code of Conduct. Failure to comply by partners, agents or contractors may constitute a breach of their agreements.

15. Further Information and Other Related Policies

If in doubt about any aspect of this policy, the Town Clerk should be consulted.

Other related policies include the Equal Opportunities Policy and the Freedom of Information Policy.

For more information on the Data Protection Act, the Information Commissioner's website provides useful guidance,
<https://ico.org.uk/for-organisations/guide-to-data-protection/>

This policy will be monitored and reviewed by Town Council every year or in response to changes in legislation.